



Journal of the House

State of Indiana

121st General Assembly

First Regular Session

Twenty-Third Day

Wednesday Afternoon

February 20, 2019

The invocation was offered by Pastor Bill Beck of Locust Grove Mennonite Church in Burr Oak, MI, a guest of Representative Beck.

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

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

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

Abbott	Huston
Austin	Jackson
Aylesworth	Jordan
Bacon	Judy
Baird	Karickhoff
Barrett	Kirchhofer
Bartels	Klinker
Bartlett	Lauer
Bauer	Lehe
Beck	Lehman
Behning	Leonard
Borders	Lindauer
Boy	Lucas
T. Brown	Lyness
Burton	Macer
Campbell	Mahan
Candelaria Reardon	Manning
Carbaugh	May
Cherry	Mayfield
Chyung	McNamara
Clere	Miller
Cook	Moed
Davisson	Morris
Deal	Morrison
DeLaney	Moseley
DeVon	Negele
Dvorak	Nisly
Eberhart	Pfaff
Ellington	Pierce
Engleman	Porter
Errington	Prescott
Fleming	Pressel
Forestal	Pryor
Frizzell	Saunders
Frye ☐	Schaibley
GiaQuinta	Shackleford
Goodin	Smaltz
Goodrich	V. Smith
Gutwein	Soliday
Hamilton	Speedy
Harris	Steuerwald
Hatcher	Stutzman
Hatfield	Sullivan
Heaton	Summers
Heine	Thompson
Hostettler	Torr

VanNatter ☐
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 242: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 21, 2019, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Resolution 21

Representative Burton introduced House Resolution 21:

A HOUSE RESOLUTION recognizing the Indianapolis Sister Cities program with Hangzhou, China.

Whereas, Hangzhou, China, and Indianapolis, Indiana, have been sister cities since 2008;

Whereas, Both Indianapolis and Hangzhou share a reputation for tourism, education, and high technology;

Whereas, The Indianapolis Sister Cities program promotes international awareness and understanding through cultural, educational, civic, and business engagements and exchanges;

Whereas, The Indianapolis-Hangzhou Sister City Committee was established in 2011 to promote cultural and educational exchange, build a municipal relationship, and provide business support between the cities of Indianapolis and Hangzhou;

Whereas, The Indianapolis Public Library and the Hangzhou Library exchange books to share culture with one another;

Whereas, Mr. Jason Adams is the international representative for Hangzhou, China, as part of the Indianapolis Sister Cities program; and

Whereas, In light of the Chinese New Year, Mr. Adams has been selected to present a symbol of the long term relationship between Indianapolis and Hangzhou and a prosperous future to come: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the Indianapolis Sister Cities program with Hangzhou, China.

SECTION 2. That the Principle Clerk of the House of Representatives shall transmit copies of this resolution to Mr. Jason Adams as the international representative for Hangzhou, China, with the Indianapolis Sister City program.

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

HOUSE BILLS ON SECOND READING

House Bill 1052

Representative Thompson called down House Bill 1052 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1052-3)

Mr. Speaker: I move that House Bill 1052 be amended to read as follows:

Page 5, line 4, after "chapter" insert "is".
 Page 5, reset in roman lines 31 through 40.
 Page 5, line 41, delete "FOUR TWO:" and insert "FOUR:".
 Page 5, line 42, reset in roman "THREE".
 Page 5, line 42, delete "ONE".
 Page 6, reset in roman lines 6 through 37.
 Page 8, delete lines 23 through 41.
 Page 12, between lines 13 and 14, begin a new line block indented and insert:

"(5) The loss to the operations fund levy per ADM that is attributable to the credits for excessive property taxes under IC 6-1.1-20.6."

Renumber all SECTIONS consecutively.
 (Reference is to HB 1052 as printed February 15, 2019.)
 THOMPSON

Motion prevailed. The bill was ordered engrossed.

House Bill 1089

Representative Thompson called down House Bill 1089 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1089-2)

Mr. Speaker: I move that House Bill 1089 be amended to read as follows:

Page 12, line 18, delete "physician" and insert "**prescribing provider**".
 (Reference is to HB 1089 as printed February 18, 2019.)
 THOMPSON

Motion prevailed.

