



Journal of the House

State of Indiana

121st General Assembly

First Regular Session

Tenth Day

Tuesday Afternoon

January 22, 2019

The invocation was offered by Pastor Shan Rutherford of Samaria Christian Church, a guest of Representative Burton.

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 Shackelford.

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	Shackelford
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 17: 100 present; 0 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, January 24, 2019, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 6

Representatives Frye and Macer introduced House Concurrent Resolution 6:

A CONCURRENT RESOLUTION recognizing the many contributions of the motorsports industry to the city of Indianapolis and the state of Indiana.

Whereas, The motorsports industry has stimulated economic growth in our state using the abundant talent and resources available to it in Indiana;

Whereas, The motorsports industry annually attracts millions of visitors who bring with them additional dollars that benefit Hoosier communities and the Indiana economy;

Whereas, More than 1,600 motorsports companies are based in Indiana including racing teams, manufacturers, and service companies that represent every area of motorsports; among these companies are many of the nation's top professional racing teams including Andretti Racing, Schumacher Racing, and Vance & Hines;

Whereas, The motorsports industry has placed Indiana front and center in the racing world based on premier motorsports attractions and events held across Indiana including the NHRA Drag Racing U.S. Nationals as well as major events hosted at the Indianapolis Motor Speedway including: the Indianapolis 500, the Brickyard 400, and the Red Bull Indianapolis MotoGP;

Whereas, A Purdue University study concluded that the motorsports industry contributes more than 23,000 Hoosier jobs that pay an average annual wage of nearly \$63,000, well above the state average of \$39,700;

Whereas, This study also found that the motorsports industry is indirectly responsible for 421,000 jobs;

Whereas, Indiana has a long heritage of racing enthusiasts with an undying passion for motorsports;

Whereas, It is fitting that Indiana is known as the "Racing Capital of the World";

Whereas, The motorsports industry directly impacts nearly all of Indiana's 92 counties; and

Whereas, It is Indiana's goal to continue to develop strong, lasting relationships between the racing community and the business community, government, and educational institutions: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes the motorsports industry for its many contributions to the city of Indianapolis and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the director of motorsports development for the Indiana Economic Development Corporation; J.R. Todd from Lawrenceburg, Ind., who won the 2018 NHRA Funny Car championship; Terry McMillen, the NHRA U.S. Nationals Top Fuel champion; Sarah Fisher, the fastest woman driver in the history of the Indianapolis Motor Speedway; and Tony Stewart, a Columbus, Ind., native, past NASCAR champion, and Indianapolis 500 Rookie of the Year in 1996.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1008, has had the same under consideration and begs leave to report the same back to the House 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, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 3. IC 20-20-43-3, AS ADDED BY P.L.106-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The system for teacher and student advancement grant fund is established for the purpose of providing grants to school corporations **and charter schools** to implement programs described in section 4 of this chapter.

(b) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Gifts, grants, devises, or bequests made to the commission for higher education to achieve the purposes of the fund.

(c) The state board, in consultation with the department, shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Page 1, line 7, after "corporation" insert "**or charter school**".

Page 2, line 35, delete "organization." and insert "**organization (if applicable)**".

Page 3, delete lines 3 through 18, begin a new paragraph and insert:

"(b) To receive a grant, a:

- (1) school corporation, **in consultation with the school**

corporation's school employee organization; or (2) charter school, in consultation with the charter school's school employee organization (if applicable); shall apply for the grant in a manner prescribed by the ~~state board in consultation with the~~ department. The ~~state board~~ department shall establish eligibility requirements. **However, the department may not award grants to more than thirty (30) school corporations or charter schools during any school year. When awarding grants under this chapter, the department shall select a geographically diverse set of school corporations and charter schools, including school corporations and charter schools located in urban, suburban, and rural areas.**

(c) **A school corporation or charter school that is awarded a grant under this chapter shall receive a grant for three (3) consecutive school years.** The amount of the grant may not exceed the costs incurred by the school corporation **or charter school** to implement the program. A school corporation **or charter school** may receive a matching grant from a corporation, foundation, or any other entity in addition to a grant awarded under this chapter."

