



# Journal of the Senate

State of Indiana

121st General Assembly

First Regular Session

Twenty-second Meeting Day

Tuesday Afternoon

February 19, 2019

The Senate convened at 3:22 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Chaplain Matt Barnes.

The Pledge of Allegiance to the Flag was led by Senator Jack E. Sandlin.

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

Alting	Koch
Bassler	Kruse
Becker	Lanane
Bohacek	Leising
Boots	Melton
Bray	Merritt
Breaux	Messmer
Brown, L.	Mishler
Buchanan	Mrvan <input checked="" type="checkbox"/>
Buck	Niemeyer
Busch	Niezdowski
Charbonneau	Perfect
Crane	Raatz
Crider	Randolph, Lonnie M.
Doriot	Rogers
Ford, J.D.	Ruckelshaus
Ford, Jon	Sandlin
Freeman	Spartz
Garten	Stoops
Gaskill	Tallian
Glick	Taylor, G.
Grooms	Tomes
Head	Walker
Holdman	Young, M.
Houchin	Zay

Roll Call 147: present 49; excused 1. [Note: A  indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Resolution 29, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 6, Nays 0.

M. YOUNG, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Concurrent Resolution 16, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 7, Nays 0.

M. YOUNG, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 131, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-2-4, AS ADDED BY P.L.53-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 29, 2019]: Sec. 4. (a) As used in this section, "cargo trailer" has the meaning set forth in IC 6-2.5-5-39.

**(b) As used in this section, "nonreciprocal state" means a state that does not have a reciprocal agreement with Indiana to allow a sales, use, or other similar tax exemption on the sale of a cargo trailer or recreational vehicle to an Indiana resident in a transaction that occurs in that state.**

**(b) (c)** As used in this section, "recreational vehicle" has the meaning set forth in IC 6-2.5-5-39.

**(c) (d)** Notwithstanding section 2 of this chapter, in the case of a transaction that:

- (1) is not exempt from taxation under IC 6-2.5-5-39; and
- (2) involves a cargo trailer or recreational vehicle that:

(A) is purchased by a:

- (i) ~~nonresident~~; resident of a nonreciprocal state; or
- (ii) resident of a foreign country;

(B) the purchaser intends to:

- (i) transport to a destination outside Indiana within thirty (30) days after delivery; and
- (ii) title or register for use in ~~another the nonreciprocal state or foreign country~~; and

(C) will not be titled or registered for use in Indiana;

the state gross retail tax rate on the cargo trailer or recreational vehicle is the rate of the ~~other nonreciprocal state or other foreign country~~ (excluding any locally imposed tax rates) in

which the cargo trailer or recreational vehicle will be titled or registered, as certified by the seller and purchaser in an affidavit satisfying the requirements of subsection ~~(d)~~: **(e)**.

~~(d)~~ **(e)** The department shall prescribe the form of the affidavit required by subsection ~~(e)~~: **(d)**. In addition to the certification required by subsection ~~(e)~~: **(d)**, the affidavit must include the following:

- (1) The name of the state or country in which the cargo trailer or recreational vehicle will be titled or registered.
- (2) An affirmation by the purchaser under the penalties for perjury that the information contained in the affidavit is true.
- (3) Any other information required by the department for the purpose of verifying the information contained in the affidavit.

**(f) The department shall create a certificate of sales tax paid form for a cargo trailer or recreational vehicle that may be completed by the dealer and provided to the purchaser of a recreational vehicle sold in this state.**

~~(e)~~ **(g)** The department may audit affidavits submitted under this section and make a proposed assessment of the amount of unpaid tax due with respect to any incorrect information submitted in an affidavit required by this section.

~~(f) This section expires June 30, 2019:-"~~

Delete page 2.

Page 3, delete lines 1 through 24.

Page 3, line 39, delete "IC 6-2.5-5-39," and insert "**IC 6-2.5-2-4**,"

Page 4, after line 12, begin a new paragraph and insert:

"SECTION 4. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 131 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 14, Nays 0.

HOLDMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 210, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 9, delete line 42, begin a new paragraph and insert:

"SECTION 20. IC 9-25-6-15, AS AMENDED BY P.L.198-2016, SECTION 543, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) An individual:

- (1) whose driving privileges are suspended under this article; and
- (2) who seeks the reinstatement of the driving privileges; must pay a reinstatement fee to the bureau as provided in subsection (b).
- (b) The reinstatement fee under subsection (a) is as follows:
  - (1) For a first suspension, two hundred fifty dollars (\$250).
  - (2) For a second suspension, five hundred dollars (\$500).
  - (3) For a third or subsequent suspension, one thousand

dollars (\$1,000).

(c) Each fee paid under this section shall be deposited in the financial responsibility compliance verification fund established by IC 9-25-9-7 as follows:

- (1) One hundred twenty dollars (\$120) for a fee paid after a first suspension.
- (2) One hundred ninety-five dollars (\$195) for a fee paid after a second suspension.
- (3) Two hundred seventy dollars (\$270) for a fee paid after a third or subsequent suspension.

The remaining amount of each fee paid under this section must be deposited in the motor vehicle highway account.

(d) If:

- (1) a person's driving privileges are suspended for registering or operating a vehicle in violation of IC 9-25-4-1;
- (2) the person is required to pay a fee for the reinstatement of the person's license under this section; and
- (3) the person later establishes that the person did not register or operate a vehicle in violation of IC 9-25-4-1; the fee paid by the person under this section shall be refunded.

**(e) A person whose driving privileges have been restricted is not required to pay a reinstatement fee for the reinstatement of unrestricted driving privileges.**

SECTION 21. IC 9-25-6-15.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15.2. (a) The bureau shall administer an amnesty program to reduce reinstatement fees imposed before January 1, 2019, under section 15 of this chapter as set forth in this section.**

**(b) An individual who is liable for a reinstatement fee under section 15 of this chapter for a suspension of driving privileges under IC 9-30-3-8(d) in which the reinstatement fee or suspension of driving privileges under IC 9-30-3-8(d) was imposed before January 1, 2019, may file a petition with the bureau for a reduction of the reinstatement fee in the individual's county of residence. The individual must include with a petition filed under this subsection proof of future financial responsibility in the form and in the manner required by the bureau.**

**(c) A petition filed under subsection (b) must be filed after June 30, 2019, and before October 1, 2019.**

**(d) The bureau shall reduce an individual's liability to pay a reinstatement fee under section 15 of this chapter for a suspension of driving privileges under IC 9-30-3-8(d) if the following apply:**

- (1) The reinstatement fee or suspension of driving privileges under IC 9-30-3-8(d) was imposed before January 1, 2019.
- (2) The individual files a petition with the bureau under subsection (b).
- (3) The petition is filed within the time period set forth under subsection (c).
- (4) The bureau determines that the individual has proof of future financial responsibility.