HOUSE MOTION (Amendment 1089-1)

Mr. Speaker: I move that House Bill 1089 be amended to read as follows:

Page 11, delete lines 31 through 41, begin a new paragraph and insert:

"Sec. 2. (a) A governing body (or the equivalent) of a school corporation, charter school, or nonpublic school with at least one (1) employee shall, if notified by a student's parent in writing on a form prescribed by the department that the student has been diagnosed with a seizure disorder, require the school nurse or the school's designee and the student's teacher of record to meet the training requirements under this section to treat seizure disorder symptoms for a student who has a seizure action plan under section 3 of this chapter. In addition, any other teacher may voluntarily participate in the training requirements described in this section. A teacher who meets the training requirements in this section shall receive one (1) credit, or the equivalent, for professional development training as part of the teacher's professional growth plan each year the teacher completes the training requirements under this section.

(b) An employee who receives training under subsection (a) shall obtain instruction, in a manner prescribed by the department, regarding the:

Page 12, line 15, delete "employee" and insert "**school nurse or the school's designee or the student's teacher of record who has received training under section 2 of this chapter**".

Page 12, line 16, delete "designated under section 2 of this

chapter".

(Reference is to HB 1089 as printed February 18, 2019.)
 PFAFF

Upon request of Representatives Torr and Mahan, the Speaker ordered the roll of the House to be called. Roll Call 243: yeas 94, nays 0. Motion prevailed. The bill was ordered engrossed.

House Bill 1138

Representative Burton called down House Bill 1138 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1211

Representative Mayfield called down House Bill 1211 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1397

Representative Cook called down House Bill 1397 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1486

Representative Bartels called down House Bill 1486 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1486-1)

Mr. Speaker: I move that House Bill 1486 be amended to read as follows:

Page 1, delete lines 1 through 17.
 Page 2, delete lines 1 through 20.
 Page 2, line 34, delete "recommend the" and insert "**approve**".
 Page 2, delete line 35.
 Page 3, line 10, delete "chair and shall be a nonvoting member, except as" and insert "**chair**".
 Page 3, delete line 11.
 Page 3, between lines 27 and 28, begin a new line block indented and insert:

"(9) A representative of the Indiana economic development corporation established by IC 5-28-3-1. All members of the technical review panel are voting members."

Page 3, line 28, after "panel, the" insert "**technical review panel shall, not more than seven (7) days after the day of the tie vote:**

- (1) contact the applicant by phone call and by mail; and**
- (2) request more information or provide an explanation of how the applicant can modify the application to make it more complete.**

The technical review panel shall review any new information provided by the applicant and vote again on the application not more than thirty (30) days after receiving the information."

Page 3, delete lines 29 through 30.
 Page 4, line 8, delete "recommendation" and insert "**decision**".

Page 4, line 15, delete "recommendations:" and insert "**decisions**".

Page 4, line 16, delete "be" and insert "**is**".
 Page 4, line 18, delete "be" and insert "**is**".
 Page 4, line 30, delete "be" and insert "**is**".
 Page 4, line 32, delete "not be" and insert "**is not**".
 Page 4, line 34, delete "recommendation." and insert "**decision**".

Page 4, line 36, delete "to recommend".

Page 4, line 36, delete "not be" and insert "**is not**".

Page 4, between lines 41 and 42, begin a new paragraph and insert:

"(h) If the technical review panel fails to notify a person who submits an application of the technical review panel's tentative decision or final recommendation within ninety (90) days after receiving the application as required by subsection (e)(4), the person who submitted the application may use the TNI to which the application relates in a single residential septic system or commercial onsite sewage system, as if the TNI had been approved for use in a pilot project."

Page 4, line 42, delete "(h)" and insert "(i)".

Page 4, line 42, delete "recommend" and insert "**decide**".

Page 5, line 1, delete "be" and insert "**is**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1486 as printed February 15, 2019.)

BARTELS

Motion prevailed. The bill was ordered engrossed.

House Bill 1526

Representative Austin called down House Bill 1526 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1544

Representative Kirchhofer called down House Bill 1544 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1591

Representative Young called down House Bill 1591 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1591-1)

Mr. Speaker: I move that House Bill 1591 be amended to read as follows:

Page 15, line 39, strike "and".

Page 15, line 41, delete ";" and insert ", **and before July 1, 2019; and**".

Page 15, between lines 41 and 42, begin a new line double block indented and insert:

"(C) one hundred thousand dollars (\$100,000), for the estate of an individual who dies after June 30, 2019;"

Page 16, line 4, reset in roman "immediately".