Page 3, line 29, after "corporation" insert "**or charter school**".

Page 3, line 34, after "corporation" insert "**or charter school**".

Page 4, line 29, reset in roman "(15)".

Page 4, line 30, after "IC 20-20-42.2." insert "**A teacher performance model.**".

Page 4, delete lines 31 through 36.

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 11, 2019.) and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 8.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1009, has had the same under consideration and begs leave to report the same back to the House 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 higher education.

Page 4, delete lines 3 through 13.

Renumber all SECTIONS consecutively.

(Reference is to HB 1009 as printed January 11, 2019.) and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1021, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 13, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 8. IC 6-1.1-18.5-2, AS AMENDED BY P.L.184-2016, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) As used in this section, "Indiana nonfarm personal income" means the estimate of total nonfarm personal income for Indiana in a calendar year as computed by the federal Bureau of Economic Analysis using any actual data for the calendar year and any

estimated data determined appropriate by the federal Bureau of Economic Analysis.

(b) **Except as provided in subsection (c)**, for purposes of determining a civil taxing unit's maximum permissible ad valorem property tax levy for an ensuing calendar year, the civil taxing unit shall use the assessed value growth quotient determined in the last STEP of the following STEPS:

STEP ONE: For each of the six (6) calendar years immediately preceding the year in which a budget is adopted under IC 6-1.1-17-5 for the ensuing calendar year, divide the Indiana nonfarm personal income for the calendar year by the Indiana nonfarm personal income for the calendar year immediately preceding that calendar year, rounding to the nearest one-thousandth (0.001).

STEP TWO: Determine the sum of the STEP ONE results.
STEP THREE: Divide the STEP TWO result by six (6), rounding to the nearest one-thousandth (0.001).

STEP FOUR: Determine the lesser of the following:

- (A) The STEP THREE quotient.
- (B) One and six-hundredths (1.06).

(c) **A school corporation shall use for its operations fund maximum levy calculation under IC 20-46-8-1 the assessed value growth quotient determined in the last STEP of the following STEPS:**

STEP ONE: Determine for each school corporation, the average annual growth in net assessed value using the three (3) calendar years immediately preceding the year in which a budget is adopted under IC 6-1.1-17-5 for the ensuing calendar year.

STEP TWO: Determine the greater of:

- (A) zero (0); or
- (B) the STEP ONE amount minus the sum of:
 - (i) the assessed value growth quotient determined under subsection (b) minus one (1); plus
 - (ii) two-hundredths (0.02).

STEP THREE: Determine the lesser of:

- (A) the STEP TWO amount; or
- (B) four-hundredths (0.04).

STEP FOUR: Determine the sum of:

- (A) the STEP THREE amount; plus
- (B) the assessed value growth quotient determined under subsection (b).

STEP FIVE: Determine the greater of:

- (A) the STEP FOUR amount; or
- (B) the assessed value growth quotient determined under subsection (b).

(c) (d) The budget agency shall provide the assessed value growth quotient for the ensuing year to civil taxing units, school corporations, and the department of local government finance before July 1 of each year."

Renumber all SECTIONS consecutively.
(Reference is to HB 1021 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1034, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 13.

Page 2, line 4, delete ";" and insert ", including bridges that are designated as being in a local road and street system;".

Page 2, line 5, delete ";" and insert ", including bridges that are designated as being in an arterial road and street system;".

Page 2, line 7, delete "." and insert ", including designated bridges."

Page 16, line 4, after "." insert "For purposes of this clause, the cost of the controlled project includes only the costs for the project that will be paid from property taxes."

Page 22, delete lines 20 through 23, and insert:

"rate may include exceptions for the following:

(A) Specified projects or purposes, including any projects that the proper officers of the political subdivision declare are required by an emergency or are required for the safety and security of citizens or students.