**(e) The amount of a reduction of an individual's liability for a reinstatement fee that is granted by the bureau under this section is equal to:**

- (1) the amount of the reinstatement fee imposed under section 15 of this chapter; multiplied by**
- (2) fifty percent (50%).**

**(f) This section expires July 1, 2020."**

Delete pages 10 through 12.

Page 13, delete lines 1 through 13.

Page 17, delete lines 12 through 42.

Page 18, delete lines 1 through 28.

Page 19, after line 28, begin a new paragraph and insert:

"SECTION 33. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate interim study committee the task of studying:**

**(1) the prospective reduction of reinstatement fees under IC 9-25-6-15; and**

**(2) the establishment of an insurance program to provide funding to insurance carriers to reduce the automobile insurance premium costs of individuals whose annual household income does not exceed two hundred percent (200%) of the federal income poverty level (as defined by IC 12-15-2-1).**

**(b) This SECTION expires December 31, 2019.**

SECTION 34. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to SB 210 as printed January 25, 2019.)

and when so amended that said bill do pass.

Committee Vote: Yeas 14, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 239, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 13, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill 256, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning motor vehicles.

Page 1, delete lines 1 through 8.

Page 1, line 9, delete "Sec. 2." and insert "SECTION 1. [EFFECTIVE UPON PASSAGE] **(a)**".

Page 1, line 9, delete "chapter" and insert "**SECTION**".

Page 2, delete lines 1 through 12.

Page 2, line 13, delete "Sec. 6." and insert "**(b)**".

Page 2, line 13, delete "chapter" and insert "**SECTION**".

Page 2, delete lines 16 through 42, begin a new paragraph and insert:

"**(c) The legislative council is urged to assign to an appropriate interim study committee the task of studying the use of automated traffic control systems in work zones.**

**(d) This SECTION expires January 1, 2020.**

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

Delete pages 3 through 6.

Renumber all SECTIONS consecutively.

(Reference is to SB 256 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

CRIDER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 280, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 15, after "exceed" insert ":

**(A) for assessment dates before January 1, 2020, one hundred eighty-two thousand four hundred thirty dollars (\$182,430);**

**(B) for assessment dates after December 31, 2019, one hundred ninety-one thousand five hundred dollars (\$191,500);**

**(C) for assessment dates after December 31, 2021, two hundred thousand dollars (\$200,000);**

**(D) for assessment dates after December 31, 2023, two hundred ten thousand dollars (\$210,000);**

**(E) for assessment dates after December 31, 2024, the amount equal to two hundred ten thousand dollars (\$210,000) plus the product of:**

**(i) two hundred ten thousand dollars (\$210,000); multiplied by**

**(ii) the assessed value growth quotient determined under IC 6-1.1-18.5-2 that is applicable to property taxes first due and payable in the following calendar year; and**

**(F) for assessment dates after December 31, 2025, the amount equal to the maximum assessed value determined for the previous assessment year plus the product of:**

**(i) the maximum assessed value determined for the previous assessment year; multiplied by**

**(ii) the assessed value growth quotient determined under IC 6-1.1-18.5-2 that is applicable to property taxes first due and payable in the following calendar year;"**

Page 2, line 16, delete "two hundred".

Page 2, delete line 17.

(Reference is to SB 280 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 13, Nays 0.

HOLDMAN, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 285, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.  
Committee Vote: Yeas 11, Nays 3.

HOLDMAN, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 297, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "Lake" and insert "**East Chicago or Hammond**".

Page 1, line 8, delete "County".

Page 1, line 15, delete "Lake County" and insert "**East Chicago and Hammond**".

Page 2, line 5, delete "Lake County" and insert "**East Chicago and Hammond**".

(Reference is to SB 297 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 9, Nays 0.

MESSMER, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 375, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-242 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 242. "Unit", for purposes of:

- (1) section 148(c) of this chapter;
- (2) IC 13-20-17.5;
- (3) IC 13-20-20; ~~and~~
- (4) IC 13-21-14-3; and**
- ~~(4)~~ **(5) IC 13-23;**

has the meaning set forth in IC 36-1-2-23."

Page 1, line 5, delete "2020," and insert "**2019, a unit may not enact an ordinance requiring**".

Page 1, line 7, delete "may not be required".

Page 1, line 8, delete "a unit (as" and insert "**the unit.**".

Page 1, delete line 9.

Page 2, line 39, delete "2020, the power to require" and insert "**2019, the power to enact an ordinance requiring**".

Renumber all SECTIONS consecutively.  
(Reference is to SB 375 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

MESSMER, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 420, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 1, delete lines 1 through 15.

Delete pages 2 through 3.

Page 5, line 27, delete "20(a)(1)" and insert "**20(1)**".

Page 6, line 2, delete "20(a)(1)" and insert "**20(1)**".

Page 11, line 19, delete "(a)".

Page 11, delete lines 27 through 42.

Page 12, delete lines 1 through 19.

Renumber all SECTIONS consecutively.

(Reference is to SB 420 as printed January 25, 2019.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 14, Nays 0.

HOLDMAN, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs and The Military, to which was referred Senate Bill 483, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 2. IC 6-6-5-10, AS AMENDED BY P.L.261-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) The bureau shall establish procedures necessary for the collection of the tax imposed by this chapter and for the proper accounting for the same. The necessary forms and records shall be subject to approval by the state board of accounts.

(b) The county treasurer, upon receiving the excise tax collections, shall receipt such collections into a separate account for settlement thereof at the same time as property taxes are accounted for and settled in June and December of each year, with the right and duty of the treasurer and auditor to make advances prior to the time of final settlement of such property taxes in the same manner as provided in IC 5-13-6-3.

(c) As used in this subsection, "taxing district" has the meaning set forth in IC 6-1.1-1-20, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, and "tuition support levy" refers to a school corporation's tuition support property tax levy under IC 20-45-3-11 (repealed) for the school corporation's general fund. The county auditor shall determine the total amount of excise taxes collected for each taxing district in the county and

the amount so collected (and the distributions received under section 9.5 of this chapter) shall be apportioned and distributed among the respective funds of the taxing units in the same manner and at the same time as property taxes are apportioned and distributed (subject to adjustment as provided in IC 36-8-19-7.5). However, for purposes of determining distributions under this section for 2009 and each year thereafter, a state welfare and tuition support allocation shall be deducted from the total amount available for apportionment and distribution to taxing units under this section before any apportionment and distribution is made. **Five percent (5%) of the excise tax replacement disbursement received by each county under section 9.5 of this chapter, after the state welfare and tuition support allocation is deducted from the total amount available for apportionment and distribution, shall be set aside for county service officers as set out in section 9.5(k) of this chapter.** The county auditor shall remit the state welfare and tuition support allocation to the treasurer of state for deposit, as directed by the budget agency. The amount of the state welfare and tuition support allocation for a county for a particular year is equal to the result determined under STEP FOUR of the following formula:

STEP ONE: Determine the result of the following:

(A) Separately for 1997, 1998, and 1999 for each taxing district in the county, determine the result of:

- (i) the amount appropriated in the year by the county from the county's county welfare fund and county welfare administration fund; divided by
- (ii) the total amounts appropriated by all taxing units in the county for the same year.

(B) Determine the sum of the clause (A) amounts.

(C) Divide the clause (B) amount by three (3).

(D) Determine the result of:

- (i) the amount of excise taxes allocated to the taxing district that would otherwise be available for distribution to taxing units in the taxing district; multiplied by
- (ii) the clause (C) amount.

STEP TWO: Determine the result of the following:

(A) Separately for 2006, 2007, and 2008 for each taxing district in the county, determine the result of:

- (i) the tax rate imposed in the taxing district for the county's county medical assistance to wards fund, family and children's fund, children's psychiatric residential treatment services fund, county hospital care for the indigent fund, children with special health care needs county fund, plus, in the case of Marion County, the tax rate imposed by the health and hospital corporation that was necessary to raise thirty-five million dollars (\$35,000,000) from all taxing districts in the county; divided by
- (ii) the aggregate tax rate imposed in the taxing district for the same year.

(B) Determine the sum of the clause (A) amounts.

(C) Divide the clause (B) amount by three (3).

(D) Determine the result of:

- (i) the amount of excise taxes allocated to the taxing district that would otherwise be available for

distribution to taxing units in the taxing district after subtracting the STEP ONE (D) amount for the same taxing district; multiplied by

(ii) the clause (C) amount.

(E) Determine the sum of the clause (D) amounts for all taxing districts in the county.

STEP THREE: Determine the result of the following:

(A) Separately for 2006, 2007, and 2008 for each taxing district in the county, determine the result of:

- (i) the tuition support levy tax rate imposed in the taxing district plus the tax rate imposed by the school corporation for the school corporation's special education preschool fund in the district; divided by
- (ii) the aggregate tax rate imposed in the taxing district for the same year.

(B) Determine the sum of the clause (A) amounts.

(C) Divide the clause (B) amount by three (3).

(D) Determine the result of:

- (i) the amount of excise taxes allocated to the taxing district that would otherwise be available for distribution to taxing units in the taxing district after subtracting the STEP ONE (D) amount for the same taxing district; multiplied by
- (ii) the clause (C) amount.

(E) Determine the sum of the clause (D) amounts for all taxing districts in the county.

STEP FOUR: Determine the sum of the STEP ONE, STEP TWO, and STEP THREE amounts for the county.

If the boundaries of a taxing district change after the years for which a ratio is calculated under STEP ONE, STEP TWO, or STEP THREE, the auditor of state shall establish a ratio for the new taxing district that reflects the tax rates imposed in the predecessor taxing districts. If a new taxing district is established after the years for which a ratio is calculated under STEP ONE, STEP TWO, or STEP THREE, the auditor of state shall establish a ratio for the new taxing district and adjust the ratio for other taxing districts in the county.

(d) Such determination shall be made from copies of vehicle registration forms furnished by the bureau of motor vehicles. Prior to such determination, the county assessor of each county shall, from copies of registration forms, cause information pertaining to legal residence of persons owning taxable vehicles to be verified from the assessor's records, to the extent such verification can be so made. The assessor shall further identify and verify from the assessor's records the several taxing units within which such persons reside.

(e) Such verifications shall be done by not later than thirty (30) days after receipt of vehicle registration forms by the county assessor, and the assessor shall certify such information to the county auditor for the auditor's use as soon as it is checked and completed."

Renumber all SECTIONS consecutively.

(Reference is to SB 483 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

TOMES, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 563, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 16, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 10. IC 6-3.1-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) As used in this chapter, "new employee" means a full-time employee first employed by a taxpayer in the project that is the subject of a tax credit agreement and who is employed after the taxpayer enters into the tax credit agreement. **The term includes a full-time employee that resides outside Indiana.**

(b) The term "new employee" does not include:

- (1) an employee of the taxpayer who performs a job that was previously performed by another employee, if that job existed for at least six (6) months before hiring the new employee;
- (2) an employee of the taxpayer who was previously employed in Indiana by a related member of the taxpayer and whose employment was shifted to the taxpayer after the taxpayer entered into the tax credit agreement; or
- (3) a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who is an employee of the taxpayer and who has a direct or an indirect ownership interest of at least five percent (5%) in the profits, capital, or value of the taxpayer (an ownership interest shall be determined in accordance with Section 1563 of the Internal Revenue Code and regulations prescribed under that Section).

(c) Notwithstanding subsection (b)(1), if a new employee performs a job that was previously performed by an employee who was:

- (1) treated under the agreement as a new employee; and
- (2) promoted by the taxpayer to another job;

the employee may be considered a new employee under the agreement.

(d) Notwithstanding subsection (a), the board may credit awards to an applicant that met the conditions of this chapter at the time of the applicant's location or expansion decision, if:

- (1) the applicant is in receipt of a letter from the department of commerce stating an intent to enter into a credit agreement; and
- (2) the letter described in subdivision (1) is issued by the department of commerce not later than March 15, 1994."

Page 16, line 39, after "subsection (c)." insert "**This subsection expires July 1, 2024.**"

Page 17, between lines 16 and 17, begin a new line blocked left and insert:

**"This subsection expires July 1, 2024.**

**(d) The corporation shall collect and compile data on the assignments of tax credits under this chapter and determine the effectiveness of each assignment in getting projects completed. The corporation shall report its findings under this subsection to the legislative council in an electronic**

**format under IC 5-14-6 before November 1, 2022. This subsection expires January 1, 2023."**

Page 17, line 19, delete "or assigned".

Page 17, line 20, after "under this chapter" and insert "**or assigned under section 12(b) of this chapter (before its expiration),"**

Page 17, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 14. IC 6-3.1-26-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.1. As used in this chapter, "digital manufacturing equipment" means any production equipment utilized within an integrated computer network system that provides for the onsite manufacturing of a three-dimensional part or product using material that is joined or solidified using multiple layers under computer control pursuant to a computer aided design for rapid or on-demand production.**"

Page 18, line 10, delete "and".

Page 18, line 15, after "equipment;" insert "**and**".

Page 18, between lines 15 and 16, begin a new line block indented and insert:

**"(11) the purchase of new onsite digital manufacturing equipment;"**

Page 18, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 17. IC 6-3.1-26-9 IS REPEALED [EFFECTIVE JANUARY 1, 2020]. **Sec. 9: As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:**

- (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);**
- (2) IC 27-1-18-2 (the insurance premiums tax); and**
- (3) IC 6-5.5 (the financial institutions tax);**

**as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.**

SECTION 18. IC 6-3.1-26-13, AS AMENDED BY P.L.4-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 13. **(a) A taxpayer that:**

- (1) is awarded a tax credit under this chapter by the corporation; and**
- (2) complies with the conditions set forth in this chapter and the agreement entered into by the corporation and the taxpayer under this chapter;**

**is entitled to a credit against the taxpayer's state tax liability in a taxable year subject to subsection (b).**

**(b) A tax credit awarded under this chapter may be applied only against a taxpayer's state tax liability that is incurred under:**

- (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);**
- (2) IC 27-1-18-2 (the insurance premiums tax);**
- (3) IC 6-5.5 (the financial institutions tax); and**
- (4) IC 6-2.5 (the state gross retail and use taxes);**

**as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by**

this chapter."

Page 20, line 21, delete "in a calendar year shall be subject to a cap established" and insert "**may not exceed five million dollars (\$5,000,000) in a state fiscal year.**"

Page 20, delete line 22.

Page 24, delete lines 29 through 33.

Page 25, line 7, delete "this chapter." and insert "**section 14 of this chapter (before its expiration).**"

Page 27, between lines 6 and 7, begin a new paragraph and insert:

**"(c) The corporation shall collect and compile data on the assignments of tax credits under this chapter and determine the effectiveness of each assignment in getting projects completed. The corporation shall report its findings under this subsection to the legislative council in an electronic format under IC 5-14-6 before November 1, 2022.**

**(d) This section expires July 1, 2024."**

Page 28, delete lines 25 through 32, begin a new line block indented and insert:

**"(1) If the qualified redevelopment site was placed in service at least fifteen (15) years ago but less than thirty (30) years ago:**

**(A) fifteen percent (15%), if the qualified redevelopment site is part of a development plan of a regional development authority established under IC 36-7.5-2-1 or IC 36-7.6-2-3; or**

**(B) ten percent (10%), if the qualified redevelopment site is not part of a development plan of a regional development authority described under clause (A).**

**(2) If the qualified redevelopment site was placed in service at least thirty (30) years ago but less than forty (40) years ago:**

**(A) twenty percent (20%), if the qualified redevelopment site is part of a development plan of a regional development authority established under IC 36-7.5-2-1 or IC 36-7.6-2-3; or**

**(B) ten percent (10%), if the qualified redevelopment site is not part of a development plan of a regional development authority described under clause (A).**

**(3) If the qualified redevelopment site was placed in service at least forty (40) years ago:**

**(A) twenty-five percent (25%), if the qualified redevelopment site is part of a development plan of a regional development authority established under IC 36-7.5-2-1 or IC 36-7.6-2-3; or**

**(B) fifteen percent (15%), if the qualified redevelopment site is not part of a development plan of a regional development authority described under clause (A)."**

Page 29, line 16, delete "five million dollars (\$5,000,000)," and insert "**ten million dollars (\$10,000,000),"**

Page 29, line 19, delete "five million dollars (\$5,000,000)." and insert "**ten million dollars (\$10,000,000)."**

Page 30, line 8, delete "chapter," and insert "**chapter (before its expiration),"**

Page 30, after line 35, begin a new paragraph and insert:

**"SECTION 34. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate**

**interim study committee the task of studying the development of regional airports throughout Indiana.**

**(b) This SECTION expires December 31, 2019.**

**SECTION 35. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to SB 563 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 14, Nays 0.

HOLDMAN, Chair

Report adopted.

#### SENATE MOTION

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

SCR 31 Senator Freeman

Recognizing the Indiana State Bar Association Leadership Development Academy.

BRAY

Motion prevailed.

#### RESOLUTIONS ON FIRST READING

##### Senate Concurrent Resolution 31

Senate Concurrent Resolution 31, introduced by Senator Freeman:

A CONCURRENT RESOLUTION recognizing the Indiana State Bar Association Leadership Development Academy.

*Whereas, The Indiana State Bar Association Leadership Development Academy (LDA) empowers and develops lawyers to be informed, committed, and involved in order to serve as role models in matters of ethics and professionalism in local and state bar associations, Indiana communities, and organizations;*

*Whereas, The LDA Class of 2019, the eighth annual class of the program, consists of 25 Indiana lawyers who have been admitted to practice law for 15 years or less;*

*Whereas, LDA incorporates professional facilitators and prominent leaders from various disciplines to inform participants about leadership principles and techniques, the importance of effective leaders in organizations and governments for the maximization of efficiency and effectiveness, and the challenges and rewards of leadership in action;*

*Whereas, The LDA class members are selected from around the state and are exposed to topics such as public service, economic development, government, the military, leadership, diversity and inclusion, and other related leadership topics;*

*Whereas, As LDA class members travel around the state, they actively engage in panel discussions, group activities, and demonstrations with faculty who include Indiana Supreme Court Justices, Court of Appeals and trial court judges, members of the executive and legislative branches of Indiana government, and prominent business and military leaders;*

*Whereas, One of the principal themes of the LDA is "Leadership begins with the attitude of a servant leader - to serve first, and out of service we are given the honor to lead"; and*

*Whereas, February 18, 2019, and February 19, 2019, mark the LDA session days when focus is placed on local and state government by providing the class the opportunity to get acquainted with members of the Indiana Supreme Court and Court of Appeals, tour the Indiana Statehouse, the Birch Bayh Federal Building, the United States Courthouse, discuss issues with Indiana legislators, and hear an oral argument: Therefore,*

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

SECTION 1. That the Indiana General Assembly recognizes the importance of the education provided by the Indiana State Bar Association's Leadership Development Academy.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Indiana State Bar Association Leadership Development Academy and the members of the eighth annual class.

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

### **Senate Concurrent Resolution 30**

Senate Concurrent Resolution 30, introduced by Senator Raatz:

A CONCURRENT RESOLUTION recognizing the Indiana School Boards Association on the 70th anniversary of its founding.

*Whereas, The Indiana School Boards Association was first organized in 1949 in order to discuss public education issues;*

*Whereas, First affiliated with Indiana University, the Indiana School Boards Association held its first workshop for school board members in 1950;*

*Whereas, Over the years, the Indiana School Boards Association has expanded its services to include legal, financial, legislative, and policy services for its members;*

*Whereas, The Indiana School Boards Association provides services to over 1,600 school board members who govern the public school corporations of the State of Indiana;*

*Whereas, The mission of the Indiana School Boards Association is to provide exceptional professional development, resources, and advocacy necessary for excellence in school board governance; and*

*Whereas, The Indiana School Boards Association is celebrating the 70th anniversary of its founding in 2019: Therefore,*

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

SECTION 1. That the Indiana General Assembly recognizes the Indiana School Boards Association on the 70th anniversary of its founding.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Terry Spradlin, Executive Director of the Indiana School Boards Association.

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

### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1075, 1125, 1165, 1177, 1181, 1223, 1224, 1253, 1278 and 1311 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1350, 1354, 1369, 1406, 1432, 1492, 1500, 1517, 1594, 1613, 1628 and 1641 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

## **RESOLUTIONS ON SECOND READING**

### **Senate Resolution 22**

Senator Boots called up Senate Resolution 22 for second reading. The resolution was read a second time and adopted by voice vote.

## **SENATE BILLS ON SECOND READING**

### **Senate Bill 12**

Senator Bohacek called up Senate Bill 12 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 12-2)

Madam President: I move that Senate Bill 12 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 12.

Page 13, delete lines 1 through 25.

Page 13, line 29, delete "motivated".

Page 13, line 37, delete "motivated".

Page 14, line 5, delete "motivated".

Page 14, line 6, delete "motivated".

Page 14, delete lines 27 through 42, begin a new paragraph, and insert:

"SECTION 2. IC 35-38-1-7.1, AS AMENDED BY P.L.213-2015, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court may consider the following aggravating circumstances:

- (1) The harm, injury, loss, or damage suffered by the victim of an offense was:
  - (A) significant; and
  - (B) greater than the elements necessary to prove the commission of the offense.
- (2) The person has a history of criminal or delinquent behavior.
- (3) The victim of the offense was less than twelve (12) years of age or at least sixty-five (65) years of age at the time the person committed the offense.
- (4) The person:
  - (A) committed a crime of violence (IC 35-50-1-2); and
  - (B) knowingly committed the offense in the presence or within hearing of an individual who:
    - (i) was less than eighteen (18) years of age at the time the person committed the offense; and
    - (ii) is not the victim of the offense.
- (5) The person violated a protective order issued against the person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or IC 34-4-5.1 before their repeal), a workplace violence restraining order issued against the person under IC 34-26-6, or a no contact order issued against the person.
- (6) The person has recently violated the conditions of any probation, parole, pardon, community corrections placement, or pretrial release granted to the person.
- (7) The victim of the offense was:
  - (A) a person with a disability (as defined in IC 27-7-6-12), and the defendant knew or should have known that the victim was a person with a disability; or
  - (B) mentally or physically infirm.
- (8) The person was in a position having care, custody, or control of the victim of the offense.
- (9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2).
- (10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.
- (11) The person:
  - (A) committed trafficking with an inmate under IC 35-44.1-3-5; and
  - (B) is an employee of the penal facility.
- (b) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:
  - (1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.
  - (2) The crime was the result of circumstances unlikely to recur.
  - (3) The victim of the crime induced or facilitated the offense.

- (4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.
- (5) The person acted under strong provocation.
- (6) The person has no history of delinquency or criminal activity, or the person has led a law-abiding life for a substantial period before commission of the crime.
- (7) The person is likely to respond affirmatively to probation or short term imprisonment.
- (8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.
- (9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.
- (10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.
- (11) The person was convicted of a crime involving the use of force against a person who had repeatedly inflicted physical or sexual abuse upon the convicted person and evidence shows that the convicted person suffered from the effects of battery as a result of the past course of conduct of the individual who is the victim of the crime for which the person was convicted.
- (12) The person was convicted of a crime relating to a controlled substance and the person's arrest or prosecution was facilitated in part because the person:
  - (A) requested emergency medical assistance; or
  - (B) acted in concert with another person who requested emergency medical assistance;
 for an individual who reasonably appeared to be in need of medical assistance due to the use of alcohol or a controlled substance.
- (13) The person has posttraumatic stress disorder, traumatic brain injury, or a postconcussive brain injury.
- (c) The criteria listed in subsections (a) and (b) do not limit the matters, **including bias**, that the court may consider in determining the sentence.
- (d) A court may impose any sentence that is:
  - (1) authorized by statute; and
  - (2) permissible under the Constitution of the State of Indiana;
 regardless of the presence or absence of aggravating circumstances or mitigating circumstances.
- (e) If a court suspends a sentence and orders probation for a person described in subsection (b)(13), the court may require the person to receive treatment for the person's injuries."
 

Delete pages 15 through 19.  
 Renumber all SECTIONS consecutively.  
 (Reference is to SB 12 as printed February 18, 2019.)

FREEMAN

4:24 p.m.

The Chair declared postponement of consideration of the question for 30 minutes.

The Senate reconvened at 5:04 p.m., with the President of the Senate in the Chair.

Upon request of Senator Lanane the President ordered the roll of the Senate to be called for Amendment 12-2. Roll Call 148: yeas 33, nays 16.

Motion prevailed. The bill was ordered engrossed.

5:07 p.m.

The Chair declared a recess until the fall of the gavel.

## RECESS

The Senate reconvened at 5:33 p.m., with the President of the Senate in the Chair.

## SENATE BILLS ON SECOND READING

### Senate Bill 174

Senator Sandlin called up Senate Bill 174 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 174-8)

Madam President: I move that Senate Bill 174 be amended to read as follows:

Page 2, delete lines 3 through 8.

Page 2, line 21, delete "or".

Page 2, between lines 18 and 19, begin a new line block indented and insert:

**"(3) "Health care provider" has the meaning set forth in IC 34-30-12.5-2."**

Page 2, line 22, delete "surviving".

Page 2, between lines 22 and 23, begin a new line block indented and insert:

**"(3) surviving spouse of the woman; or**

**(4) child born as a result of the actions of a physician described in this chapter;"**

Page 2, line 23, delete "physician" and insert "**health care provider**".

Page 2, line 25, delete "physician's" and insert "**health care provider's**".

Page 2, line 29, delete "physician" and insert "**health care provider**".

Page 2, line 41, delete "actual" and insert "**compensatory and punitive**".

Page 3, after line 7, begin a new paragraph and insert:

**"Sec. 6. Nothing in this chapter may be construed to prohibit a person from pursuing any other remedy provided by law."**

(Reference is to SB 174 as printed January 25, 2019.)

SANDLIN

Motion prevailed.

#### SENATE MOTION (Amendment 174-12)

Madam President: I move that Senate Bill 174 be amended to read as follows:

Page 3, after line 7, begin a new paragraph and insert:

"SECTION 4. IC 35-43-5-3, AS AMENDED BY P.L.85-2017, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A person who:

- (1) being an officer, manager, or other person participating in the direction of a credit institution, knowingly or intentionally receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent;
- (2) knowingly or intentionally makes a false or misleading written statement with intent to obtain property, employment, or an educational opportunity;
- (3) misapplies entrusted property, property of a governmental entity, or property of a credit institution in a manner that the person knows is unlawful or that the person knows involves substantial risk of loss or detriment to either the owner of the property or to a person for whose benefit the property was entrusted;
- (4) knowingly or intentionally, in the regular course of business, either:

(A) uses or possesses for use a false weight or measure or other device for falsely determining or recording the quality or quantity of any commodity; or

(B) sells, offers, or displays for sale or delivers less than the represented quality or quantity of any commodity;

- (5) with intent to defraud another person furnishing electricity, gas, water, telecommunication, or any other utility service, avoids a lawful charge for that service by scheme or device or by tampering with facilities or equipment of the person furnishing the service;
- (6) with intent to defraud, misrepresents the identity of the person or another person or the identity or quality of property;
- (7) with intent to defraud an owner of a coin machine, deposits a slug in that machine;
- (8) with intent to enable the person or another person to deposit a slug in a coin machine, makes, possesses, or disposes of a slug;
- (9) disseminates to the public an advertisement that the person knows is false, misleading, or deceptive, with intent to promote the purchase or sale of property or the acceptance of employment;
- (10) with intent to defraud, misrepresents a person as being a physician licensed under IC 25-22.5;
- (11) knowingly and intentionally defrauds another person furnishing cable TV service by avoiding paying compensation for that service by any scheme or device or by tampering with facilities or equipment of the person furnishing the service; or
- (12) knowingly or intentionally provides false information to a governmental entity to obtain a contract from the governmental entity;

commits deception, a Class A misdemeanor, **except as provided in subsection (b).**

**(b) However,** An offense under:

**(1) subdivision (12) subsection (a)(12)** is a Level 6 felony if the provision of false information results in financial loss to the governmental entity; **and**

(2) subsection (a)(6) is a Level 6 felony if the misrepresentation relates to:

- (A) a medical procedure, medical device, or drug; or
- (B) human reproductive material (as defined in IC 34-24-5-1).

(b) (c) In determining whether an advertisement is false, misleading, or deceptive under subsection (a)(9), there shall be considered, among other things, not only representations contained or suggested in the advertisement, by whatever means, including device or sound, but also the extent to which the advertisement fails to reveal material facts in the light of the representations.

(c) (d) A person who knowingly or intentionally falsely represents:

- (1) any entity as:
  - (A) a disadvantaged business enterprise (as defined in IC 5-16-6.5-1); or
  - (B) a women-owned business enterprise (as defined in IC 5-16-6.5-3);

in order to qualify for certification as such an enterprise under a program conducted by a public agency (as defined in IC 5-16-6.5-2) designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services; or

(2) an entity with which the person will subcontract all or part of a contract with a public agency (as defined in IC 5-16-6.5-2) as:

- (A) a disadvantaged business enterprise (as defined in IC 5-16-6.5-1); or
- (B) a women-owned business enterprise (as defined in IC 5-16-6.5-3);

in order to qualify for certification as an eligible bidder under a program that is conducted by a public agency designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services;

commits a Level 6 felony."

Renumber all SECTIONS consecutively.

(Reference is to SB 174 as printed January 25, 2019.)

SANDLIN

Motion prevailed.

SENATE MOTION  
(Amendment 174-6)

Madam President: I move that Senate Bill 174 be amended to read as follows:

Page 3, after line 7, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 2019] (a) The legislative council is urged to assign to an appropriate study committee the topic of fertility laws.

(b) This SECTION expires January 1, 2020."

(Reference is to SB 174 as printed January 25, 2019.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Senate Bill 363

Senator Raatz called up Senate Bill 363 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 363-1)

Madam President: I move that Senate Bill 363 be amended to read as follows:

Between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 14-10-2-5, AS AMENDED BY P.L.195-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties of the department under the following:

- (1) IC 14-9.
- (2) This article.
- (3) IC 14-11.
- (4) IC 14-12-2.
- (5) IC 14-14.
- (6) IC 14-15.
- (7) IC 14-17-3.
- (8) IC 14-18, except IC 14-18-6 and IC 14-18-8.
- (9) IC 14-19-1 and IC 14-19-8.
- (10) IC 14-21.
- (11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.
- (12) IC 14-23-1.
- (13) IC 14-24.
- (14) IC 14-25, except IC 14-25-8-3 and IC 14-25-13.
- (15) IC 14-26.
- (16) IC 14-27.
- (17) IC 14-28.
- (18) IC 14-29.
- (19) IC 14-35-1, IC 14-35-2, and IC 14-35-3.
- (20) IC 14-37.
- (21) IC 14-38, except IC 14-38-3.

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the publisher of the Indiana Register."

Renumber all SECTIONS consecutively.

(Reference is to SB 363 as printed February 13, 2019.)

RAATZ

Motion prevailed.

SENATE MOTION  
(Amendment 363-2)

Madam President: I move that Senate Bill 363 be amended to read as follows:

Page 2, between lines 33 and 34, begin a new line blocked left and insert:

"The term includes services by a person who for money or other consideration offers or advertises to assist, provide direction, or provide advice to an individual for the purpose of hunting; or assists, provides direction, or provides advice to an individual for the purpose of hunting."

(Reference is to SB 363 as printed February 13, 2019.)

RAATZ

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 564**

Senator Holdman called up Senate Bill 564 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 564-2)

Madam President: I move that Senate Bill 564 be amended to read as follows:

Page 1, line 4, delete "2022." and insert "**2020**."

Page 1, line 10, delete "2019" and insert "**2020**".

(Reference is to SB 564 as printed February 13, 2019.)

CHARBONNEAU

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 570**

Senator Walker called up Senate Bill 570 for second reading. The bill was re-read a second time by title.

SENATE MOTION  
(Amendment 570-2)

Madam President: I move that Senate Bill 570 be amended to read as follows:

Page 3, line 11, delete "." and insert "**or contains a date of birth that is at least one hundred fifteen (115) years or more before the date of the request.**".

Page 3, line 19, delete ";" and insert "**or contains a date of birth that is at least one hundred fifteen (115) years or more before the date of the request;**".

Page 3, line 21, after "contain the" insert "**correct**".

Page 3, line 25, delete "provided in subsection (b)," and insert "**otherwise provided in this section,**".

Page 3, delete lines 30 through 40, begin a new paragraph and insert:

**"(b) This subsection applies to an electronic poll book. Before delivery of an electronic poll book to an inspector or the inspector's authorized representative, the county election board shall:**

**(1) affix a tamper-proof numbered seal to the electronic poll book or a secure container that includes a single electronic poll book;**

**(2) record the number of the seal affixed to each electronic poll book or container; and**

**(3) provide a list of the units and the number of the unit's seal to the inspector.**

**(c) A county election board may adopt a resolution by the unanimous vote of the entire membership of the county election board to use an alternative electronic poll book delivery protocol instead of using seals under subsection (b). A resolution under this subsection must:**

**(1) set forth the following information:**

**(A) The method to be used to ensure that an electronic poll book is not accessed, modified, or tampered with after the electronic poll book is transferred by the county election board to the inspector or the inspector's authorized representative for delivery.**

**(B) The method for a precinct election board or vote**

**center officers to determine and document on behalf of the county election board that each electronic poll book was successfully secured against improper access, modification, or tampering before delivery to the polling place or vote center; and**

**(2) be filed with the election division before any electronic poll book is delivered to a precinct or vote center.**

**(d) This subsection applies to a voting system. At any time before election day:**

**(1) the county election board;**

**(2) teams consisting of at least two (2) individuals and that:**

**(A) are designated by the county election board;**

**(B) are affiliated with a political party entitled to nominate an individual to serve as an appointed member of the county election board; and**

**(C) have at least two (2) individuals on the team who are not members of the same political party; or**

**(3) a commercial delivery entity operating under a contract with the county election board;**

**shall deliver all voting systems to the polls for the precinct or to the vote centers.**

**(e) The county election board may not:**

**(1) designate any individual to serve on a delivery team if the individual is:**

**(A) imprisoned;**

**(B) subject to lawful detention;**

**(C) on probation;**

**(D) on parole;**

**(E) subject to home detention; or**

**(F) placed in a community corrections program; or**

**(2) permit a commercial delivery entity to allow any individual who is:**

**(A) imprisoned;**

**(B) subject to lawful detention;**

**(C) on probation;**

**(D) on parole;**

**(E) subject to home detention; or**

**(F) placed in a community corrections program;**

**to have access to or deliver a voting system.**

**(f) If a county election board uses the teams or a commercial delivery entity described in subsection (d), the board shall require that:**

**(1) two (2) members of each team who are not members of the same political party; or**

**(2) the commercial delivery entity;**

**execute a certificate setting forth the information set forth in subsection (g).**

**(g) The certificate required in subsection (f) must be signed by the two (2) members of each team described in subsection (d) or by an individual authorized to act on behalf of the commercial delivery entity. The certificate must include the following:**

**(1) That the voting systems remained in the custody and control of each individual during the period beginning when the voting systems were received from the county election board and ending when the voting systems**

were delivered to the location of the polling place or vote center.

(2) That no individual other than a team member or an individual acting on behalf of the commercial delivery entity had access to any voting system.

(3) That an individual documented receipt of the voting system at the polling location or vote center when the system was delivered.

(4) The:

(A) written name and signature of the individual; and

(B) date that the voting system was delivered to the custody of that individual.

(h) Immediately upon any delivery of a voting system, the completed certificate must be filed with the county election board."

Page 4, delete lines 30 through 35, begin a new paragraph and insert:

"(b) In locating the polls for a precinct, a county shall consider the relevant factors to ensure the security of the location set forth in guidance provided by the secretary of state.

SECTION 12. IC 3-11-8-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 7.5. (a) This section applies to a precinct in which an electronic poll book is used and that contains a seal used in the manner described in IC 3-11-3-10.**

(b) Before opening the polls, the inspector and the judge of the opposite political party shall determine if the seal on each electronic poll book or container of a single electronic poll book:

- (1) is intact;
- (2) shows no evidence of tampering; and
- (3) bears the number indicated on the list provided to the inspector by the county election board.

(c) The inspector and the judge shall certify if each electronic poll book seal complies with subsection (b) by executing a form prescribed under IC 3-5-4-8.

(d) If the inspector or the judge determines that any electronic poll book seal does not comply with subsection (b), the inspector or the judge shall immediately notify the county election board."

Page 11, line 29, delete "risk limiting" and insert "risk-limiting".

Page 11, line 31, delete "A" and insert "Except as provided in subsection (c), a".

Page 11, line 37, after "county" insert "election board".

Page 11, between lines 40 and 41, begin a new paragraph and insert:

"(c) A county election board may not use an approved electronic voting system purchased, leased, or otherwise acquired by the county after December 31, 2019, unless the system:

- (1) is certified by the Indiana election commission; and
- (2) includes a voter-verifiable paper audit trail.

This subsection does not prohibit a county election board from having maintenance performed on an electronic voting system purchased, leased, or otherwise acquired by the

county before January 1, 2020."

Page 12, line 30, delete "risk limiting" and insert "risk-limiting".

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

"(c) A county may not continue to use an electronic voting system after December 31, 2029, unless the:

- (1) system includes a voter verifiable paper audit trail; and
- (2) certification of that system by the commission has not expired."

Page 16, line 17, beginning with "(c)" begin a new paragraph.

Page 16, line 24, strike "(c)" and insert "(d)".

Page 16, line 30, strike "(d)," and insert "(e)."

Page 20, line 19, strike "(h)," and insert "(i)."

Page 22, line 39, delete "electronically scanned" and insert "electronic".

Renumber all SECTIONS consecutively.

(Reference is to SB 570 as printed February 6, 2019.)

WALKER

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 581**

Senator Doriot called up Senate Bill 581 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 581-1)

Madam President: I move that Senate Bill 581 be amended to read as follows:

Page 2, delete lines 29 through 42.

Page 3, delete lines 1 through 11, begin a new paragraph and insert:

"Sec. 6. As used in this chapter, "ordinary high water mark" means:

- (1) the line on the shore of Lake Michigan that is five hundred eighty-one and five tenths (581.5) feet above sea level; or
- (2) the natural line on the bank of Lake Michigan that is established by the fluctuations of water and indicated by certain physical characteristics, including the following:

- (A) A clear and natural line impressed on the bank or shore.
- (B) Shelving.
- (C) Changes in the soil's character.
- (D) The absence of terrestrial vegetation.
- (E) The presence of litter or debris deposited by a natural process."

(Reference is to SB 581 as printed February 13, 2019.)

DORIOT

Motion prevailed.

SENATE MOTION  
(Amendment 581-7)

Madam President: I move that Senate Bill 581 be amended to read as follows:

Page 4, after line 7, begin a new paragraph and insert:

"SECTION 3. IC 34-30-19.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOW [EFFECTIVE JULY 1, 2019]:

**Chapter 19.5. Immunity of Owner of Property Near Lake Michigan Public Trust Land**

**Sec. 1. As used in this chapter, "Lake Michigan public trust land" means land adjoining Lake Michigan to which the state of Indiana holds legal title in trust for the recreational use of the public.**

**Sec. 2. As used in this chapter, "owner" means a person that:**

- (1) has a fee interest in;
- (2) is a tenant, lessee, or occupant of; or
- (3) is otherwise legally in control of;

**a property.**

**Sec. 3. As used in this chapter, "property" means a tract of land, including the buildings and improvements on the land.**

**Sec. 4. (a) Except as provided in subsection (d), a person who goes upon the property of another with or without permission for the purpose of:**

- (1) going to or departing Lake Michigan public trust land; or
- (2) going to another destination upon leaving Lake Michigan public trust land;

**does not have assurance that the property is safe for the purpose.**

**(b) The owner of the property does not:**

- (1) assume responsibility; or
- (2) incur liability;

**for an injury to a person or property caused by an act or omission of another person using the property.**

**(c) This section does not affect the following:**

- (1) Existing Indiana case law on the liability of property owners with respect to:
  - (A) business invitees in commercial establishments; or
  - (B) invited guests.
- (2) The attractive nuisance doctrine.

**(d) Subsection (a) does not apply to personal injury, death, property damage, or other loss caused by the property owner's intentional misconduct.**

SECTION 4. [EFFECTIVE JULY 1, 2019] **(a) IC 34-30-19.5, as added by this act, applies to personal injury, death, property damage, or other loss that occurs after June 30, 2019.**

**(b) This SECTION expires July 1, 2020."**

Re-number all SECTIONS consecutively.

(Reference is to SB 581 as printed February 13, 2019.)

PERFECT

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 609**

Senator Grooms called up Senate Bill 609 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senators Merritt, Doriot and Niezgodski be added as coauthors of Senate Bill 1.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Walker, Buck and J.D. Ford be added as coauthors of Senate Bill 1.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Becker, Koch and Kruse be added as coauthors of Senate Bill 1.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Perfect and Bassler be added as coauthors of Senate Bill 1.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Crider, M. Young and Buchanan be added as coauthors of Senate Bill 1.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Ruckelshaus, L. Brown and Altng be added as coauthors of Senate Bill 1.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Leising, Freeman and Crane be added as coauthors of Senate Bill 1.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Messmer be removed as second author of Senate Bill 104.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author, Senator Freeman be added as third author, and Senators Glick, Sandlin and Busch be added as coauthors of Senate Bill 110.

KOCH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as coauthor of Senate Bill 201.

L. BROWN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Boots be added as second author, Senator Holdman be added as third author and Senator Messmer be added as coauthor of Senate Bill 280.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as coauthor of Senate Bill 285.

STOOPS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 297.

LONNIE M. RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as third author of Senate Bill 336.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garten be added as third author of Senate Bill 363.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bohacek be added as coauthor of Senate Bill 365.

ZAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Busch be added as coauthor of Senate Bill 365.

ZAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Melton be added as coauthor of Senate Bill 365.

ZAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Niezgodski be added as coauthor of Senate Bill 420.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ruckelshaus be added as coauthor of Senate Bill 472.

KOCH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Melton be added as coauthor of Senate Bill 483.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Houchin be added as second author and Senator Messmer be added as coauthor of Senate Bill 563.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator J.D. Ford be added as coauthor of Senate Bill 623.

BUCHANAN

Motion prevailed.

**ENGROSSED SENATE BILLS  
ON THIRD READING**

**Engrossed Senate Bill 41**

Senator M. Young called up Engrossed Senate Bill 41 for third reading:

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

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

Roll Call 149: yeas 40, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Gutwein, Frizzell and Porter.

#### **Engrossed Senate Bill 118**

Senator Bohacek called up Engrossed Senate Bill 118 for third reading:

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

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

Roll Call 150: yeas 38, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Zent, Pressel and Boy.

#### **Engrossed Senate Bill 201**

Senator L. Brown called up Engrossed Senate Bill 201 for third reading:

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

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

Roll Call 151: yeas 39, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Bacon, Stutzman, Mayfield and Judy.

#### **Engrossed Senate Bill 219**

Senator Merritt called up Engrossed Senate Bill 219 for third reading:

A BILL FOR AN ACT concerning civil law and procedure.

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

Roll Call 152: yeas 40, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative McNamara.

#### **Engrossed Senate Bill 248**

Senator Niemeyer called up Engrossed Senate Bill 248 for third reading:

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

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

Roll Call 153: yeas 36, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Cherry and Aylesworth.

#### **Engrossed Senate Bill 270**

Senator Head called up Engrossed Senate Bill 270 for third reading:

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

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

Roll Call 154: yeas 40, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Manning.

#### **Engrossed Senate Bill 282**

Senator Houchin called up Engrossed Senate Bill 282 for third reading:

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

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

Roll Call 155: yeas 40, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Behning.

#### **Engrossed Senate Bill 304**

Senator Koch called up Engrossed Senate Bill 304 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 156: yeas 40, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives McNamara and Bacon.

#### **Engrossed Senate Bill 322**

Senator Holdman called up Engrossed Senate Bill 322 for third reading:

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

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

Roll Call 157: yeas 40, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Huston, Lehman, Leonard and Mahan.

#### **Engrossed Senate Bill 365**

Senator Zay called up Engrossed Senate Bill 365 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 158: yeas 40, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Frizzell, Lehman, Wesco and Manning.

#### **Engrossed Senate Bill 381**

Senator Koch called up Engrossed Senate Bill 381 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

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

Roll Call 159: yeas 40, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Torr and May.

#### **Engrossed Senate Bill 472**

Senator Koch called up Engrossed Senate Bill 472 for third reading:

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

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

Roll Call 160: yeas 36, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Soliday and Hamilton.

#### **Engrossed Senate Bill 486**

Senator M. Young called up Engrossed Senate Bill 486 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 161: yeas 36, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Steuerwald.

#### **Engrossed Senate Bill 507**

Senator Raatz called up Engrossed Senate Bill 507 for third reading:

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

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

Roll Call 162: yeas 40, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Cook.

#### **Engrossed Senate Bill 549**

Senator Spartz called up Engrossed Senate Bill 549 for third reading:

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

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

Roll Call 163: yeas 40, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Cook and Mahan.

#### **Engrossed Senate Bill 556**

Senator Buck called up Engrossed Senate Bill 556 for third reading:

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

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

Roll Call 164: yeas 20, nays 19. The bill failed for lack of a constitutional majority.

**Engrossed Senate Bill 560**

Senator Houchin called up Engrossed Senate Bill 560 for third reading:

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

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

Roll Call 165: yeas 39, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Wesco.

**Engrossed Senate Bill 586**

Senator Messmer called up Engrossed Senate Bill 586 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

Roll Call 166: yeas 39, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Frizzell, Zent and Clere.

## SENATE MOTION

Madam President: I move that Senators Bohacek, Zay and Glick be added as coauthors of Senate Bill 1.

HOUCHIN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senators Messmer, Mishler and Holdman be added as coauthors of Senate Bill 1.

HOUCHIN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 282.

HOUCHIN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 507.

RAATZ

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Raatz be added as coauthor of Senate Bill 549.

SPARTZ

Motion prevailed.

## SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 21, 2019.

BRAY

Motion prevailed.

The Senate adjourned at 6:28 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUZANNE CROUCH  
President of the Senate