Page 16, between lines 13 and 14, begin a new line double block indented and insert:

"(A) If the individual dies after June 30, 2019, the following statement: "It appears that the decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of the following: one hundred thousand dollars (\$100,000), the costs and expenses of administration, and reasonable funeral expenses."

Page 16, line 14, strike "(A)" and insert "(B)".

Page 16, line 19, strike "(B)" and insert "(C)".

Page 18, line 40, strike "and".

Page 18, line 42, delete ";" and insert ", **and before July 1, 2019, and one hundred thousand dollars (\$100,000) for the estate of an individual who dies after June 30, 2019;"**

Renumber all SECTIONS consecutively.

(Reference is to HB 1591 as printed February 18, 2019.)

YOUNG

Motion prevailed. The bill was ordered engrossed.

House Bill 1607

Representative Hatfield called down House Bill 1607 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1607-2)

Mr. Speaker: I move that House Bill 1607 be amended to read as follows:

Page 2, line 9, delete "bullying" and insert "**harassment (as set forth under IC 35-45-2-2)**".

Page 2, delete lines 17 through 27, begin a new paragraph and insert:

"SECTION 2. IC 34-26-5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 0.5. As used in this chapter, "harassment" refers to harassment under IC 35-45-2-2."

Page 2, line 32, delete "or bullying" and insert "**or harassment**".

Page 2, line 36, delete "bullying" and insert "**harassment**".

Page 2, line 39, delete "bullying" and insert "**harassment**".

Page 2, line 42, after "violence;" reset in roman "or".

Page 3, line 3, delete ";" and insert ".".

Page 3, line 3, delete "or".

Page 3, delete line 4.

Page 3, line 8, after "child;" reset in roman "or".

Page 3, line 11, delete ";" and insert ".".

Page 3, line 11, delete "or".

Page 3, delete line 12.

Page 3, line 32, delete "bullying" and insert "**harassment**".

Page 3, line 35, delete "bullying" and insert "**harassment**".

Page 3, line 42, delete "bullying" and insert "**harassment**".

Page 4, line 10, delete "bullying" and insert "**harassment**".

Page 5, line 18, delete "bullying" and insert "**harassment**".

Page 6, line 17, delete "or bullying" and insert "**or harassment**".

Page 6, line 21, delete "bullying" and insert "**harassment**".

Page 7, line 12, delete "bullying" and insert "**harassment**".

Page 7, line 21, delete "harassment, or domestic or family violence, or bullying" and insert "harassment or domestic or family violence".

Page 7, line 28, delete "harassment, or domestic or family violence, or bullying" and insert "harassment or domestic or family violence".

Page 7, delete lines 31 through 34, begin a new paragraph and insert:

"SECTION 9. IC 35-31-5-2-150, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 150. (a) "Harassment", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-2.

(b) "Harassment", for purposes of IC 35-46-1-15.1, refers to harassment under IC 35-45-2-2."

Page 11, line 41, delete "bullying" and insert "**harassment**".

Page 13, line 17, delete "bullying" and insert "**harassment**".

Page 16, line 1, delete "bullying" and insert "**harassment**".

Page 17, after line 3, begin a new paragraph and insert:

"SECTION 13. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(b) The legislative council is urged to assign to the appropriate interim study committee during the 2019 legislative interim the topic of bullying and bullying prevention. If the topic of bullying and bullying prevention is assigned to an interim study committee during the 2019 legislative interim, the interim study committee shall consider the following topics:

(1) Bullying prevention.

(2) Cyber bullying and social media bullying.

(3) The propriety of using criminal prosecution to prevent or stop bullying.

(4) The propriety of using civil orders of protection to prevent or stop bullying.

(5) Bullying in a school or educational environment.

(6) The role of schools and teachers in preventing or stopping bullying that occurs:

(A) off of school premises; or

(B) outside of school hours.

(7) The role of parents in preventing or stopping bullying.

(8) Any other topic relevant to the issue of bullying and bullying prevention.

(c) If the topics described in subsection (b) are assigned to an interim study committee, the interim study committee shall issue a final report to the legislative council containing the interim study committee's findings and recommendations, including any recommended legislation, in an electronic format under IC 5-14-6, not later than November 1, 2019.

(d) This SECTION expires December 31, 2019.

SECTION 14. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1607 as printed February 18, 2019.)

HATFIELD

Motion prevailed. The bill was ordered engrossed.