(B) The political subdivision experiences a decrease in net assessed value and its rate may not be maintained as a result of the decrease."

Renumber all SECTIONS consecutively.

(Reference is to HB 1034 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 1.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1139, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1139 as introduced.)

Committee Vote: Yeas 23, Nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1200, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 6, delete "endorsed" and insert "seeking endorsement".

Page 4, delete lines 36 through 37 and insert "any activities that may be identified as practicing psychology independently."

(Reference is to HB 1200 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

KIRCHHOFER, Chair

Report adopted.

INTRODUCTION OF BILLS

With consent of the members, the following bills and joint resolutions on Bill List 16 were read a first time by title and referred to the respective committees:

HB 1585 — Wesco

Committee on Veterans Affairs and Public Safety

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

HB 1586 — Beck

Committee on Education

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

HB 1587 — Errington, Boy

Committee on Family, Children and Human Affairs

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

HB 1588 — Carbaugh
Committee on Insurance

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

HB 1589 — DeVon
Committee on Ways and Means

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

HB 1590 — DeVon
Committee on Insurance

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

HB 1591 — Young J
Committee on Judiciary

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

HB 1592 — Hamilton
Committee on Local Government

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

HB 1593 — Heine, Austin
Committee on Ways and Means

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

HB 1594 — Huston, Porter, DeLaney, Brown T
Committee on Ways and Means

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

HB 1595 — Fleming, Clere, Davisson, Ziemke
Committee on Public Health

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

HB 1596 — Fleming, Clere, Engleman, Thompson
Committee on Government and Regulatory Reform

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

HB 1597 — Mayfield
Committee on Elections and Apportionment

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

HB 1598 — Wright
Committee on Ways and Means

A BILL FOR AN ACT concerning state and local administration and to make an appropriation.

HB 1599 — Wright
Committee on Public Health

A BILL FOR AN ACT concerning health.

HB 1600 — Wright
Committee on Family, Children and Human Affairs

A BILL FOR AN ACT concerning human services.

HB 1601 — Wright
Committee on Utilities, Energy and Telecommunications

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

HB 1602 — Wright
Committee on Courts and Criminal Code

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

HB 1603 — Wright
Committee on Courts and Criminal Code

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

HB 1604 — Wright
Committee on Agriculture and Rural Development

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

HB 1605 — Sullivan, Speedy
Committee on Roads and Transportation

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

HB 1606 — Klinker
Committee on Public Policy

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

HB 1607 — Hatfield, Candelaria Reardon
Committee on Judiciary

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

HB 1608 — Hatfield, Moed
Committee on Employment, Labor and Pensions

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

HB 1609 — Hatfield, VanNatter
Committee on Employment, Labor and Pensions

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

HB 1610 — Hatfield, Hamilton, Campbell, Pfaff
Committee on Education

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

HB 1611 — Hatfield, Candelaria Reardon
Committee on Education

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

HB 1612 — Hatfield
Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1614 — Hatfield, Pressel, VanNatter
Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1615 — Hatfield, McNamara, VanNatter, Mahan
Committee on Courts and Criminal Code

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

HB 1616 — Pressel, Clere
Committee on Ways and Means

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

HB 1617 — Cherry

Committee on Courts and Criminal Code

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

HB 1618 — Cherry

Committee on Courts and Criminal Code

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

HB 1619 — Cherry, Miller D, Pressel

Committee on Roads and Transportation

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

HB 1620 — Sullivan

Committee on Ways and Means

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

HB 1621 — Sullivan

Committee on Ways and Means

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

HB 1622 — Lauer

Committee on Ways and Means

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

HB 1623 — Lauer

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

HB 1624 — Lauer

Committee on Utilities, Energy and Telecommunications

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

HB 1625 — Clere

Committee on Government and Regulatory Reform

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

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1006

Representative Steuerwald called down Engrossed House Bill 1006 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 18: yeas 100, 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 Houchin, Holdman, Taylor and Randolph.

Engrossed House Bill 1019

Representative Pressel called down Engrossed House Bill 1019 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 19: yeas 98, 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 Bohacek.

Representative Stutzman, who had been present, is now excused.

Engrossed House Bill 1084

Representative Morrison called down Engrossed House Bill 1084 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 20: yeas 97, 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 Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Ford.

Engrossed House Bill 1086

Representative Pressel called down Engrossed House Bill 1086 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 21: yeas 98, 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 Garten.

Engrossed House Bill 1170

Representative Mahan called down Engrossed House Bill 1170 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 22: yeas 98, 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 Buck and Boots.

Representative Stutzman, who had been excused, is now present.

Engrossed House Bill 1187

Representative Steuerwald called down Engrossed House Bill 1187 for third reading:

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

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

Roll Call 23: 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 Young, Bray, Breaux and Taylor.

RECESS

The House was called back to order at 3:25 p.m. by the Speaker.

HOUSE BILLS ON SECOND READING

House Bill 1270

Representative Gutwein called down House Bill 1270 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1245

Representative Sullivan called down House Bill 1245 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1209

Representative Schaibley called down House Bill 1209 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1209-1)

Mr. Speaker: I move that House Bill 1209 be amended to read as follows:

Page 1, after line 17, begin a new line blocked left and insert: **"Upon receipt of the information from the department, the association shall maintain the information in the data base established by the association under subsection (c)."**

Page 2, line 16, after "nonpublic" insert **"high"**.

Page 2, line 20, after "nonpublic" insert **"high"**.

Page 2, line 41, after "nonpublic" insert **"high"**.
(Reference is to HB 1209 as printed January 18, 2019.)

SCHAIBLEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1063

Representative Frye called down House Bill 1063 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1059

Representative Carbaugh called down House Bill 1059 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1056

Representative Manning called down House Bill 1056 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1007

Representative Kirchofer called down House Bill 1007 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

House Bill 1005

Representative Bosma called down House Bill 1005 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1005-2)

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 1, line 11, after "attorney general," insert **"member of the Indiana state board of education,"**.

Page 2, line 8, after "of state," insert **"member of the Indiana state board of education,"**.

Page 2, between lines 32 and 33, begin a new line block indented and insert:

"(6) Member of the Indiana state board of education."

Page 3, between lines 11 and 12, begin a new line block indented and insert:

"(4) The five (5) members of the Indiana state board of education whose term of office begins the following January 1. However, at the 2020 general election, nine (9) members of the Indiana state board of education shall be elected, as provided in IC 20-19-2-2.7."

SECTION 5. IC 3-10-2-7, AS AMENDED BY P.L.216-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. The following public officials shall be elected in 2018 and every four (4) years thereafter:

(1) Secretary of state.

(2) Auditor of state.

(3) Treasurer of state.

(4) Beginning with the 2022 general election, the four (4) members of the Indiana state board of education whose term of office begins the following January 1."

Page 3, between lines 27 and 28, begin a new line double block indented and insert:

"(I) Member of the Indiana state board of education."

Page 6, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 9. IC 4-2-6-1, AS AMENDED BY P.L.123-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

(1) "Advisory body" means an authority, a board, a commission, a committee, a task force, or other body designated by any name of the executive department that is authorized only to make nonbinding recommendations.

(2) "Agency" means an authority, a board, a branch, a bureau, a commission, a committee, a council, a department, a division, an office, a service, or other instrumentality of the executive, including the administrative, department of state government. The term includes a body corporate and politic set up as an instrumentality of the state and a private, nonprofit, government related corporation. The term does not include any of the following:

(A) The judicial department of state government.

(B) The legislative department of state government.

(C) A state educational institution.

(D) A political subdivision.

(3) "Appointing authority" means the following:

(A) Except as provided in clause (B), the chief administrative officer of an agency. The term does not include a state officer.

(B) For purposes of section 16 of this chapter, "appointing authority" means:

(i) an elected officer;

(ii) the chief administrative officer of an agency; or

(iii) an individual or group of individuals who have the power by law or by lawfully delegated authority to make appointments.

(4) "Assist" means to:

(A) help;

(B) aid;

(C) advise; or

(D) furnish information to;

a person. The term includes an offer to do any of the actions in clauses (A) through (D).

(5) "Business relationship" includes the following:

(A) Dealings of a person with an agency seeking, obtaining, establishing, maintaining, or implementing:

- (i) a pecuniary interest in a contract or purchase with the agency; or
- (ii) a license or permit requiring the exercise of judgment or discretion by the agency.

(B) The relationship a lobbyist has with an agency.

(C) The relationship an unregistered lobbyist has with an agency.

(6) "Commission" refers to the state ethics commission created under section 2 of this chapter.

(7) "Compensation" means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.

(8) "Direct line of supervision" means the chain of command in which the superior affects, or has the authority to affect, the terms and conditions of the subordinate's employment, including making decisions about work assignments, compensation, grievances, advancements, or performance evaluation.

(9) "Employee" means an individual, other than a state officer, who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.

(10) "Employer" means any person from whom a state officer or employee or the officer's or employee's spouse received compensation.

(11) "Financial interest" means an interest:

- (A) in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or
- (B) involving property or services.

The term includes an interest arising from employment or prospective employment for which negotiations have begun. The term does not include an interest of a state officer or employee in the common stock of a corporation unless the combined holdings in the corporation of the state officer or the employee, that individual's spouse, and that individual's unemancipated children are more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee.

(12) "Information of a confidential nature" means information:

(A) obtained by reason of the position or office held; and

(B) which:

- (i) a public agency is prohibited from disclosing under IC 5-14-3-4(a);
- (ii) a public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed; or
- (iii) is not in a public record, but if it were, would be confidential.

(13) "Person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

(14) "Political subdivision" means a county, city, town, township, school district, municipal corporation, special taxing district, or other local instrumentality. The term includes an officer of a political subdivision.

(15) "Property" has the meaning set forth in IC 35-31.5-2-253.

(16) "Relative" means any of the following:

- (A) A spouse.
- (B) A parent or stepparent.
- (C) A child or stepchild.
- (D) A brother, sister, stepbrother, or stepsister.
- (E) A niece or nephew.
- (F) An aunt or uncle.
- (G) A daughter-in-law or son-in-law.

For purposes of this subdivision, an adopted child of an individual is treated as a natural child of the individual. For purposes of this subdivision, the terms "brother" and "sister" include a brother or sister by the half blood.

(17) "Represent" means to do any of the following on behalf of a person:

- (A) Attend an agency proceeding.
- (B) Write a letter.
- (C) Communicate with an employee of an agency.

(18) "Special state appointee" means a person who is:

- (A) not a state officer or employee; and
- (B) elected or appointed to an authority, a board, a commission, a committee, a council, a task force, or other body designated by any name that:

- (i) is authorized by statute or executive order; and
- (ii) functions in a policy or an advisory role in the executive (including the administrative) department of state government, including a separate body corporate and politic.

(19) "State officer" means any of the following:

- (A) The governor.
- (B) The lieutenant governor.
- (C) The secretary of state.
- (D) The auditor of state.
- (E) The treasurer of state.
- (F) The attorney general.
- (G) The superintendent of public instruction.

(H) Beginning January 1, 2021, a member of the Indiana state board of education.

(20) The masculine gender includes the masculine and feminine.

(21) The singular form of any noun includes the plural wherever appropriate.

(b) The definitions in IC 4-2-7 apply throughout this chapter."

Page 6, line 27, after "instruction." insert "**Beginning January 1, 2021, a member of the Indiana state board of education shall file a written financial disclosure statement. A candidate for election to be a member of the Indiana state board of education at the 2020 general election and thereafter shall also file a written financial disclosure statement, as provided in this section.**".

Page 9, line 28, after "instruction," insert "**a member of the Indiana state board of education,**".

Page 13, line 17, after "instruction," insert "**after December 31, 2020, a member of the Indiana state board of education,**".

Page 16, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 20. IC 20-19-2-2.2, AS ADDED BY P.L.224-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.2. (a) Beginning June 1, 2015, the state board consists of the following members:

- (1) The state superintendent.
- (2) Eight (8) members appointed by the governor. The following provisions apply to members of the state board appointed under this subdivision:
 - (A) At least six (6) members appointed under this subdivision must have professional experience in the field of education as provided in subsection (b).
 - (B) Members shall be appointed from different parts of

Indiana with not more than one (1) member being appointed from a particular congressional district.

(C) Not more than five (5) members of the state board may be appointed from the membership of any one (1) political party.

(3) One (1) member, who is not a member of the general assembly, appointed by the speaker of the house of representatives.

(4) One (1) member, who is not a member of the general assembly, appointed by the president pro tempore of the senate.

(b) For purposes of subsection (a), an individual is considered to have professional experience in the field of education if the individual has teaching or leadership experience at a postsecondary educational institution or is currently employed as, or is retired from a position as:

- (1) a teacher;
- (2) a principal;
- (3) an assistant superintendent; or
- (4) a superintendent.

(c) A quorum consists of six (6) members of the state board. An action of the state board is not official unless the action is authorized by at least six (6) members.

(d) Subject to subsection (e), the members of the state board shall elect a chairperson and vice chairperson annually from the members of the state board. The vice chairperson shall act as chairperson in the absence of the chairperson.

(e) Notwithstanding subsection (d), the state superintendent shall serve as the chairperson of the state board until a chairperson is elected under subsection (d) at the first meeting of the state board after December 31, 2016, which shall be held not later than January 15, 2017. A vice chairperson shall be elected at the first meeting of the state board after June 30, 2015, which shall be held not later than August 1, 2015. This subsection expires July 1, 2018.

(f) Except as otherwise provided in subsection (g), each member appointed under subsection (a)(2) through (a)(4) serves a four (4) year term. The term begins on July 1.

(g) A member appointed under subsection (a)(2) through (a)(4) may be removed from the state board by the member's appointing authority for just cause. Vacancies in the appointments to the state board shall be filled by the appointing authority. A member appointed under this subsection serves for the remainder of the unexpired term.

(h) The state board shall meet at a minimum at least one (1) time each month. The state board shall establish the date of the next monthly meeting during the monthly meeting of the state board. In addition to the monthly meeting required under this subsection, the state board shall meet at the call of the chairperson.

(i) This section expires January 1, 2021.

SECTION 21. IC 20-19-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2.5. (a) Beginning January 1, 2021, the state board consists of the following:**

- (1) The state superintendent.**
- (2) Nine (9) members elected as provided in section 2.6 of this chapter.**

(b) A quorum consists of six (6) members of the state board. An action of the state board is not official unless the action is authorized by at least six (6) members.

(c) The state superintendent serves as the chair of the state board.

SECTION 22. IC 20-19-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2.6. (a) This section does not apply to the state superintendent.**

(b) Beginning with the 2020 general election, one (1) member of the state board shall be elected from each state

board election district, as provided in this chapter.

(c) Each congressional district established under IC 3-3 is a state board election district.

(d) A member of the state board serves a term of four (4) years, beginning January 1 after the member's election.

(e) The governor shall appoint an individual to fill a vacancy that occurs on the state board. An individual appointed by the governor under this subsection serves for the remainder of the unexpired term.

(f) Each member of the state board shall take and subscribe to an oath in writing that the member will:

- (1) faithfully perform the duties of the office; and**
- (2) support and defend to the best of the member's abilities:**

(A) the Constitution of the United States; and

(B) the Constitution of the State of Indiana and the laws of the state of Indiana.

Each state board member's oath shall be filed with the secretary of state.

SECTION 23. IC 20-19-2-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2.7. (a) This section does not apply to the state superintendent.**

(b) Notwithstanding section 2.2 of this chapter, the term of office of a member of the state board serving under section 2.2 of this chapter expires January 1, 2021.

(c) A member of the state board shall be elected from each state board election district at the 2020 general election.

(d) Notwithstanding section 2.6(d) of this chapter, the term of office of each member elected at the 2020 general election is as follows:

(1) The five (5) members who receive the first, second, third, fourth, and fifth highest vote totals of all the members elected to the commission at the 2020 general election each serve a four (4) year term, beginning January 1, 2021. The successors of the members described in this subdivision shall be elected at the 2024 general election, and each serves a four (4) year term, beginning January 1, 2025.

(2) The four (4) members who receive the sixth, seventh, eighth, and ninth highest vote totals of all the members elected to the commission at the 2020 general election each serve a two (2) year term, beginning January 1, 2021. The successors

of the members described in this subdivision shall be elected at the 2022 general election, and each serves a four (4) year term, beginning January 1, 2023.

(e) This section expires January 1, 2028."

(Reference is to HB 1005 as printed January 17, 2019.)

V.SMITH

Upon request of Representatives GiaQuinta and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 24: yeas 33, nays 66. Motion failed.

HOUSE MOTION
(Amendment 1005-4)

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 15, delete lines 12 through 42.

Page 16, delete lines 1 through 2, begin a new paragraph and insert:

"SECTION 16. IC 20-19-1-1.1, AS ADDED BY P.L.219-2017, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.1. (a) After January 10, 2025, 2021**, the governor shall appoint an individual to be the secretary of education.

(b) For purposes of Article 5, Section 10 and Article 8, Section 8 of the Constitution of the State of Indiana, the secretary of education is the state superintendent of public instruction.

(c) The individual appointed under this section serves at the pleasure of and at a salary determined by the governor.

(d) An individual may not be appointed by the governor to be secretary of education under subsection (a) unless the individual:

(1) has resided in Indiana for at least two (2) years before the appointment;

(2) has demonstrated personal and professional leadership success preferably in the administration of public education;

(3) possesses an earned advanced degree preferably in education or educational administration, awarded from a regionally or nationally accredited college or university; and

(4) either:

(A) at the time of taking office is licensed or otherwise employed as a teacher, principal, or superintendent;

(B) has held a license as a teacher, superintendent, or principal, or any combination of these licenses, for at least five (5) years at any time before taking office; or

(C) has a total of at least five (5) years of work experience in the education of students from kindergarten through grade 12 as any of the following, or any combination of the following, before taking office:

(i) Teacher.

(ii) Superintendent.

(iii) Principal.

(iv) Executive in the field of education.

(e) The secretary of education is the chief executive officer of the department."

(Reference is to HB 1005 as printed January 17, 2019.)

V. SMITH

Upon request of Representatives GiaQuinta and Porter, the Speaker ordered the roll of the House to be called. Roll Call 25: yeas 29, nays 67. Motion failed. The bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

OTHER BUSINESS ON THE SPEAKER’S TABLE

Reassignments

The Speaker announced the reassignment of House Bill 1327 from the Committee on Roads and Transportation to the Committee on Natural Resources.

HOUSE MOTION

Mr. Speaker: I move that Representatives Engleman, DeLaney and Bauer be added as coauthors of House Bill 1006.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Errington be added as coauthor of House Bill 1011.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Karickhoff be added as coauthor of House Bill 1019.

PRESSEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as coauthor of House Bill 1030.

HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1144.

SHACKLEFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodrich be added as coauthor of House Bill 1172.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Zent be added as coauthor of House Bill 1246.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Karickhoff be added as coauthor of House Bill 1269.

GUTWEIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bauer be added as coauthor of House Bill 1310.

SAUNDERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Sullivan be added as coauthor of House Bill 1394.

NEGELE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Beck be added as coauthor of House Bill 1607.

HATFIELD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Bill 1608.

HATFIELD

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill 223 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 6 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Hatcher, the House adjourned at 4:04 p.m., this twenty-second day of January, 2019, until Thursday, January 24, 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