House Bill 1630

Representative Behning called down House Bill 1630 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1100

Representative Morris called down Engrossed House Bill 1100 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 244: yeas 97, 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 Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators L. Brown, Zay and Kruse.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:52 p.m. with the Speaker in the Chair.

HOUSE BILLS ON SECOND READING

House Bill 1214

Representative Torr called down House Bill 1214 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1214-2)

Mr. Speaker: I move that House Bill 1214 be amended to read as follows:

Page 2, delete lines 3 through 42.

Page 3, delete lines 1 through 29.

Renumber all SECTIONS consecutively.

(Reference is to HB 1214 as reprinted February 19, 2019.)

PIERCE

Motion failed. The bill was ordered engrossed.

House Bill 1518

Representative Smaltz called down House Bill 1518 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1518-1)

Mr. Speaker: I move that House Bill 1518 be amended to read as follows:

Page 71, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 74. IC 7.1-5-10-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 26. (a) This section does not apply to a package liquor store or grocery store that is a specialty store or gourmet food store. This section applies after December 31, 2019.**

(b) The holder of a dealer's permit shall display all alcoholic beverages in one (1) designated area of the licensed premises, which may include end of aisle displays. However, the commission may not require a permit holder to construct or install a partition, wall, or other barrier to separate the designated area from the other retail areas of the premises."

Renumber all SECTIONS consecutively.

(Reference is to HB 1518 as printed February 18, 2019.)

WESCO

Motion withdrawn. The bill was ordered engrossed.

House Bill 1629

Representative Behning called down House Bill 1629 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1629-3)

Mr. Speaker: I move that House Bill 1629 be amended to read as follows:

Page 4, line 30, delete "two (2)" and insert "**five (5)**".

Page 10, delete lines 18 through 42.

Delete page 11.

(Reference is to HB 1629 Digest Correction as printed February 18, 2019.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 1629-1)

Mr. Speaker: I move that House Bill 1629 be amended to read as follows:

Page 5, delete lines 6 through 19.

Renumber all SECTIONS consecutively.

(Reference is to HB 1629 Digest Correction, as printed February 18, 2019.)

DELANEY

Motion failed.

HOUSE MOTION
(Amendment 1629-2)

Mr. Speaker: I move that House Bill 1629 be amended to read as follows:

Page 5, delete lines 20 through 42.

Delete page 6.

Page 8, delete lines 17 through 42.

Page 9, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

(Reference is to HB 1629 Digest Correction, as printed February 18, 2019.)

DELANEY

Motion failed. The bill was ordered engrossed.

Representatives Frye and VanNatter, who had been excused, are now present.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1325

Representative Clere called down Engrossed House Bill 1325 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 245: yeas 99, 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 Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker and Breaux.

Engrossed House Bill 1367

Representative Austin called down Engrossed House Bill 1367 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 246: yeas 99, 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 Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker, Ruckelshaus and J.D. Ford.

Engrossed House Bill 1402

Representative Karickhoff called down Engrossed House Bill 1402 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 247: yeas 67, nays 31. 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 Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Sandlin, Holdman and Lanane

Representative Burton, who had been present, is now excused

Engrossed House Bill 1404

Representative Cook called down Engrossed House Bill 1404 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 248: yeas 58, nays 38. 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 Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Raatz.

Engrossed House Bill 1548

Representative Kirchhofer called down Engrossed House Bill 1548 for third reading:

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

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

Roll Call 249: yeas 96, 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 Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Becker.

Engrossed House Bill 1649

Representative Eberhart called down Engrossed House Bill 1649 for third reading:

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

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

Roll Call 250: yeas 94, nays 3. 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 Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator J. Ford.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as coauthor of House Bill 1055.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Miller and Hatcher be added as coauthors of House Bill 1100.

MORRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kirchhofer be added as coauthor of House Bill 1367.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Forestal be added as coauthor of House Bill 1518.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Huston be added as coauthor of House Bill 1544.

KIRCHHOFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Clere and DeVon be added as coauthors of House Bill 1629.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Clere and DeVon be added as coauthors of House Bill 1630.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1643.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative McNamara be removed as 1st Sponsor of Senate Bill 561 and Representative Bacon be substituted therefor, and Representative Bartels be removed as cosponsor

MCNAMARA

Motion prevailed.

On the motion of Representative Macer, the House adjourned at 6:25 p.m., this twentieth day of February, 2019, until Thursday, February 21, 2019, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives