



# Journal of the Senate

State of Indiana

121st General Assembly

First Regular Session

Forty-second Meeting Day

Tuesday Afternoon

April 9, 2019

The Senate convened at 1:58 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Pastor Jerry Deck.

The Pledge of Allegiance to the Flag was led by Senator James D. Ford.

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 <input checked="" type="checkbox"/>
Buchanan	Mrvan <input checked="" type="checkbox"/>
Buck	Niemeyer
Busch	Niezgodski
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 415: present 48; excused 2. [Note: A  indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## RESOLUTIONS ON FIRST READING

### Senate Resolution 81

Senate Resolution 81, introduced by Senator Grooms:

A SENATE RESOLUTION urging the legislative council to assign the topic of coverage for pharmacist care to an interim study committee.

*Whereas, Currently, pharmacists are able to provide critical*

*health care services, including tobacco cessation and diabetes management, within their scope of practice;*

*Whereas, However, because pharmacists are not included in the network of accident and sickness insurance policies, those critical health care services, when performed by a pharmacist, are not covered by a patient's insurance policy;*

*Whereas, Allowing pharmacists providing health care services within their scope of practice to be included in accident and sickness insurance networks will provide better, more affordable access to health care in Indiana; and*

*Whereas, It is important that this issue be studied by an appropriate study committee: Therefore,*

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

SECTION 1. That the legislative council is urged to assign to an interim study committee the topic of coverage for pharmacist care.

SECTION 2. That the study committee, if assigned the topic, shall issue to the legislative council a final report, in an electronic format under IC 5-14-6 not later than November 1, 2019, containing the study committee's findings and recommendations concerning, but not limited to, the following:

- (1) Creation of an "advanced practice pharmacist" designation.
- (2) The qualifications and functions of an "advanced practice pharmacist".
- (3) Inclusion of pharmacists and "advanced practice pharmacists" as providers in networks of insurers that issue policies of accident and sickness insurance, as defined in IC 27-8-5-1.

The resolution was read in full and referred to the Committee on Health and Provider Services.

## MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

### SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 80 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Resolution 64, 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.

CRIDER, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1034, 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 6-1.1-20-1.1, AS AMENDED BY P.L.246-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.1. As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:

(1) A project for which the political subdivision reasonably expects to pay:

- (A) debt service; or
- (B) lease rentals;

from funds other than property taxes that are exempt from the levy limitations of IC 6-1.1-18.5 or (before January 1, 2009) IC 20-45-3. A project is not a controlled project even though the political subdivision has pledged to levy property taxes to pay the debt service or lease rentals if those other funds are insufficient.

(2) A project that will not cost the political subdivision more than the lesser of the following:

- (A) An amount equal to the following:
  - (i) In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, two million dollars (\$2,000,000).
  - (ii) In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, five million dollars (\$5,000,000).

(iii) In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, an amount (as determined by the department of local government finance) equal to the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the amount determined under this clause for the preceding calendar year.

The department of local government finance shall

publish the threshold determined under item (iii) in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(B) An amount equal to the following:

(i) One percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one hundred million dollars (\$100,000,000).

(ii) One million dollars (\$1,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one hundred million dollars (\$100,000,000).

(3) A project that is being refinanced for the purpose of providing gross or net present value savings to taxpayers.

(4) A project for which bonds were issued or leases were entered into before January 1, 1996, or where the state board of tax commissioners has approved the issuance of bonds or the execution of leases before January 1, 1996.

(5) A project that is required by a court order holding that a federal law mandates the project.

(6) A project that is in response to:

- (A) a natural disaster;
- (B) an accident; or
- (C) an emergency;

in the political subdivision that makes a building or facility unavailable for its intended use.

(7) A project that was not a controlled project under this section as in effect on June 30, 2008, and for which:

- (A) the bonds or lease for the project were issued or entered into before July 1, 2008; or
- (B) the issuance of the bonds or the execution of the lease for the project was approved by the department of local government finance before July 1, 2008.

(8) A project of the Little Calumet River basin development commission for which bonds are payable from special assessments collected under IC 14-13-2-18.6.

**(9) A project for engineering, land and right-of-way acquisition, construction, reconstruction, resurfacing, maintenance, repair, restoration, and rehabilitation for or of:**

- (A) roads;**
- (B) streets;**
- (C) bridges; and**
- (D) road, street, or bridge appurtenances.**

SECTION 2. IC 6-1.1-20-3.1, AS AMENDED BY P.L.246-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.1. (a) Subject to section 3.5(a)(1)(C) of this chapter, this section applies only to the following:

(1) A controlled project (as defined in section 1.1 of this chapter as in effect June 30, 2008) for which the proper officers of a political subdivision make a preliminary determination in the manner described in subsection (b) before July 1, 2008.

(2) An elementary school building, middle school building, high school building, or other school building for academic instruction that:

- (A) is a controlled project;
- (B) will be used for any combination of kindergarten through grade 12; and
- (C) will not cost more than the lesser of the following:
  - (i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is ten million dollars (\$10,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars (\$15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the assessed value growth quotient for the ensuing year under IC 6-1.1-18.5-2.

- (ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one billion dollars (\$1,000,000,000), or ten million dollars (\$10,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one billion dollars (\$1,000,000,000).

(3) Any other controlled project that:

- (A) is not a controlled project described in subdivision (1) or (2); and
- (B) will not cost the political subdivision more than the lesser of the following:
  - (i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is twelve million dollars (\$12,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary

determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars (\$15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the assessed value growth quotient for the ensuing year under IC 6-1.1-18.5-2.

- (ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one hundred million dollars (\$100,000,000), or one million dollars (\$1,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one hundred million dollars (\$100,000,000).

**(4) After June 30, 2019, any other project:**

**(A) that is not a controlled project described in subdivisions (1) through (3); and**

**(B) for which a political subdivision adopts an ordinance or resolution making a preliminary determination to issue bonds or enter into a lease for the project, if the sum of:**

- (i) the cost of that project; plus**

- (ii) the cost of all other projects described in clause (A) for which the political subdivision has previously adopted within the preceding five (5) years an ordinance or resolution making a preliminary determination to issue bonds or enter into a lease for the project, but not including an ordinance or resolution adopted before July 1, 2019;**

**exceeds one percent (1%) of the political subdivision's gross assessed value for the calendar year but does not exceed two percent (2%) of the political subdivision's gross assessed value for the calendar year.**

(b) A political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the following procedures:

- (1) The proper officers of a political subdivision shall publish notice in accordance with IC 5-3-1 and send notice by first class mail to the circuit court clerk and to any organization that delivers to the officers, before January 1 of that year, an annual written request for such notices of

any meeting to consider adoption of a resolution or an ordinance making a preliminary determination to issue bonds or enter into a lease and shall conduct at least two (2) public hearings on a preliminary determination before adoption of the resolution or ordinance. The political subdivision must at each of the public hearings on the preliminary determination allow the public to testify regarding the preliminary determination and must make the following information available to the public at each of the public hearings on the preliminary determination, in addition to any other information required by law:

(A) The result of the political subdivision's current and projected annual debt service payments divided by the net assessed value of taxable property within the political subdivision.

(B) The result of:

(i) the sum of the political subdivision's outstanding long term debt plus the outstanding long term debt of other taxing units that include any of the territory of the political subdivision; divided by

(ii) the net assessed value of taxable property within the political subdivision.

(C) The information specified in subdivision (3)(A) through (3)(H).

(2) When the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease for a controlled project, the officers shall give notice of the preliminary determination by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the circuit court clerk and to the organizations described in subdivision (1).

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease for a controlled project must include the following information:

(A) The maximum term of the bonds or lease.

(B) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(D) The purpose of the bonds or lease.

(E) A statement that any owners of property within the political subdivision or registered voters residing within the political subdivision who want to initiate a petition and remonstrance process against the proposed debt service or lease payments must file a petition that complies with subdivisions (4) and (5) not later than thirty (30) days after publication in accordance with IC 5-3-1.

(F) With respect to bonds issued or a lease entered into to open:

(i) a new school facility; or

(ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to incur annually to operate the facility.

(G) A statement of whether the school corporation expects to appeal for a new facility adjustment (as defined in IC 20-45-1-16 (repealed) before January 1, 2009) for an increased maximum permissible tuition support levy to pay the estimated costs described in clause (F).

(H) The following information:

(i) The political subdivision's current debt service levy and rate.

(ii) The estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.

(iii) The estimated amount of the political subdivision's debt service levy and rate that will result during the following ten (10) years if the political subdivision issues the bonds or enters into the lease, after also considering any changes that will occur to the debt service levy and rate during that period on account of any outstanding bonds or lease obligations that will mature or terminate during that period.

(I) The information specified in subdivision (1)(A) through (1)(B).

**(J) A statement that a person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance as set forth in subsection (c) objecting that the political subdivision has unlawfully divided a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter.**

(4) After notice is given, a petition requesting the application of a petition and remonstrance process may be filed by the lesser of:

(A) five hundred (500) persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or

(B) five percent (5%) of the registered voters residing within the political subdivision.

(5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of property or registered voters;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and

(D) govern the closing date for the petition period.

Persons requesting forms may be required to identify themselves as owners of property or registered voters and may be allowed to pick up additional copies to distribute to other owners of property or registered voters. Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of property within the political subdivision. A person who signs a petition as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition as an owner of property must indicate the address of the property owned by the person in the political subdivision.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. However, after the county voter registration office has determined that at least five hundred twenty-five (525) persons who signed the petition are registered voters within the political subdivision, the county voter registration office is not required to verify whether the remaining persons who signed the petition are registered voters. If the county voter registration office does not determine that at least five hundred twenty-five (525) persons who signed the petition are registered voters, the county voter registration office shall, not more than fifteen (15) business days after receiving a petition, forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

(A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of property in the political subdivision; and

(B) whether a person who signed the petition as an owner of property within the political subdivision does in fact own property within the political subdivision.

(9) The county voter registration office, not more than ten (10) business days after determining that at least five hundred twenty-five (525) persons who signed the petition are registered voters or receiving the statement from the county auditor under subdivision (8), as applicable, shall make the final determination of the number of petitioners that are registered voters in the political subdivision and, based on the statement provided by the county auditor, the

number of petitioners that own property within the political subdivision. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, mobile home assessed as personal property, or manufactured home assessed as personal property, or a combination of those types of property within the subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) The county voter registration office must file a certificate and each petition with:

(A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or

(B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township;

within thirty-five (35) business days of the filing of the petition requesting a petition and remonstrance process. The certificate must state the number of petitioners that are owners of property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision.

If a sufficient petition requesting a petition and remonstrance process is not filed by owners of property or registered voters as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

(c) A political subdivision may not divide a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter. A person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of

local government finance objecting that the political subdivision has divided a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter. The petition must be filed not more than ten (10) days after the political subdivision gives notice of the political subdivision's decision to issue bonds or enter into leases for a capital project that the person believes is the result of a division of a controlled project that is prohibited by this subsection. If the department of local government finance receives a petition under this subsection, the department shall not later than thirty (30) days after receiving the petition make a final determination on the issue of whether the political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter. If the department of local government finance determines that a political subdivision divided a controlled project in order to avoid the requirements of this section and section 3.2 of this chapter and the political subdivision continues to desire to proceed with the project, the political subdivision shall fulfill the requirements of this section and section 3.2 of this chapter, if applicable, regardless of the cost of the project in dispute. A political subdivision shall be considered to have divided a capital project in order to avoid the requirements of this section and section 3.2 of this chapter if the result of one (1) or more of the subprojects cannot reasonably be considered an independently desirable end in itself without reference to another capital project. This subsection does not prohibit a political subdivision from undertaking a series of capital projects in which the result of each capital project can reasonably be considered an independently desirable end in itself without reference to another capital project.

SECTION 3. IC 6-1.1-20-3.5, AS AMENDED BY P.L.246-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.5. (a) This section applies only to a controlled project that meets the following conditions:

(1) The controlled project is described in one (1) of the following categories:

(A) An elementary school building, middle school building, high school building, or other school building for academic instruction that will be used for any combination of kindergarten through grade 12 and will cost more than the lesser of the following:

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is ten million dollars (\$10,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars (\$15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the

department of local government finance) equal to the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the assessed value growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one billion dollars (\$1,000,000,000), or ten million dollars (\$10,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one billion dollars (\$1,000,000,000).

(B) Any other controlled project that is not a controlled project described in clause (A) and will cost the political subdivision more than the lesser of the following:

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is twelve million dollars (\$12,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars (\$15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the assessed value growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one hundred

million dollars (\$100,000,000), or one million dollars (\$1,000,000), if the total gross assessed value of property within the political subdivision on the last assessment date is not more than one hundred million dollars (\$100,000,000).

(C) Any other controlled project for which a political subdivision adopts an ordinance or resolution making a preliminary determination to issue bonds or enter into a lease for the project, if the sum of:

- (i) the cost of that controlled project; plus
- (ii) the costs of all other controlled projects for which the political subdivision has previously adopted within the preceding three hundred sixty-five (365) days an ordinance or resolution making a preliminary determination to issue bonds or enter into a lease for those other controlled projects;

exceeds twenty-five million dollars (\$25,000,000).

**(D) After June 30, 2019, any other project that is not a controlled project described in clauses (A) through (C), and for which a political subdivision adopts an ordinance or resolution making a preliminary determination to issue bonds or enter into a lease for the project, if the sum of:**

- (i) the cost of that project; plus**
- (ii) the cost of all other projects that were not controlled projects described in clauses (A) through (C) for which the political subdivision has previously adopted within the preceding five (5) years an ordinance or resolution making a preliminary determination to issue bonds or enter into a lease for the project, but not including an ordinance or resolution adopted before July 1, 2019;**

**exceeds two percent (2%) of the political subdivision's gross assessed value for the calendar year.**

(2) The proper officers of the political subdivision make a preliminary determination after June 30, 2008, in the manner described in subsection (b) to issue bonds or enter into a lease for the controlled project.

(b) A political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the following procedures:

- (1) The proper officers of a political subdivision shall publish notice in accordance with IC 5-3-1 and send notice by first class mail to the circuit court clerk and to any organization that delivers to the officers, before January 1 of that year, an annual written request for notices of any meeting to consider the adoption of an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease and shall conduct at least two (2) public hearings on the preliminary determination before adoption of the ordinance or resolution. The political subdivision must at each of the public hearings on the preliminary determination allow the public to testify regarding the preliminary determination and must make the following information available to the public at each of the public hearings on the preliminary determination, in

addition to any other information required by law:

(A) The result of the political subdivision's current and projected annual debt service payments divided by the net assessed value of taxable property within the political subdivision.

(B) The result of:

- (i) the sum of the political subdivision's outstanding long term debt plus the outstanding long term debt of other taxing units that include any of the territory of the political subdivision; divided by
- (ii) the net assessed value of taxable property within the political subdivision.

(C) The information specified in subdivision (3)(A) through (3)(G).

(2) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall give notice of the preliminary determination by:

- (A) publication in accordance with IC 5-3-1; and
- (B) first class mail to the circuit court clerk and to the organizations described in subdivision (1).

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:

- (A) The maximum term of the bonds or lease.
- (B) The maximum principal amount of the bonds or the maximum lease rental for the lease.
- (C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
- (D) The purpose of the bonds or lease.
- (E) A statement that the proposed debt service or lease payments must be approved in an election on a local public question held under section 3.6 of this chapter.
- (F) With respect to bonds issued or a lease entered into to open:

- (i) a new school facility; or
- (ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to annually incur to operate the facility.

(G) The following information:

- (i) The political subdivision's current debt service levy and rate.
- (ii) The estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.
- (iii) The estimated amount of the political subdivision's debt service levy and rate that will result during the following ten (10) years if the political subdivision issues the bonds or enters into the lease, after also considering any changes that will occur to the debt service levy and rate during that period on account of any outstanding bonds or lease obligations that will mature or terminate during that period.

(H) The information specified in subdivision (1)(A) through (1)(B).

**(I) A statement that a person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance as set forth in section 3.6(k) of this chapter objecting that the political subdivision has unlawfully divided a controlled project in order to avoid the requirements of this section and section 3.6 of this chapter.**

(4) After notice is given, a petition requesting the application of the local public question process under section 3.6 of this chapter may be filed by the lesser of:

(A) five hundred (500) persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or

(B) five percent (5%) of the registered voters residing within the political subdivision.

(5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of property or registered voters;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and

(D) govern the closing date for the petition period.

Persons requesting forms may be required to identify themselves as owners of property or registered voters and may be allowed to pick up additional copies to distribute to other owners of property or registered voters. Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of property within the political subdivision. A person who signs a petition as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition as an owner of property must indicate the address of the property owned by the person in the political subdivision.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after

publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. However, after the county voter registration office has determined that at least five hundred twenty-five (525) persons who signed the petition are registered voters within the political subdivision, the county voter registration office is not required to verify whether the remaining persons who signed the petition are registered voters. If the county voter registration office does not determine that at least five hundred twenty-five (525) persons who signed the petition are registered voters, the county voter registration office, not more than fifteen (15) business days after receiving a petition, shall forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

(A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of property in the political subdivision; and

(B) whether a person who signed the petition as an owner of property within the political subdivision does in fact own property within the political subdivision.

(9) The county voter registration office, not more than ten (10) business days after determining that at least five hundred twenty-five (525) persons who signed the petition are registered voters or after receiving the statement from the county auditor under subdivision (8), as applicable, shall make the final determination of whether a sufficient number of persons have signed the petition. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular referendum process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, mobile home assessed as personal property, or manufactured home assessed as personal property or a combination of those types of property within the political subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of property within the political subdivision. Notwithstanding any other



provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) The county voter registration office must file a certificate and each petition with:

(A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or

(B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township;

within thirty-five (35) business days of the filing of the petition requesting the referendum process. The certificate must state the number of petitioners who are owners of property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision.

(11) If a sufficient petition requesting the local public question process is not filed by owners of property or registered voters as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

(c) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall provide to the county auditor:

- (1) a copy of the notice required by subsection (b)(2); and
- (2) any other information the county auditor requires to fulfill the county auditor's duties under section 3.6 of this chapter."

Delete pages 2 through 19.

Page 20, delete lines 1 through 26.

Re-number all SECTIONS consecutively.

(Reference is to HB 1034 as printed January 22, 2019.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1270, 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 10, line 9, delete "in lieu of imposing a" and insert "**or a resolution to impose an annual special assessment against each parcel of real property that is located both within the county and within the basin.**"

Page 10, line 10, delete "special assessment under subsection (b)."

Page 10, line 19, delete "Unless the" and insert "**If each**".

Page 10, line 19, delete "resolution under" and insert "**resolution:**

**(1) authorizing the imposition of a special assessment; or**

**(2) opting to pay the direct support to the commission; the fiscal body of each Indiana county within the basin may impose, in each calendar year, beginning with the first calendar year after each fiscal body has adopted a resolution described in subdivision (1) or (2), an annual special assessment against each taxable parcel of real property that is located both within the county and within the basin."**

Page 10, delete lines 20 through 26.

Page 10, line 42, delete "after December 31," and insert "**with the first calendar year after each fiscal body has adopted a resolution as described in section 21(b) of this chapter,**"

Page 11, line 1, delete "2019,"

Page 11, line 24, delete "calendar years beginning after December 31, 2019, and" and insert "**the first three (3) calendar years beginning after each fiscal body has adopted a resolution as described in section 21(b) of this chapter,**"

Page 11, line 25, delete "ending before January 1, 2022,"

Page 11, line 28, delete "For calendar years beginning" and insert "**Beginning with the fourth calendar year, and for each subsequent calendar year, after each fiscal body has adopted a resolution as described in section 21(b) of this chapter,**"

Page 11, line 29, delete "December 31, 2021,"

(Reference is to EHB 1270 as printed April 5, 2019.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1362, 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 6-2.5-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) A person, other than a public utility, is a retail merchant making a retail transaction when ~~he~~ **the person** rents or leases tangible personal property to another person other than for subrent or sublease.

(b) A person is a retail merchant making a retail transaction when the person sells any tangible personal property which has been rented or leased in the regular course of the person's rental or leasing business.

(c) Notwithstanding subsection (a), a person is not a retail merchant making a retail transaction when the person rents or leases motion picture film, audio tape, or video tape to another person. However, this exclusion only applies if:

(1) the person who pays to rent or lease the film charges admission to those who view the film; or

(2) the person who pays to rent or lease the film or tape broadcasts the film or tape for home viewing or listening.

**(d) The sharing of passenger motor vehicles and trucks through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) is a retail transaction.**

SECTION 2. IC 6-2.5-5-8, AS AMENDED BY P.L.182-2009(ss), SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) As used in this section, "new motor vehicle" has the meaning set forth in IC 9-13-2-111.

(b) **Except as provided in subsection (j)**, transactions involving tangible personal property other than a new motor vehicle are exempt from the state gross retail tax if the person acquiring the property acquires it for resale, rental, or leasing in the ordinary course of the person's business without changing the form of the property.

(c) The following transactions involving a new motor vehicle are exempt from the state gross retail tax:

(1) A transaction in which a person that has a franchise in effect at the time of the transaction for the vehicle trade name, trade or service mark, or related characteristics acquires a new motor vehicle for resale, rental, or leasing in the ordinary course of the person's business.

(2) A transaction in which a person that is a franchisee appointed by a manufacturer or converter manufacturer licensed under IC 9-23 acquires a new motor vehicle that has at least one (1) trade name, service mark, or related characteristic as a result of modification or further manufacture by the manufacturer or converter manufacturer for resale, rental, or leasing in the ordinary course of the person's business.

(3) A transaction in which a person acquires a new motor vehicle for rental or leasing in the ordinary course of the person's business **as a rental company (as defined in IC 24-4-9-7)**.

(d) The rental or leasing of accommodations to a promoter by a political subdivision (including a capital improvement board) or the state fair commission is not exempt from the state gross retail tax, if the rental or leasing of the property by the promoter is exempt under IC 6-2.5-4-4.

(e) This subsection applies only to aircraft acquired after June 30, 2008. Except as provided in subsection (h), a transaction in which a person acquires an aircraft for rental or leasing in the ordinary course of the person's business is not exempt from the state gross retail tax unless the person establishes, under guidelines adopted by the department in the manner provided in IC 4-22-2-37.1 for the adoption of emergency rules, that the annual amount of the gross lease revenue derived from leasing or rental of the aircraft, which may include revenue from related party transactions, is equal to or greater than seven and five-tenths percent (7.5%) of the:

(1) book value of the aircraft, as published in the Vref Aircraft Value Reference guide for the aircraft; or

(2) net acquisition price for the aircraft.

If a person acquires an aircraft below the Vref Aircraft Value Reference guide book value, the person may appeal to the department for a lower lease or rental threshold equal to the actual acquisition price paid if the person demonstrates that the transaction was completed in a commercially reasonable manner based on the aircraft's age, condition, and equipment. The department may request the person to submit to the department supporting documents showing the aircraft is available for

general public lease or rental, copies of business and aircraft insurance policies, and other documents that assist the department in determining if an aircraft is exempt from the state gross retail tax.

(f) A person is required to meet the requirements of subsection (e) until the earlier of the date the aircraft has generated sales tax on leases or rental income that is equal to the amount of the original sales tax exemption or the elapse of thirteen (13) years. If the aircraft is sold by the person before meeting the requirements of this section and before the sale the aircraft was exempt from gross retail tax under subsection (e), the sale of the aircraft shall not result in the assessment or collection of gross retail tax for the period from the date of acquisition to the date of sale by the person.

(g) The person is required to remit the gross retail tax on taxable lease and rental transactions no matter how long the aircraft is used for lease and rental.

(h) This subsection applies only to aircraft acquired after December 31, 2007. A transaction in which a person acquires an aircraft to rent or lease the aircraft to another person for predominant use in public transportation by the other person or by an affiliate of the other person is exempt from the state gross retail tax. The department may not require a person to meet the revenue threshold in subsection (e) with respect to the person's leasing or rental of the aircraft to receive or maintain the exemption. To maintain the exemption provided under this subsection, the department may require the person to submit only annual reports showing that the aircraft is predominantly used to provide public transportation.

(i) The exemptions allowed under subsections (e) and (h) apply regardless of the relationship, if any, between the person or lessor and the lessee or renter of the aircraft.

**(j) A person who purchases a motor vehicle for sharing through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) is not eligible for the exemption under this section.**

SECTION 3. IC 6-2.5-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. **(a) Except as provided in subsection (b)**, a person is entitled to a refund from the department if:

(1) a retail merchant erroneously or illegally collects state gross retail or use taxes under this article from the person;

(2) the retail merchant remits the taxes to the department;

(3) the retail merchant does not refund the taxes to the person; and

(4) the person properly applies for the refund under the refund provisions contained in IC 6-8.1-9.

**(b) A person is not entitled to a refund from the department on any state gross retail tax paid on the purchase or lease of a motor vehicle if the motor vehicle was purchased or leased for sharing on a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4).**

SECTION 4. IC 6-3-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]:

#### **Chapter 8.5. Peer to Peer Vehicle Sharing Tax**

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Department" refers to the department of state revenue.
- (2) "Passenger motor vehicle" has the meaning set forth in IC 9-13-2-123.
- (3) "Peer to peer gross income" means the gross amount received by a shared vehicle owner in consideration for the sharing of the shared vehicle owner's vehicle through a peer to peer vehicle sharing program.
- (4) "Peer to peer vehicle sharing program" has the meaning set forth in IC 24-4-9.2-4.
- (5) "Person" means a person (as defined in IC 6-2.5-1-3) who owns, leases, or otherwise possesses, either individually or jointly, a passenger motor vehicle or truck for sharing in one (1) or more peer to peer vehicle sharing programs.
- (6) "Shared vehicle owner" has the meaning set forth in IC 24-4-9.2-8.
- (7) "Truck" has the meaning set forth in IC 9-13-2-188(a).

Sec. 2. A supplemental gross income tax, known as the peer to peer vehicle sharing tax, is imposed:

- (1) on peer to peer gross income received during a calendar year by a shared vehicle owner based on the sharing of a passenger motor vehicle or truck in a peer to peer vehicle sharing program; and
- (2) in addition to any other adjusted gross income tax that the person owes to the state.

Sec. 3. (a) The peer to peer vehicle sharing tax equals:

- (1) the taxable peer to peer gross income determined under subsection (b) for the calendar year; multiplied by
- (2) two percent (2%).

(b) Taxable peer to peer gross income for a taxable year is the total amount of the taxpayer's peer to peer gross income in the taxable year that exceeds two thousand dollars (\$2,000).

(c) The department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement the tax under this chapter, including rules:

- (1) concerning vehicles owned by more than one (1) person; and
- (2) to prevent the use of multiple exemptions under this chapter by affiliated persons.

Sec. 4. Notwithstanding any other provision of this chapter, the peer to peer gross income received from the sharing of the following passenger motor vehicles and trucks is not subject to the peer to peer vehicle sharing tax:

- (1) A truck if the declared gross weight of the truck being shared exceeds eleven thousand (11,000) pounds.
- (2) A passenger motor vehicle or truck shared by a funeral director licensed under IC 25-15 if the sharing is part of the services provided by the director for a funeral.

Sec. 5. (a) Except as provided in subsection (b), the payment of the peer to peer vehicle sharing tax must be made

in coordination with the reporting and payment of adjusted gross income tax under IC 6-3.

(b) If the person subject to the peer to peer vehicle sharing tax:

- (1) is otherwise required to make quarterly estimated payments of Indiana adjusted gross income tax under IC 6-3; or
- (2) has taxable peer to peer gross income in the immediately preceding year that exceeds fifty thousand dollars (\$50,000);

the person is required to make quarterly estimated payments of the peer to peer vehicle sharing tax. The estimated tax payments must be equal to at least twenty-five percent (25%) of the person's estimated peer to peer vehicle sharing tax liability for the taxable year. The estimated tax payments under this subsection must be made on the same date as estimated payments for corporations under IC 6-3-4-4.1(c). If the person fails to make an estimated payment on or before the required date, the person shall be subject to a penalty under IC 6-8.1-10-2.1 in the amount determined under subsection (c).

(c) The penalty described in subsection (b) is an amount equal to:

- (1) the lesser of:
  - (A) twenty-five percent (25%) of the person's current year's peer to peer vehicle sharing tax liability; or
  - (B) twenty-five percent (25%) of the person's previous year's peer to peer vehicle sharing tax liability; minus
- (2) the amount of the estimated quarterly tax payment made on or before the required due date.

(d) The form or schedule for reporting the peer to peer vehicle sharing tax must require information and be in a format (including electronic format) prescribed by the department. If the department determines that the return for the peer to peer vehicle sharing tax must be filed separately from the person's income tax return as otherwise required under this article or IC 6-5.5, the due date is the fifteenth day of the fourth month after the end of the calendar year for which the tax is due.

Sec. 6. (a) Not later than January 10 each year, each peer to peer vehicle sharing program shall provide the department with the following information for the preceding calendar year:

- (1) A list of the shared vehicle owners who participated in the peer to peer vehicle sharing program.
- (2) The shared vehicle owners' respective shared vehicles that were shared or offered for sharing on the peer to peer vehicle sharing program in the preceding year.
- (3) The amount of peer to peer gross income received by each shared vehicle owner for each shared vehicle.

(b) The information required to be provided by subsection (a) must be provided in a format (including electronic format) prescribed by the department.

Sec. 7. All revenues collected from the peer to peer vehicle sharing tax shall be deposited in a special account of the state

general fund known as the peer to peer vehicle sharing account.

**Sec. 8. The record keeping requirements and penalties for adjusted gross income tax imposed under IC 6-3 apply to the tax imposed under this chapter."**

Delete pages 5 through 6.

Page 7, delete lines 1 through 8.

Page 7, line 18, after "(repealed);" insert **"the peer to peer vehicle sharing tax (IC 6-3-8.5);"**.

Page 7, line 30, delete "the peer to peer vehicle sharing excise tax".

Page 7, line 31, delete "(IC 6-6-16);".

Page 11, delete lines 10 through 13, begin a new paragraph and insert:

**"Sec. 10. As used in this chapter, "termination time" means the earliest of the following events:**

**(1) The end of the vehicle sharing period identified in the shared vehicle agreement if the shared vehicle is delivered to the location agreed upon in the shared vehicle agreement.**

**(2) The end of the vehicle sharing period identified in the shared vehicle agreement if the shared vehicle is delivered to an agreed alternative location and the alternative location has been communicated through the P2P vehicle sharing program.**

**(3) The shared vehicle owner or the shared vehicle owner's designee takes possession and control of the shared vehicle."**

Page 11, delete lines 33 through 42.

Page 12, delete line 1.

Page 12, line 2, delete "14." and insert "13."

Page 12, delete lines 8 through 10, begin a new line double block indented and insert:

**"(A) to the shared vehicle driver any:**

**(i) rates, fees, and costs that are charged under the shared vehicle agreement to the shared vehicle driver; and**

**(ii) conditions under which the shared vehicle driver is required to maintain primary coverage under a personal motor vehicle insurance policy, including the specific required coverage limits to enter into a shared vehicle agreement; and"**

Page 12, line 18, delete "15." and insert "14."

Page 13, line 5, delete "16." and insert "15."

Page 13, delete lines 24 through 28, begin a new paragraph and insert:

**"(c) A P2P vehicle sharing program must ensure that during each vehicle sharing period the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle insurance policy that:**

**(1) either:**

**(A) specifies that the motor vehicle insurance policy provides coverage if the insured vehicle is made available and used in a P2P vehicle sharing program; or**

**(B) does not exclude coverage if the insured vehicle is used as a shared vehicle; and**

**(2) provides coverage in an amount equal to or greater**

**than the minimum amounts required under IC 9-25-4-5."**

Page 13, line 30, delete "car" and insert **"vehicle"**.

Page 13, line 40, delete "19" and insert **"17"**.

Page 14, line 7, delete "section 16(c) of" and insert **"subsection (c)"**.

Page 14, line 8, delete "this chapter".

Page 14, line 10, delete "an automobile" and insert **"a motor vehicle"**.

Page 14, line 12, delete "automobile" and insert **"motor vehicle"**.

Page 14, line 13, delete "automobile" and insert **"motor vehicle"**.

Page 14, delete lines 14 through 28.

Page 14, line 29, delete "18." and insert **"16."**

Page 15, delete lines 2 through 11, begin a new paragraph and insert:

**"(d) A P2P vehicle sharing program shall assume liability, except as provided in subsection (e), of a shared vehicle owner for any:**

**(1) bodily injury or property damage to third parties;**

**(2) uninsured and underinsured motorist losses; and**

**(3) personal injuries;**

**during the vehicle sharing period in an amount that is at least equal to the amount required by IC 9-25-4-5 and is specified in the shared vehicle agreement.**

**(e) The assumption of liability in subsection (d) does not apply if:**

**(1) the shared vehicle owner made an intentional or fraudulent material misrepresentation to the P2P vehicle sharing program before the vehicle sharing period in which the loss occurred; or**

**(2) acting jointly with the shared vehicle owner, the shared vehicle driver fails to return the shared vehicle under the terms of the shared vehicle agreement.**

**(f) Notwithstanding the definition of "termination time" under section 10 of this chapter, the assumption of liability under subsection (d) would apply to:**

**(1) bodily injury or property damage to third parties;**

**(2) uninsured and underinsured motorist losses; and**

**(3) personal injuries;**

**in an amount required by IC 9-25-4-5."**

Page 15, line 12, delete "(f)" and insert **"(g)"**.

Page 15, line 22, delete "19." and insert **"17."**

Page 15, line 37, delete "20." and insert **"18."**

Page 16, line 3, delete "21." and insert **"19."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1362 as printed March 27, 2019.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

HOLDMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1427, 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 8, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 12. IC 6-1.1-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) This section applies to a like kind exchange of depreciable personal property for which:**

- (1) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;**
- (2) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code currently in effect; and**
- (3) the taxpayer made an election to take deductions under Section 179 or Section 168(k) of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.**

**(b) In determining the cost of the depreciable personal property described in subsection (a) that is used to determine the value of the depreciable personal property subject to an assessment, the acquisition cost of the depreciable personal property acquired in the like kind exchange shall be reported as:**

- (1) the net book value of the depreciable personal property traded in; plus**
- (2) any cash boot added to the exchange;**

**as if the exchange was eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017."**

Delete page 9.

Page 10, delete lines 1 through 21, begin a new paragraph and insert:

"SECTION 14. IC 6-1.1-4-12, AS AMENDED BY HEA 1345-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 12. (a) As used in this section, "land developer" means a person that holds land for sale in the ordinary course of the person's trade or business. The term includes a financial institution (as defined in IC 28-1-1-3(1)) if the financial institution's land in inventory is purchased, acquired, or held for one (1) or more of the purposes established under IC 28-1-11-5(a)(2), IC 28-1-11-5(a)(3), and IC 28-1-11-5(a)(4).

(b) As used in this section, "land in inventory" means:

- (1) a lot; or
- (2) a tract that has not been subdivided into lots;

to which a land developer holds title in the ordinary course of the land developer's trade or business.

(c) As used in this section, "title" refers to legal or equitable title, including the interest of a contract purchaser.

(d) For purposes of this section, land purchased, acquired, or held by a financial institution for one (1) or more of the purposes established under IC 28-1-11-5(a)(2), IC 28-1-11-5(a)(3), and IC 28-1-11-5(a)(4) is considered held for sale in the ordinary course of the financial institution's trade or business.

(e) Except as provided in subsections (i), (j), and (k), if:

- (1) land assessed on an acreage basis is subdivided into

lots; or

(2) land is rezoned for, or put to, a different use; the land shall be reassessed on the basis of its new classification.

(f) If improvements are added to real property, the improvements shall be assessed.

(g) An assessment or reassessment made under this section is effective on the next assessment date.

(h) No petition to the department of local government finance is necessary with respect to an assessment or reassessment made under this section.

(i) Except as provided in subsection (k) and subject to subsection (j), land in inventory may not be reassessed until the next assessment date following the earliest of:

- (1) the date on which title to the land is transferred by:
  - (A) the land developer; or
  - (B) a successor land developer that acquires title to the land;

to a person that is not a land developer;

(2) the date on which construction of a structure begins on the land; or

(3) the date on which a building permit is issued for construction of a building or structure on the land.

(j) Subsection (i) applies regardless of whether the land in inventory is rezoned while a land developer holds title to the land.

(k) ~~This subsection applies to land in inventory that a for-profit land developer acquires from a school corporation or a local unit of government (as defined in IC 14-22-31.5-1). This subsection applies to land in inventory that a for-profit land developer acquires from a:~~

- (1) school corporation; or**
- (2) local unit of government (as defined in IC 14-22-31.5-1), but only if the local unit of government:**

**(A) acquired the land in a tax sale procedure under IC 6-1.1; or**

**(B) has held the land for not less than three (3) years prior to the date on which the for-profit land developer acquires it from the local unit of government.**

Land in inventory to which this subsection applies shall be assessed on the first assessment date immediately following the date on which the land developer acquires title to the land in inventory. Notwithstanding section 13(a) of this chapter, land in inventory to which this subsection applies is considered to be devoted to agricultural use and shall be assessed at the agricultural land base rate. After the initial assessment under this subsection, land in inventory to which this subsection applies shall be reassessed in accordance with subsection (i)."

Page 16, between lines 26 and 27, begin a new line blocked left and insert:

**"The county auditor shall deposit all money collected under this subsection in the county's property reassessment fund."**

Page 21, line 11, after "and the" insert **"immediately surrounding"**.

Page 21, line 12, after "acre" delete "," and insert **"on an individual parcel."**

Page 21, line 12, strike "that immediately surrounds that".

Page 21, strike line 13.

Page 25, line 15, after "and the" insert "**immediately surrounding**".

Page 25, line 15, after "acre" delete "," and insert "**on an individual parcel.**".

Page 25, line 15, strike "that immediately".

Page 25, strike line 16.

Page 28, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 23. IC 6-1.1-15-1.1, AS ADDED BY P.L.232-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.1. (a) A taxpayer may appeal an assessment of a taxpayer's tangible property by filing a notice in writing with the township assessor, or the county assessor if the township is not served by a township assessor. Except as provided in subsection (e), an appeal under this section may raise any claim of an error related to the following:

- (1) The assessed value of the property.
- (2) The assessment was against the wrong person.
- (3) The approval, denial, or omission of a deduction, credit, exemption, abatement, or tax cap.
- (4) A clerical, mathematical, or typographical mistake.
- (5) The description of the real property.
- (6) The legality or constitutionality of a property tax or assessment.

A written notice under this section must be made on a form designated by the department of local government finance. A taxpayer must file a separate petition for each parcel.

(b) A taxpayer may appeal an error in the assessed value of the property under subsection (a)(1) any time after the official's action, but not later than the following:

- (1) For assessments before January 1, 2019, the earlier of:
  - (A) forty-five (45) days after the date on which the notice of assessment is mailed by the county; or
  - (B) forty-five (45) days after the date on which the tax statement is mailed by the county treasurer, regardless of whether the assessing official changes the taxpayer's assessment.
- (2) For assessments **of real property** after December 31, 2018, the earlier of:
  - (A) June 15 of the assessment year, if the notice of assessment is mailed by the county before May 1 of the assessment year; or
  - (B) June 15 of the year in which the tax statement is mailed by the county treasurer, if the notice of assessment is mailed by the county on or after May 1 of the assessment year.

**(3) For assessments of personal property, forty-five (45) days after the date on which the county mails the notice under IC 6-1.1-3-20.**

A taxpayer may appeal an error in the assessment under subsection (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6) not later than three (3) years after the taxes were first due.

(c) Except as provided in subsection (d), an appeal under this section applies only to the tax year corresponding to the tax statement or other notice of action.

(d) An appeal under this section applies to a prior tax year if a county official took action regarding a prior tax year, and such action is reflected for the first time in the tax statement. A taxpayer who has timely filed a written notice of appeal under this section may be required to file a petition for each tax year, and each petition filed later must be considered timely.

(e) A taxpayer may not appeal under this section any claim of error related to the following:

- (1) The denial of a deduction, exemption, abatement, or credit if the authority to approve or deny is not vested in the county board, county auditor, county assessor, or township assessor.
- (2) The calculation of interest and penalties.
- (3) A matter under subsection (a) if a separate appeal or review process is statutorily prescribed.

However, a claim may be raised under this section regarding the omission or application of a deduction approved by an authority other than the county board, county auditor, county assessor, or township assessor under subdivision (2).

(f) The filing of a written notice under this section constitutes a request by the taxpayer for a preliminary informal meeting with the township assessor, or the county assessor if the township is not served by a township assessor.

(g) A county or township official who receives a written notice under this section shall forward the notice to the county board.

SECTION 24. IC 6-1.1-15-4, AS AMENDED BY P.L.86-2018, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board shall conduct a hearing at its earliest opportunity. The Indiana board may correct any errors that may have been made and adjust the assessment or exemption in accordance with the correction.

(b) If the Indiana board conducts a site inspection of the property as part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board is not required to assess the property in question. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the county assessor. The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing unless the parties agree to a shorter period. With respect to a petition for review filed by a county assessor, the county board that made the determination under review under this section may file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the county board in filing the amicus curiae brief shall be paid from the property reassessment fund under IC 6-1.1-4-27.5 of the county in which the property is located. The executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment or exemption is under appeal is subject to assessment by that taxing unit.

(c) If a petition for review does not comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days

from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(d) After the hearing, the Indiana board shall give the taxpayer, the county assessor, and any entity that filed an amicus curiae brief:

- (1) notice, by mail, of its final determination; and
- (2) for parties entitled to appeal the final determination, notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

(e) ~~Except as provided in subsection (f);~~ The Indiana board shall conduct a hearing not later than ~~nine (9) months~~ **one (1) year** after a petition in proper form is filed with the Indiana board. ~~excluding any time due to a delay reasonably caused by the petitioner.~~

(f) ~~With respect to an appeal of a real property assessment that takes effect on the assessment date on which a reassessment of real property takes effect under IC 6-1.1-4-4.2; the Indiana board shall conduct a hearing not later than one (1) year after a petition in proper form is filed with the Indiana board; excluding any time due to a delay reasonably caused by the petitioner.~~

(g) ~~(f)~~ **Except as provided in subsection (h);** The Indiana board shall ~~make issue~~ a determination not later than the later of:

- (1) ninety (90) days after the hearing; or
- (2) the date set in an extension order issued by the Indiana board. **The board may not extend the date by more than one hundred eighty (180) days.**

(h) ~~With respect to an appeal of a real property assessment that takes effect on the assessment date on which a reassessment of real property takes effect under IC 6-1.1-4-4.2; the Indiana board shall make a determination not later than the later of:~~

- ~~(1) one hundred eighty (180) days after the hearing; or~~
- ~~(2) the date set in an extension order issued by the Indiana board.~~

**(g) The time periods described in subsections (e) and (f) do not include any period of time that is attributable to a party's:**

- (1) request for a continuance, stay, extension, or summary disposition;**
- (2) consent to a case management order, stipulated record, or proposed hearing date;**
- (3) failure to comply with the board's orders or rules; or**
- (4) waiver of a deadline.**

(i) ~~(h)~~ **The Indiana board may not extend the final determination date under subsection (g) or (h) by more than one hundred eighty (180) days. If the Indiana board fails to make a final determination take action required under subsection (e) or (f), within the time allowed by this section, the entity that initiated the petition may:**

- (1) take no action and wait for the Indiana board to ~~make~~ hear the matter and issue a final determination; or**
- (2) petition for judicial review under section 5 of this chapter.**

**(i) This subsection applies when the board has not held a hearing. A person may not seek judicial review under**

**subsection (h)(2) until the person:**

- (1) requests a hearing in writing; and**
- (2) sixty (60) days have passed after the person requests a hearing under subdivision (1) and the matter has not been heard or otherwise extended under subsection (g).**

(j) A final determination must include separately stated findings of fact for all aspects of the determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(k) The Indiana board may limit the scope of the appeal to the issues raised in the petition and the evaluation of the evidence presented to the county board in support of those issues only if all parties participating in the hearing required under subsection (a) agree to the limitation. A party participating in the hearing required under subsection (a) is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the county board.

(l) The Indiana board may require the parties to the appeal:

- (1) to file not more than five (5) business days before the date of the hearing required under subsection (a) documentary evidence or summaries of statements of testimonial evidence; and
- (2) to file not more than fifteen (15) business days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

(m) A party to a proceeding before the Indiana board shall provide to all other parties to the proceeding the information described in subsection (l) if the other party requests the information in writing at least ten (10) days before the deadline for filing of the information under subsection (l).

(n) The Indiana board may base its final determination on a stipulation between the respondent and the petitioner. If the final determination is based on a stipulated assessed valuation of tangible property, the Indiana board may order the placement of a notation on the permanent assessment record of the tangible property that the assessed valuation was determined by stipulation. The Indiana board may:

- (1) order that a final determination under this subsection has no precedential value; or
- (2) specify a limited precedential value of a final determination under this subsection.

(o) If a party to a proceeding, or a party's authorized representative, elects to receive any notice under this section by electronic mail, the notice is considered effective in the same manner as if the notice had been sent by United States mail, with postage prepaid, to the party's or representative's mailing address of record.

(p) At a hearing under this section, the Indiana board shall admit into evidence an appraisal report, prepared by an appraiser, unless the appraisal report is ruled inadmissible on grounds besides a hearsay objection. This exception to the hearsay rule shall not be construed to limit the discretion of the Indiana board, as trier of fact, to review the probative value of an appraisal report.

SECTION 25. IC 6-1.1-15-5, AS AMENDED BY P.L.219-2007, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Not later than fifteen (15) days after the Indiana board gives notice of its final determination under section 4 of this chapter to the party or the maximum allowable time for the issuance of a final determination by the Indiana board under section 4 of this chapter expires, a party to the proceeding may request a rehearing before the Indiana board. The Indiana board may conduct a rehearing and affirm or modify its final determination, giving the same notices after the rehearing as are required by section 4 of this chapter. The Indiana board has fifteen (15) days after receiving a petition for a rehearing to determine whether to grant a rehearing. Failure to grant a rehearing not later than fifteen (15) days after receiving the petition shall be treated as a final determination to deny the petition. A petition for a rehearing does not toll the time in which to file a petition for judicial review unless the petition for rehearing is granted. If the Indiana board determines to rehear a final determination, the Indiana board:

- (1) may conduct the additional hearings that the Indiana board determines necessary or review the written record without additional hearings; and
- (2) shall issue a final determination not later than ninety (90) days after notifying the parties that the Indiana board will rehear the final determination.

If the Indiana board fails to make a final determination within the time allowed under subdivision (2), the entity that initiated the petition for rehearing may take no action and wait for the Indiana board to make a final determination or petition for judicial review under subsection (g).

(b) A party may petition for judicial review of the final determination of the Indiana board regarding the assessment or exemption of tangible property. In order to obtain judicial review under this section, a party must:

- (1) file a petition with the Indiana tax court;
- (2) serve a copy of the petition on:
  - (A) the county assessor;
  - (B) the attorney general; and
  - (C) any entity that filed an amicus curiae brief with the Indiana board; and
- (3) file a written notice of appeal with the Indiana board informing the Indiana board of the party's intent to obtain judicial review.

Petitions for judicial review may be consolidated at the request of the appellants if it can be done in the interest of justice. The department of local government finance may intervene in an action taken under this subsection if the interpretation of a rule of the department is at issue in the action. The county assessor is a party to the review under this section.

(c) Except as provided in subsection (g), to initiate a proceeding for judicial review under this section, a party must take the action required by subsection (b) not later than:

- (1) forty-five (45) days after the Indiana board gives the person notice of its final determination, unless a rehearing is conducted under subsection (a); or
- (2) forty-five (45) days after the Indiana board gives the

person notice under subsection (a) of its final determination, if a rehearing is conducted under subsection (a) or the maximum time elapses for the Indiana board to make a determination under this section.

(d) The failure of the Indiana board to conduct a hearing within the period prescribed in section 4(e) ~~or 4(f)~~ of this chapter does not constitute notice to the party of an Indiana board final determination.

(e) The county assessor may petition for judicial review to the tax court in the manner prescribed in this section.

(f) The county assessor may not be represented by the attorney general in a judicial review initiated under subsection (b) by the county assessor.

(g) If the maximum time elapses for the Indiana board to give notice of its final determination under subsection (a) or section 4 of this chapter, a party may initiate a proceeding for judicial review by taking the action required by subsection (b) at any time after the maximum time elapses. If:

- (1) a judicial proceeding is initiated under this subsection; and
- (2) the Indiana board has not issued a determination;

the tax court shall determine the matter de novo."

Page 46, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 39. IC 6-1.1-18-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 27. (a) This section applies only to the North Harrison Fire Protection Territory in Harrison County.**

**(b) The executive of the provider unit may, upon approval by the fiscal body of the provider unit, submit a petition to the department of local government finance for an increase in the provider unit's maximum permissible ad valorem property tax levy for purposes of IC 36-8-19 for property taxes due and payable in 2020. A petition must be submitted not later than September 1, 2019.**

**(c) If a petition is submitted under subsection (b), the department of local government finance shall increase the provider unit's maximum permissible ad valorem property tax levy for purposes of IC 36-8-19 for property taxes due and payable in 2020. The amount of the increase under this section is equal to the difference between:**

- (1) the provider unit's maximum permissible ad valorem property tax levy for purposes of IC 36-8-19 for property taxes due and payable in 2019; and**
- (2) the provider unit's ad valorem property tax levy for purposes of IC 36-8-19 as certified by the department of local government finance for property taxes due and payable in 2019.**

**(d) The adjustment under this section is a temporary, one (1) time increase to the provider unit's maximum permissible ad valorem property tax levy for purposes of IC 36-8-19.**

**(e) This section expires June 30, 2022."**

Page 47, line 35, after "township," insert "**and before August 1, 2019,**"

Page 48, between lines 29 and 30, begin a new paragraph and insert:



"SECTION 42. IC 6-1.1-20.3-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17. If the distressed unit appeal board delays or suspends, for a period determined by the board, any payments on loans or advances from the common school fund under section 6.8 of this chapter, the distressed unit appeal board may recommend to the state board of finance that the term of the loans or advances be extended. If the distressed unit appeal board makes a recommendation to extend the term of the loan or advances, the state board of finance may extend the term of the loans or advances for a period of time that is equal to or less than the number of months for which the payments are delayed or suspended.**"

Page 51, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 44. IC 6-1.1-23.5-9, AS ADDED BY P.L.235-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9. (a)** At least sixty (60) days after the date on which the written demands are issued by a county treasurer under section 5 of this chapter, the county treasurer shall prepare a notice in accordance with this section that declares the county treasurer's intention to sell the mobile homes on the tentative auction list under section 4 of this chapter.

(b) The notice required by subsection (a) must contain the following:

- (1) A list of mobile homes eligible for sale under this chapter.
- (2) A statement that the mobile homes included in the list will be sold at public auction to the highest bidder.
- (3) A statement, for informational purposes only, of the last known location of each mobile home by street address, if any, and lot number, if any.
- (4) A statement that the county does not warrant the accuracy of the street address and lot number at which the mobile home was last known to be located.
- (5) A statement indicating:
  - (A) the name of the owner of each mobile home with a single owner; or
  - (B) the name of at least one (1) of the owners of each mobile home with multiple owners.
- (6) A statement of the procedure to be followed for obtaining or objecting to a judgment and order of sale, which must include the following:
  - (A) A statement that the county treasurer will apply on or after a date designated in the notice for a court judgment against the mobile homes for an amount that is **not less than the amount of the delinquent personal property taxes, penalties, and set by the county executive and includes** collection expenses attributable to the mobile homes, and for an order to sell the mobile homes at public auction to the highest bidder.
  - (B) A statement that any defense to the application for judgment must be:
    - (i) filed with the court; and
    - (ii) served on the county treasurer; before the date designated as the earliest date on which

the application for judgment may be filed.

(C) A statement that the county treasurer is entitled to receive all pleadings, motions, petitions, and other filings related to the defense to the application for judgment.

(D) A statement that the court will set a date for a hearing at least seven (7) days before the advertised public auction date and that the court will determine any defenses to the application for judgment at the hearing.

(7) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all mobile homes have been offered for sale.

(8) A statement that the sale will take place at the times and dates designated in the notice. Whenever the public auction is to be conducted as an electronic sale, the notice must include a statement indicating that the public auction will be conducted as an electronic sale and a description of the procedures that must be followed to participate in the electronic sale.

(9) A statement that if the mobile home is sold for an amount that exceeds the sum of the delinquent personal property taxes, penalties, and collection expenses attributable to the mobile home, the owner of record of the mobile home who is divested of ownership at the time the mobile home is sold may have a right to the amount of the sales price minus the amount remaining after the delinquent property taxes, penalties, and collection expenses are paid."

Page 52, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 45. IC 6-1.1-23.5-18, AS ADDED BY P.L.235-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 18. (a)** Whenever:

- (1) a mobile home assessed as personal property is offered for sale under this chapter; and
- (2) no bid is received;

the county auditor shall prepare a certified statement of the actual collection costs incurred by the county.

(b) The county auditor shall place the amount specified in the certified statement prepared under subsection (a) on the tax duplicate of the mobile home assessed as personal property that is offered but not sold at the sale. The amount shall be collected as personal property taxes are collected and paid into the county general fund.

**(c) Ownership of the mobile home and liability for the delinquent taxes remain with the taxpayer whose delinquent payment of taxes causes the tax sale."**

Page 58, line 37, reset in roman "indicate".

Page 58, line 37, delete "declare".

Page 58, line 38, reset in roman "or, for purposes of the".

Page 58, reset in roman line 39.

Page 58, line 40, reset in roman "IC 6-1.1-3-7.2(f)".

Page 58, line 41, reset in roman "either".

Page 58, line 42, reset in roman "indication".

Page 58, line 42, delete "declaration".

Page 58, line 42, reset in roman "or, for purposes of the January".

Page 59, line 1, reset in roman "1, 2016, assessment date, the certification,".

Page 62, line 5, reset in roman "may".

Page 62, line 5, delete "shall".

Page 66, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 61. IC 6-3.6-11-7.5 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 the allocation of the tax revenue under IC 6-3.6-6 that is dedicated to certified shares and allocated among the civil taxing units in the county.**

**(b) Notwithstanding any other provision of this article, an adopting body (as defined in IC 6-3.6-3-1(a)(1) and IC 6-3.6-3-1(a)(2)) may adopt an ordinance to distribute certified shares as set forth under this section.**

**(c) If an adopting body adopts an ordinance under subsection (b), the certified shares that each municipality and township in the county is entitled to receive equals the total amount of revenues that are to be distributed as certified shares to municipalities and townships as determined under STEP FIVE of the following formula:**

**STEP ONE: Determine the municipality's or township's percentage of total population compared to other municipalities or townships in the county multiplied by:**

**(A) for the first calendar year after the adopting body adopts the ordinance under subsection (c), ten percent (10%);**

**(B) for the second calendar year after the adopting body adopts the ordinance under subsection (e), twenty percent (20%);**

**(C) for the third calendar year after the adopting body adopts the ordinance under subsection (e), thirty percent (30%); or**

**(D) for the fourth calendar year and each subsequent calendar year after the adopting body adopts the ordinance under subsection (e), thirty-three and thirty-three hundredths percent (33.33%).**

**STEP TWO: Determine the municipality's or township's percentage of total net assessed value compared to other municipalities or townships in the county multiplied by:**

**(A) for the first calendar year after the adopting body adopts the ordinance under subsection (e), ten percent (10%);**

**(B) for the second calendar year after the adopting body adopts the ordinance under subsection (e), twenty percent (20%);**

**(C) for the third calendar year after the adopting body adopts the ordinance under subsection (e), thirty percent (30%); or**

**(D) for the fourth calendar year and each subsequent calendar year after the adopting body adopts the ordinance under subsection (e), thirty-three and thirty-three hundredths percent (33.33%).**

**STEP THREE: Determine the municipality's or township's percentage of attributed allocation amount compared to other municipalities or townships in the**

**county multiplied by:**

**(A) for the first calendar year after the adopting body adopts the ordinance under subsection (e), eighty percent (80%);**

**(B) for the second calendar year after the adopting body adopts the ordinance under subsection (e), sixty percent (60%);**

**(C) for the third calendar year after the adopting body adopts the ordinance under subsection (e), forty percent (40%); or**

**(D) for the fourth calendar year and each subsequent calendar year after the adopting body adopts the ordinance under subsection (e), thirty-three and thirty-four hundredths percent (33.34%).**

**STEP FOUR: Determine for each municipality or township the sum of the STEP ONE, STEP TWO, and STEP THREE percentages for the applicable calendar year.**

**STEP FIVE: Determine for each municipality or township the product of:**

**(A) the STEP FOUR percentage; multiplied by**

**(B) total amount of revenues that are to be distributed as certified shares to all municipalities in the county or all townships in the county, whichever is applicable."**

Page 67, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 65. IC 6-8.1-3-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 26. The department shall, before September 1 of each year, submit a report to the interim study committee on fiscal policy established by IC 2-5-1.3-4 summarizing the department's systems modifications concerning geographic information systems mapping of local income tax collection for purposes of allocating local income tax based on the residency of a taxpayer."**

Page 73, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 66. IC 12-29-2-2, AS AMENDED BY P.L.76-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: **Sec. 2. (a) A county shall provide funding for the operation of community mental health centers in the amount determined under subsection (b) or, in the case of Marion County for calendar year 2019, calendar year 2020, and calendar year 2021, the amount determined under subsection (c).**

**(b) Except as provided in subsection (c), the amount of funding under subsection (a) for a calendar year is the result equal to the following:**

**(1) The county's maximum appropriation amount for the operation of community mental health centers determined under this chapter in the previous calendar year, if the STEP THREE result under the following formula is less than or equal to zero (0):**

**STEP ONE: Determine the amount of the certified levy for funds subject to the civil maximum levy in the immediately preceding calendar year minus the**

amount of credits granted under IC 6-1.1-20.6 that were allocated to funds subject to the civil maximum levy in the immediately preceding calendar year, as determined by the department of local government finance under IC 6-1.1-20.6-11.

**STEP TWO:** Determine the amount of the certified levy for funds subject to the civil maximum levy in the year prior to the immediately preceding calendar year minus the amount of credits granted under IC 6-1.1-20.6 that were allocated to funds subject to the civil maximum levy in the year prior to the immediately preceding calendar year, as determined by the department of local government finance under IC 6-1.1-20.6-11.

**STEP THREE:** Determine the remainder of the STEP ONE amount minus the STEP TWO amount.

**(+) (2) If the STEP THREE result under the formula in subdivision (1) is greater than zero (0), then** the county's maximum appropriation amount for the operation of community mental health centers determined under this chapter in the previous calendar year, multiplied by **the greater of:**

**(2) the greater of:**

(A) one (1); or

(B) the result of **STEP SIX of the following formula:**

- (i) the amount of the county's general fund property tax levy that was imposed in the previous calendar year, minus the amount of credits granted under IC 6-1.1-20.6 that were allocated to the county general fund in the previous calendar year, divided by
- (ii) the amount of the county's general fund property tax levy that was imposed in the year preceding the previous calendar year, minus the amount of credits granted under IC 6-1.1-20.6 that were allocated to the county general fund in the year preceding the previous calendar year.

**STEP ONE:** Determine the assessed value growth quotient for the year under IC 6-1.1-18.5 minus one (1).

**STEP TWO:** Determine the amount of the certified levy for funds subject to the civil maximum levy in the immediately preceding calendar year minus the amount of credits granted under IC 6-1.1-20.6 that were allocated to funds subject to the civil maximum levy in the immediately preceding calendar year, as determined by the department of local government finance under IC 6-1.1-20.6-11.

**STEP THREE:** Determine the amount of the certified levy for funds subject to the civil maximum levy in the immediately preceding calendar year.

**STEP FOUR:** Determine the result of the STEP TWO amount divided by the STEP THREE amount.

**STEP FIVE:** Determine the product of the STEP ONE amount multiplied by the STEP FOUR result.

**STEP SIX: Determine the STEP FIVE amount plus one (1).**

The department of local government finance shall verify the maximum appropriation calculation under this subsection as part of the certification of the county's budget under IC 6-1.1-17. **For taxes due and payable in 2020, the department of local government finance shall calculate the maximum appropriation under this subsection as if the taxes were due and payable in 2019.**

(c) This subsection applies only in calendar year 2019, calendar year 2020, and calendar year 2021. In the case of Marion County, the amount of funding under subsection (a) for a calendar year is determined under this subsection and is equal to the following:

(1) For calendar year 2019, the sum of:

(A) the actual amount of the appropriations by the county for community mental health centers under this chapter in 2018; plus

(B) the result of thirty-three percent (33%) multiplied by the result of:

- (i) the amount that would have, except for the application of this subsection, applied to the county under subsection (b) for calendar year 2019; minus
- (ii) the actual amount of the appropriations by the county for community mental health centers under this chapter in 2018.

(2) For calendar year 2020, the sum of:

(A) the actual amount of the appropriations by the county for community mental health centers under this chapter in 2019; plus

(B) the result of sixty-six percent (66%) multiplied by the result of:

- (i) the amount that would have, except for the application of this subsection, applied to the county under subsection (b) for calendar year 2020; minus
- (ii) the actual amount of the appropriations by the county for community mental health centers under this chapter in 2019.

(3) For calendar year 2021, the amount that would have, except for the application of this subsection, applied to the county under subsection (b) for calendar year 2021.

The department of local government finance shall verify the maximum appropriation calculation under this subsection as part of the certification of the county's budget under IC 6-1.1-17. This subsection expires January 1, 2022.

(d) The funding provided by a county under this section shall be used solely for:

- (1) the operations of community mental health centers serving the county; or
- (2) contributing to the nonfederal share of medical assistance payments to community mental health centers serving the county."

Page 80, delete lines 25 through 42.

Delete page 81, begin a new paragraph and insert:

"SECTION 75. IC 33-26-7-1, AS AMENDED BY P.L.154-2006, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. **(a) Subject to Notwithstanding IC 4-6-2-11 or IC 4-6-5-3, and the written**

~~approval of the attorney general~~, a township assessor, a county assessor, a county auditor, a member of a county property tax assessment board of appeals, or a county property tax assessment board of appeals that:

(1) made an original determination that is the subject of a judicial proceeding in the tax court; and

(2) is a defendant in a judicial proceeding in the tax court; may elect to be represented in the judicial proceeding by an attorney selected and paid by the defendant, the township, or the county.

**(b) For purposes of this section, a party identified in subsection (a) may elect to be represented by the office of the attorney general under a written agreement between the party and the office of the attorney general."**

Page 88, line 34, delete "Money" and insert "**Except as provided in IC 5-11-14-1, money**".

Page 89, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 88. IC 36-2-9-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) Before the auditor makes the endorsement required by IC 36-2-11-14, the auditor may require that a tax identification number identifying the affected real property be placed on an instrument that conveys, creates, encumbers, assigns, or otherwise disposes of an interest in or a lien on real property. The tax identification number may be established by the auditor with the approval of the state board of accounts. If the tax identification number is affixed to the instrument or if a tax identification number is not required, the auditor shall make the proper endorsement on demand.

(b) On request, a county auditor shall provide assistance in obtaining the proper tax identification number for instruments subject to this section.

(c) The tax administration number established by this section is for use in administering statutes concerning taxation of real property and is not competent evidence of the location or size of the real property affected by the instrument.

(d) The legislative body of a county ~~may~~ **shall** adopt an ordinance ~~authorizing requiring~~ the auditor to collect a fee in ~~an~~ **the** amount ~~that does not exceed five of ten dollars (\$5) (\$10)~~ for each:

(1) deed; or

(2) legal description of each parcel contained in the deed; for which the auditor makes a real property endorsement. This fee is in addition to any other fee provided by law. The auditor shall place ~~the~~ revenue received under this subsection in a dedicated fund for use in maintaining plat books, **in traditional or electronic format."**

Page 93, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 93. IC 36-4-3-7.1, AS AMENDED BY P.L.228-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019] : Sec. 7.1. Notwithstanding section 7(b) of this chapter, an ordinance adopted under section 4 **or 5.1** of this chapter takes effect immediately upon the expiration of the remonstrance and appeal period under section 11, 11.1, or 15.5 of this chapter and after

the publication, filing, and recording required by section 22(a) of this chapter if all of the following conditions are met:

(1) The annexed territory has no population.

(2) Ninety percent (90%) of the total assessed value of the land for property tax purposes has one (1) owner.

(3) The annexation is required to fulfill an economic development incentive package and to retain an industry through various local incentives, including urban enterprise zone benefits."

Page 93, between lines 40 and 41, begin a new paragraph and insert:

SECTION 101. IC 36-7-14-22.8, AS ADDED BY P.L.183-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22.8. (a) This section applies only in Lake County as a ~~three (3) year~~ pilot program to obtain experience with the method of disposing of real property set forth in this section.

(b) A redevelopment commission may establish a new opportunity area in accordance with the criteria and procedures set forth in this section. A redevelopment commission may dispose of property to which section 22.5 of this chapter applies as provided in this section if the property is located in a new opportunity area.

(c) A redevelopment commission may determine that the following findings apply to an area within the jurisdiction of the redevelopment commission:

(1) At least one-third (1/3) of the parcels in the area are vacant or abandoned, as determined under IC 36-7-37 or another statute.

(2) At least one-third (1/3) of the parcels in the area have at least one (1) of the following characteristics:

(A) The dwelling on the parcel is not permanently occupied.

(B) Two (2) or more property tax payments owed on the parcel are delinquent.

(3) None of the properties in the area have been annexed within the immediately preceding five (5) years over a remonstrance of a majority of the land owners within the annexed area.

(4) The area cannot be improved by the ordinary operation of private enterprise because of:

(A) the existence of conditions that lower the value of the land below that of nearby land; or

(B) other conditions similar to the conditions described in clause (A).

(5) Each of the parcels in the area are residential parcels that are less than one (1) acre in size.

(6) The property tax collection rate over the immediately preceding two (2) years has been less than sixty percent (60%).

(7) The sale of parcels that are held by the redevelopment commission and are located in the new opportunity area to individuals and other private entities will benefit the public health and welfare of the residents of the surrounding area and the area governed by the commission.

(d) Whenever a redevelopment commission makes the findings described in subsection (c), a redevelopment

commission may adopt a resolution declaring the area to be a new opportunity area.

(e) After a redevelopment commission adopts a resolution declaring an area to be a new opportunity area, the redevelopment commission may dispose of properties to which section 22.5 of this chapter applies that are located in the new opportunity area by using the following procedure:

(1) The redevelopment commission shall give notice in accordance with IC 5-3-1 twice by publication, one (1) week apart, with the last publication occurring at least ten (10) days before the date on which the redevelopment commission intends to convene the meeting described in subdivision (2). The notice must include the following:

(A) The date, time, and place of the meeting described in subdivision (2).

(B) A description of each parcel to be offered for sale by parcel number and common address.

(C) A statement that the redevelopment commission:

(i) is accepting bids on the properties described under clause (B); and

(ii) intends to sell each property described under clause (B) to the highest responsible and responsive bidder.

(2) The redevelopment commission shall hold a meeting on the date and at the time and place specified in the notice described in subdivision (1) at which bids for the properties described in the notice shall be opened and read aloud. The redevelopment commission may thereafter sell each property to the highest responsible and responsive bidder.

(f) This section expires ~~July 1, 2019~~ **July 1, 2022**."

Page 126, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 105. IC 36-7-30-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) **Except as provided in subsection (e)**, a unit may establish a board of five (5) members to be known as the "\_\_\_\_\_ Reuse Authority", designating the name of the military base. Once a unit has established a reuse authority for a military base, no other unit may create a reuse authority for that portion of the military base that lies within the boundaries of that unit.

(b) All of the territory within the corporate boundaries of a municipality constitutes a taxing district for the purpose of levying and collecting special benefit taxes for reuse purposes as provided in this chapter. All of the territory in a county constitutes a taxing district for a county.

(c) All of the taxable property within a taxing district is considered to be benefited by reuse projects carried out under this chapter to the extent of the special taxes levied under this chapter.

(d) A county having a consolidated city may not establish a reuse authority for a military base located in an excluded city without the approval of the legislative body of the excluded city.

**(e) The board of a municipal military base reuse authority in an excluded city that is located in a county with a consolidated city consists of seven (7) members.**

SECTION 106. IC 36-7-30-4, AS AMENDED BY P.L.42-2011, SECTION 79, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (c), the five (5) members of a municipal military base reuse authority shall be appointed as follows:

(1) Three (3) members shall be appointed by the municipal executive.

(2) Two (2) members shall be appointed by the municipal legislative body.

(b) The five (5) members of a county military base reuse authority shall be appointed by the county executive.

(c) The ~~five (5)~~ **seven (7)** members of a municipal military base reuse authority in an excluded city that is located in a county with a consolidated city shall be appointed as follows:

(1) ~~One (1) member~~ **Two (2) members** shall be appointed by the executive of the excluded city.

(2) ~~One (1) member~~ **Two (2) members** shall be appointed by the legislative body of the excluded city.

(3) One (1) member shall be appointed by the consolidated city executive.

(4) One (1) member shall be appointed by the consolidated city legislative body.

(5) One (1) member shall be appointed by the board of county commissioners.

However, at least three (3) of the members must be residents of the excluded city."

Page 149, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 126. [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)] **(a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.**

**(b) This SECTION applies to assessment dates after December 31, 2003, and before March 1, 2015.**

**(c) As used in this SECTION, "eligible property" means any real property that:**

**(1) is owned, occupied, and used by a taxpayer that is a church or religious society and is used for one (1) or more of the purposes described in IC 6-1.1-10-16 or IC 6-1.1-10-21;**

**(2) consists of three (3) parcels, and at least one (1) of the parcels was purchased by the taxpayer in 2005;**

**(3) was exempt from property taxes under IC 6-1.1-10-16 or IC 6-1.1-10-21 for the March 1, 2015, assessment date; and**

**(4) would have been eligible for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-21 for assessment dates after December 31, 2003, and before March 1, 2015, if an exemption application had been properly and timely filed under IC 6-1.1 for the property.**

**(d) Before June 1, 2019, the owner of eligible property may file a property tax exemption application and supporting documents claiming a property tax exemption under this SECTION for the eligible property for an assessment date after December 31, 2003, and before March 1, 2015.**

**(e) A property tax exemption application filed as provided in subsection (d) is considered to have been properly and timely filed for each assessment date.**

(f) The following apply if the owner of eligible property files a property tax exemption application as provided in subsection (d):

(1) The property tax exemption for the eligible property shall be allowed and granted for the applicable assessment date by the county assessor and county auditor of the county in which the eligible property is located.

(2) The owner of the eligible property is not required to pay any property taxes, penalties, or interest with respect to the eligible property for the applicable assessment date.

(g) The exemption allowed by this SECTION shall be applied without the need for any further ruling or action by the county assessor, the county auditor, or the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review.

(h) To the extent the owner of the eligible property has paid any property taxes, penalties, or interest with respect to the eligible property for an applicable date and to the extent that the eligible property is exempt from taxation as provided in this SECTION, the owner of the eligible property is entitled to a refund of the amounts paid. The owner is not entitled to any interest on the refund under IC 6-1.1 or any other law to the extent interest has not been paid by or on behalf of the owner. Notwithstanding the filing deadlines for a claim under IC 6-1.1-26, any claim for a refund filed by the owner of eligible property under this SECTION before June 1, 2019, is considered timely filed. The county auditor shall pay the refund due under this SECTION in one (1) installment.

(i) This SECTION expires June 30, 2020."

Renumber all SECTIONS consecutively.

(Reference is to HB 1427 as printed February 15, 2019.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

HOLDMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Engrossed House Bill 1486, 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 16-18-2-253.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 253.6. For purposes of IC 16-19-3:**

(1) "NSF/ANSI 40" refers to the standard of the American National Standards Institute and NSF International that establishes minimum:

(A) materials requirements;

(B) design requirements;

(C) construction requirements; and

(D) performance requirements;

for residential wastewater treatment systems;

(2) "NSF/ANSI 245" refers to the standard of the American National Standards Institute and NSF International that establishes total nitrogen reduction requirements for residential wastewater treatment systems with rated capacities of at least four hundred (400) but not more than one thousand five hundred (1,500) gallons per day; and

(3) "NSF/ANSI 350" refers to the standard of the American National Standards Institute and NSF International that establishes material, design, construction, and performance requirements for onsite residential and commercial water reuse treatment systems."

Page 2, line 16, delete "state department." and insert "governor."

Page 2, line 26, delete "state department." and insert "governor."

Page 2, line 30, delete "state department." and insert "governor."

Page 4, after line 30, begin a new paragraph and insert:

"(j) If:

(1) a particular TNI meets the requirements of NSF/ANSI 40, NSF/ANSI 245, or NSF/ANSI 350;

(2) the proposed Indiana design and installation manual for the TNI meets the vertical and horizontal separation, sizing, and soil loading criteria of the state department; and

(3) an Indiana professional engineer registered under IC 25-31-1 prepares site specific plans for the use of the TNI for a residential or commercial application;

the plans prepared under subdivision (3) shall be approved by the local health department of the county, city, or multiple county unit in which the TNI would be installed, in the case of a residential application, or by the state department, in the case of a commercial application."

Renumber all SECTIONS consecutively.

(Reference is to HB 1486 as reprinted February 21, 2019.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MESSMER, Chair

Report adopted.

#### SENATE MOTION

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

SR 76 Senator Charbonneau  
Congratulating the Porter County Career and Technical Center Video Production and Media Studies program.

SR 77 Senator Crider  
Congratulating the Warren Central H.S. Boys Basketball team.

SR 78 Senator Crider  
Congratulating the Warren Central H.S. Girls Basketball team.

- SR 79 Senator Crider  
Congratulating the Warren Central H.S. Football team.
- SR 80 Senator Mishler  
Honoring Jim Kessler.
- SCR 53 Senator Bohacek  
Congratulating the Marquette Catholic H.S. girls basketball team.
- SCR 67 Senator L. Brown  
Congratulating the Fort Wayne Carroll H.S. gymnastics team.
- SCR 68 Senator Becker  
Recognizing Karen Vaughn.
- SCR 69 Senator L. Brown  
Congratulating the Fort Wayne Carroll H.S. Show Choirs.
- SCR 70 Senator L. Brown  
Congratulating the Fort Wayne Carroll H.S. girls cross country team.
- SCR 71 Senator L. Brown  
Congratulating the Fort Wayne Carroll H.S. Culinary Arts Team.
- SCR 72 Senator L. Brown  
Congratulating the Fort Wayne Carroll H.S. cheerleading team.
- HCR 26 Senator Holdman  
Recognizing and congratulating Pearl E. Bassett as a civil rights champion and pillar of Grant County, Indiana.
- HCR 53 Senator J.D. Ford  
Congratulating Dr. Jeff Butts as the 2019 Indiana Superintendent of the Year.

BRAY

Motion prevailed.

**RESOLUTIONS ON FIRST READING**

**Senate Resolution 76**

Senate Resolution 76, introduced by Senators Charbonneau and Tallian:

A SENATE RESOLUTION congratulating the Porter County Career and Technical Center ("PCCTC") Video Production and Media Studies program on being named the 2019 Television School of the Year by the Indiana Association of School Broadcasters.

*Whereas, The Porter County Career and Technical Center Video Production and Media Studies program was named the 2019 Television School of the Year by the Indiana Association of School Broadcasters;*

*Whereas, More than 900 students and instructors from 45 Indiana high schools and career centers participate in this annual competition;*

*Whereas, The PCCTC Video Production and Media Studies*

*program won the Television School of the Year award for the fourth time in five years, and the second year in a row;*

*Whereas, Additionally, PCCTC Video Production and Media Studies students won 1st place in numerous individual categories, including television package, photojournalism, music video, television copywriting, video magazine, and sound design; and*

*Whereas, The Porter County Career and Technical Center's Video Production and Media Studies program has a tradition of collaboration between talented, creative, and hardworking students from 10 high schools in Porter County: Therefore,*

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

SECTION 1. That the Indiana Senate congratulates the Porter County Career and Technical Center's Video Production and Media Studies program on being named the 2019 Television School of the Year by the Indiana Association of School Broadcasters.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Bob Phelps and each student of the Porter County Career and Technical Center's Video Production and Media Studies program.

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

**Senate Resolution 77**

Senate Resolution 77, introduced by Senator Crider:

A SENATE RESOLUTION congratulating the Warren Central High School Boys Basketball team on winning the 2018 Indiana High School Athletic Association ("IHSAA") Class 4A State Championship.

*Whereas, The Warren Central High School Boys Basketball team defeated Carmel High School in the 2018 IHSAA Class 4A State Championship at Bankers Life Fieldhouse;*

*Whereas, The Warriors beat the New Albany Bulldogs in a semi-state match-up by a score of 64-62;*

*Whereas, The Warren Central Warriors captured the 2018 IHSAA Class 4A title over the Carmel Greyhounds by a score of 54-48;*

*Whereas, Warren Central's defensive pressure proved too much for Carmel and the Warriors forced 20 Greyhound turnovers;*

*Whereas, The Warriors completed their impressive 2017-2018 season by remaining undefeated and posting a 32-0 record;*

*Whereas, The Warriors are the first team to remain undefeated throughout the season since 2009; and*

*Whereas, The Warriors Boys Basketball team claimed their first ever state title and helped Warren Central to become only the second school in IHSAA history to win both the girls and boys state titles in the same season: Therefore,*

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

SECTION 1. That the Indiana Senate congratulates the Warren Central High School Boys Basketball team on winning the 2018 IHSAA Class 4A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Warren Central High School Boys Basketball team.

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

#### **Senate Resolution 78**

Senate Resolution 78, introduced by Senator Crider:

A SENATE RESOLUTION congratulating the Warren Central High School Girls Basketball team on winning the 2018 Indiana High School Athletic Association ("IHSAA") Class 4A State Championship.

*Whereas, The Warren Central High School Girls Basketball team defeated Zionsville Community High School in the 2018 IHSAA Class 4A State Championship at Bankers Life Fieldhouse;*

*Whereas, The Warren Central Warriors clinched the 2018 IHSAA Class 4A title over the Zionsville Eagles by a score of 50-46;*

*Whereas, Warren Central's Shaila Beeler scored a game-high 21 points, which included three free throws in the final 38 seconds of the game;*

*Whereas, Warren Central's K'ja Talley scored 14 points to help lift the Warriors past the Eagles; and*

*Whereas, Maray Bell was awarded the prestigious Patricia L. Roy Mental Attitude Award for Class 4A Girls' Basketball due to her excellence in mental attitude, scholarship, leadership, and athletic ability; and*

*Whereas, Warren Central's 2018 IHSAA Class 4A State Championship is the program's first, but the 26<sup>th</sup> overall championship in the school's athletic history: Therefore,*

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

SECTION 1. That the Indiana Senate congratulates the Warren Central High School Girls Basketball team on winning the 2018 IHSAA Class 4A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Warren Central High School Girls Basketball team.

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

#### **Senate Resolution 79**

Senate Resolution 79, introduced by Senator Crider:

A SENATE RESOLUTION congratulating the Warren Central High School Football team on winning the 2018 Indiana High School Athletic Association ("IHSAA") Class 6A State Championship.

*Whereas, The Warren Central High School Football team defeated Carmel High School in the 2018 IHSAA Class 6A State Championship at Lucas Oil Stadium;*

*Whereas, The Warren Central Warriors beat the Center Grove Trojans by a score of 27-20 in a hard-fought Class 6A semistate game en route to Lucas Oil Stadium;*

*Whereas, The Warriors beat the Greyhounds by a score of 27-7, which capped off Warren Central's undefeated season of 14-0;*

*Whereas, The top-ranked Warriors allowed just 159 yards of total offense and forced two turnovers in the 2018 championship game in a dominating performance by their defense;*

*Whereas, Warren Central's senior running back, Romeir Elliott, rushed for 162 yards and two touchdowns during the championship game and finished his season with a total 2,980 yards and 40 touchdowns;*

*Whereas, Warren Central's quarterback, Jayden George, also lead the Warriors by throwing for 219 yards and two touchdowns on the way to victory; and*

*Whereas, This is the ninth state championship in program history for Warren Central, who is undefeated in all state finals appearances, and this is the fourth time that Warren Central has defeated Carmel in the state championship game: Therefore,*

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

SECTION 1. That the Indiana Senate congratulates the Warren Central High School Football team on winning the 2018 IHSAA Class 6A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Warren Central Football Team.

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

#### **Senate Resolution 80**

Senate Resolution 80, introduced by Senator Mishler:

A SENATE RESOLUTION honoring Jim Kessler upon his retirement as Head Men's Basketball Coach at Grace College.



*Whereas, After 42 years as Head Men's Basketball Coach at Grace College, Jim Kessler retired at the conclusion of the 2018-2019 season;*

*Whereas, After playing basketball for four years and graduating from Grace College in 1970, Kessler returned to his alma mater as Head Coach of the Lancers in 1977;*

*Whereas, Over the course of Coach Kessler's tenure, he became one of the most successful men's college basketball coaches in history, finishing his career 28th all-time with 788 victories, with 18 seasons with at least 20 wins, 19 national tournament appearances, and a 1992 NIAA National Championship;*

*Whereas, Coach Kessler's numerous accolades include being named Crossroads League Coach of the Year, NCCAA Regional Coach of the Year, NIAA Coach of the Year, and NCCAA Coach of the Year, and Coach Kessler has been inducted into the NIAA Hall of Fame, NCCAA Hall of Fame, and the inaugural class of the Grace College Athletic Hall of Fame;*

*Whereas, Affectionately called "Coach K" by his players and the community, Coach Kessler was also given the opportunity to represent Grace College as a court coach for USA Basketball's World University Games' Training Camp, helping select the final roster for the USA team;*

*Whereas, Off the court, Coach Kessler helps organize annual tournaments in Kosciusko County to raise funds and support for organizations like Habitat for Humanity and the Kosciusko County Care Cancer Fund, and, in recognition of his community service, Coach Kessler has received the Pete Thorne Memorial Award, and the National Association of Basketball Coaches Guardians of the Game National Award for Service;*

*Whereas, Coach Kessler's mission over his 42 year career was to help his players grow in their faith and as young men through mission trips, community service projects, in-season outreach opportunities, and Lancer Basketball Camps; and*

*Whereas, After retirement, Coach Kessler plans to spend time with his wife, Susanne, and their four daughters and twelve grandchildren: Therefore,*

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

SECTION 1. That the Indiana Senate honors Jim Kessler upon his retirement as Head Men's Basketball Coach at Grace College.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Jim Kessler and his family.

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

#### **Senate Concurrent Resolution 53**

Senate Concurrent Resolution 53, introduced by Senator Bohacek:

A CONCURRENT RESOLUTION congratulating the Marquette Catholic High School girls basketball team on winning the 2019 Indiana High School Athletic Association ("IHSAA") Class A state championship title.

*Whereas, The Marquette Catholic High School girls basketball team defeated Vincennes Rivet 57-36 to win the 2019 IHSAA Class A state championship title;*

*Whereas, To advance to the state championship game, the Blazers defeated Gary 21st Century, Westville, and Morgan Township to win the sectional championship, South Central (Union Mills) and Fremont to win the regional championship, and Northfield to win the semi-state championship;*

*Whereas, In a rematch of the 2018 championship game, Marquette Catholic held Vincennes Rivet to 28% shooting from the field, including 1 for 14 from 3-point range;*

*Whereas, Senior Sophia Nolan led the way for the Blazers with 26 points and 3 steals, including shooting 4 for 4 from behind the 3-point line, senior Emma Nolan contributed 12 points, senior Emmerly Joseph provided 6 assists, and senior Morgan Crook had 3 steals; and*

*Whereas, Led by head coach Katie Collignon, the Marquette Catholic Blazers finished the year with a 27-2 record to win its second state championship title in a row: 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 congratulates the Marquette Catholic High School girls basketball team on winning the 2019 IHSAA Class A state championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Marquette Catholic High School girls basketball team.

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 Boy.

#### **Senate Concurrent Resolution 67**

Senate Concurrent Resolution 67, introduced by Senator L. Brown:

A CONCURRENT RESOLUTION congratulating the Fort Wayne Carroll High School gymnastics team on winning the 2019 Indiana High School Athletic Association ("IHSAA") regional championship.

*Whereas, The Fort Wayne Carroll High School gymnastics team took home the 2019 IHSAA Huntington Regional Championship;*

*Whereas, After finishing second in the sectional championship to Homestead, the Chargers won the regional by defeating Homestead and Angola to advance to the state championship;*

*Whereas, Fort Wayne Carroll gymnasts took first place in the vault, bars, and beam events, and second place in the floor routine to win the championship;*

*Whereas, Individually, senior Ashelynn Steinke finished first in the beam event with a score of 9.375 out of 10; and*

*Whereas, The Chargers' regional score of 107.75 earned the team's second-straight regional championship in gymnastics; 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 congratulates the Fort Wayne Carroll High School gymnastics team on winning the 2019 IHSAA Regional Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Fort Wayne Carroll High School gymnastics team.

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 Abbott.

#### **Senate Concurrent Resolution 68**

Senate Concurrent Resolution 68, introduced by Senator Becker:

A CONCURRENT RESOLUTION recognizing Karen Vaughn for her advocacy for people with disabilities.

*Whereas, Karen Vaughn, age 60, has been a quadriplegic since age 18 as the result of a spinal cord injury;*

*Whereas, Since becoming disabled, Karen has directed her own affairs throughout her adult life, including managing her own business and consulting services;*

*Whereas, Karen has been an advocate for persons with disabilities of all ages, advising persons on how to maintain their independence in their own homes and to manage their health care needs;*

*Whereas, Karen has testified at state administrative and legislative committee hearings on long-term care issues, and issues regarding the needs, independence, and rights of persons with disabilities;*

*Whereas, Whenever institutionalized, Karen has managed to return to her own home with the utmost resolve, creativity, and courage; and*

*Whereas, Throughout her life, Karen has demonstrated that a person with even the most significant disabilities can manage all aspects of his or her affairs, including health care, in a manner that serves that person's interests and the interests of the State of Indiana: 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 Karen Vaughn for her advocacy for people with disabilities.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Karen Vaughn.

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 Saunders.

#### **Senate Concurrent Resolution 69**

Senate Concurrent Resolution 69, introduced by Senator L. Brown:

A CONCURRENT RESOLUTION congratulating the Fort Wayne Carroll High School Show Choirs on being named Grand Champions of the 2019 New York City Fame Show Choir National Championship.

*Whereas, The Fort Wayne Carroll High School Show Choirs received Grand Champion honors at the New York City Fame Show Choir National Championship;*

*Whereas, Carroll High School Minstrel Magic was named Grand Champion in mixed show choir, and Carroll High School Select Sound was the top performer in the unisex show choir competition;*

*Whereas, Carroll High School Minstrel Magic also received caption awards for Best Vocals and Best Show Design;*

*Whereas, Individually, Carroll students Kalie Haney and Maddie Carr were named Best Female Vocalist and Best Female Stage Presence, respectively; and*

*Whereas, The Carroll High School Show Choirs have performed for more than 30 years, and have earned a reputation as a consistently excellent show choir in the Midwest: 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 congratulates the Fort Wayne Carroll High School Show Choirs on being named Grand Champions of the 2019 New York City Fame Show Choir National Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Fort Wayne Carroll High School Show Choirs.

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 Abbott.

### Senate Concurrent Resolution 70

Senate Concurrent Resolution 70, introduced by Senator L. Brown:

A CONCURRENT RESOLUTION congratulating the Fort Wayne Carroll High School girls cross country team on winning the 2018 Indiana High School Athletic Association ("IHSAA") state championship title.

*Whereas, The Fort Wayne Carroll High School girls cross country team won the 2018 IHSAA state championship title with a score of 85 points;*

*Whereas, The Chargers dominated in the sectional, regional, and semi-state meets, winning all three championships on their way to the state finals meet;*

*Whereas, Fort Wayne Carroll demonstrated its deep roster with three scoring runners in the top 10;*

*Whereas, Meagan Hathaway led the way for the Chargers, finishing fifth overall, Monroe Fruchey followed close behind in sixth place, Abigail Green finished in ninth place, and Mallory Clements and Ashlyn Minton scored the final points to seal the championship effort; and*

*Whereas, Led by head coach Phil Yoder, the Chargers won the 2018 state championship after finishing as the runners-up three seasons in a row: 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 congratulates the Fort Wayne Carroll High School girls cross country team on winning the 2018 IHSAA state championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Fort Wayne Carroll High School girls cross country team.

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 Abbott.

### Senate Concurrent Resolution 71

Senate Concurrent Resolution 71, introduced by Senator L. Brown:

A CONCURRENT RESOLUTION congratulating the Fort Wayne Carroll High School Culinary Arts Team on winning the 2019 Indiana Prostart and Family, Career, and Community Leaders ("FCCLA") Culinary Arts and Management Invitational.

*Whereas, The Fort Wayne Carroll High School Culinary Arts Team won the Prostart and FCCLA State Culinary Invitational on March 8, 2019;*

*Whereas, Team members Aly Saalfrank, Marisa Sigmon, Jacob Till, Nora Trittipio, and Jaxon Yager demonstrated their culinary knowledge, skills, and creative abilities in their preparation and execution of a unique three-course meal in one hour;*

*Whereas, For the appetizer, the Carroll team prepared deep-fried lollipopped chicken drumettes marinated in a citrus buffalo mixture, coated with a honey mustard glaze, and served on a nest of tangy apple fennel slaw;*

*Whereas, The team's main course was a seared brisket burger with a bacon and smoked cheddar cheese crust served on a homemade poppy seed brioche bun with a cracked pepper balsamic mayonnaise, sweet pickled onions, over-easy egg, and sweet potato and parsnip spirals;*

*Whereas, For dessert, the team prepared a scoop of smooth peanut butter ice cream on top of a rich berry jam sauce served alongside pickled strawberries and blueberries, and sprinkled with a salted peanut brittle;*

*Whereas, The team will advance to the National Prostart Invitational held May 8-10 in Washington, D.C., and to the FCCLA Nationals held June 30 through July 4 in Anaheim, California; and*

*Whereas, By winning the 2019 championship, the Fort Wayne Carroll High School Culinary Arts Team earned its seventh consecutive state championship: 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 congratulates the Fort Wayne Carroll High School Culinary Arts Team on winning the 2019 Indiana Prostart and FCCLA Culinary Arts and Management Invitational.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Fort Wayne Carroll High School Culinary Arts Team.

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 Abbott.

### Senate Concurrent Resolution 72

Senate Concurrent Resolution 72, introduced by Senator L. Brown:

A CONCURRENT RESOLUTION congratulating the Fort Wayne Carroll High School cheerleading team on winning the 2018 Indiana Cheer Championship.

*Whereas, The Fort Wayne Carroll High School cheerleading team won the 2018 Indiana Cheer Championship hosted by the Indiana Association of School Principals;*

*Whereas, The Carroll Chargers took first place in the varsity coed division, scoring 265 out of a possible 280 points, and defeating 7 teams in the finals after winning the preliminary round against 12 other teams;*

*Whereas, The team's award-winning performance was the culmination of five months of work, including skill building, camps, practices, and cheering at football games; and*

*Whereas, Led by coaches Kim Fransen and Elizabeth Sturges, the Carroll Chargers have improved each year the team has competed, resulting in the team's first state championship in 2018: 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 congratulates the Fort Wayne Carroll High School cheerleading team on winning the 2018 Indiana Cheer Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Fort Wayne Carroll High School cheerleading team.

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 Abbott.

#### **House Concurrent Resolution 26**

House Concurrent Resolution 26, sponsored by Senators Holdman, G. Taylor and Zay:

A CONCURRENT RESOLUTION recognizing and congratulating Pearl E. Bassett as a civil rights champion and pillar of Grant County, Indiana.

*Whereas, Pearl E. Bassett has been a lifelong champion for civil rights, and her journey to success began through the teaching and encouragement of her parents who provided a strong family for her and her seven siblings;*

*Whereas, Pearl Bassett is a Christian and woman of stature, and she has been blessed to have the ability to distinguish and comprehend that which is obscured from vision and reasoning;*

*Whereas, Pearl Bassett is a believer of Jesus Christ, and she knows that God works through people from all places and perspectives on the political and economic power structure to create change and to move the world to new levels of civility;*

*Whereas, Pearl Bassett strives to encourage Hoosiers to get involved and find a way to make their community a better place and, in the process, helps others become knowledgeable about their rich heritage;*

*Whereas, Pearl Bassett has served as a voice for the poor and the disenfranchised in Hoosier communities for many years;*

*Whereas, Pearl Bassett has been involved in the NAACP since she was 12 years old and has dedicated her life to serving others and forging a better life for all Hoosiers;*

*Whereas, Pearl Bassett's mission in life has been to sustain a legacy of excellence, resilience, and unity of purpose so that all Hoosiers are seen as equals to one another; and*

*Whereas, Pearl Bassett was born on April 28, 1911: 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 and congratulates Pearl E. Bassett as a civil rights champion and pillar of Grant County, Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Pearl Bassett and her family.

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

#### **House Concurrent Resolution 53**

House Concurrent Resolution 53, sponsored by Senator J.D. Ford:

A CONCURRENT RESOLUTION congratulating Dr. Jeff Butts as the 2019 Indiana Superintendent of the Year.

*Whereas, The Indiana Association of Public School Superintendents has named Dr. Jeff Butts as the 2019 Indiana Superintendent of the Year;*

*Whereas, Dr. Butts has served the Metropolitan School District of Wayne Township since January 1, 2011;*

*Whereas, Dr. Butts has served as an assistant superintendent in MSD Wayne Township, as a middle school principal in Lafayette, Indiana, and held both administrative and teaching positions in the Delphi Community School Corporation in Indiana;*

*Whereas, Dr. Butts has collaborated with area colleges to provide more than 27,000 dual college credits each year for the district's students and oversaw the development and opening of Indiana's first public virtual high school, Achieve Virtual Education Academy;*

*Whereas, Dr. Butts has served as chair of the Superintendent Advisory Group for the Indiana State Board of Education; president of the Indiana Urban Schools Association; chair of the*

*YMCA's Annual Campaign Committee; vice president of the Indy Gateway Economic Development Corporation; and is past president of the Indiana Association of Public School Superintendents;*

*Whereas, Dr. Butts serves as the chair of the Indiana University Partnershare and the recruitment chair for the West Side Chamber of Commerce;*

*Whereas, Dr. Butts has received numerous awards, including District IV Principal of the Year by the Indiana Association of School Principals in 2005; the Indiana High School Press Association 2012 Administrator of the Year; 2017 Advocate of the Year by the Indiana Council for Exceptional Children; and the YMCA Cause Drive Leadership Award in 2014;*

*Whereas, Dr. Butts was considered for the National Superintendent of the Year Award organized by the American Association of School Administrators and was recognized as part of the Final Four top superintendents in the nation; and*

*Whereas, Dr. Butts works tirelessly to serve Hoosiers in his school district and the state of Indiana: Therefore,*

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

SECTION 1. That the Indiana General Assembly congratulates Dr. Jeff Butts as the 2019 Indiana Superintendent of the Year.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Dr. Butts.

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

### **House Concurrent Resolution 55**

House Concurrent Resolution 55, sponsored by Senator Alting:

A CONCURRENT RESOLUTION congratulating the 2018 West Lafayette High School football team.

*Whereas, The 2018 West Lafayette High School football team won the IHSAA Class 3A state title at Lucas Oil Stadium on November 24, 2018;*

*Whereas, The Red Devils bested the undefeated and defending state champion Tigers of Reitz Memorial High School from Evansville, Indiana;*

*Whereas, The Red Devils achieved victory in a hard-fought game, winning 47-42, and concluded a history-making season in which 29 team and individual records were broken or tied;*

*Whereas, The Red Devils went undefeated during their historic 2018 season finishing with a 15-0 record;*

*Whereas, Head coach Shane Fry led the Red Devils to their third state title win;*

*Whereas, Coach Fry and the West Lafayette football team received essential support from assistant coaches Jack Barron, Doug Caldwell, Brad DeWees, Jason Huber, Kelly Kitchel, Josh Roseman, Rick Roseman, Jon Speaker, Aaron Wood, and Nick Atkins-Harris;*

*Whereas, The Red Devils' state championship win and new records indicate the hard work, talent, skill, and commitment given by each player to high school football and their team; and*

*Whereas, This achievement will be remembered by players, coaches, staff, friends, family, and fans for years to come: Therefore,*

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

SECTION 1. That the Indiana General Assembly congratulates the West Lafayette High School football team for its 2018 state championship win.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to head coach Shane Fry of the West Lafayette High School football team.

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

### **Senate Resolution 60**

Senate Resolution 60, introduced by Senator J.D. Ford:

A SENATE RESOLUTION celebrating the 163rd anniversary of the Theta Chi Fraternity.

*Whereas, Theta Chi is a men's collegiate fraternity with more than 191,000 initiated members and 160 active chapters. The mission of the fraternity includes leadership development, personal development, and service to alma mater;*

*Whereas, Theta Chi was founded April 10, 1856 at Norwich University in Vermont. It was founded by two military cadets on the principle of friendship and has since grown to become one of the largest men's international fraternities in terms of members and number of chapters;*

*Whereas, Theta Chi now has thousands of members who have embraced the fraternity's traditions, ideals, and fellowship. Theta Chi provides its members with an enjoyable and fulfilling collegiate experience that also prepares them for rewarding, successful lives after graduation;*

*Whereas, Theta Chi inspires true friendship, teaches truth, extols virtue, exacts harmony, and extends a helping hand to all who seek it;*

*Whereas, The fraternity's motto is "an assisting hand". Its members seek to constantly uphold this motto in chapters across the country;*

*Whereas, In the past 163 years, Theta Chi has grown and prospered in ways far beyond what even its founders had envisioned;*

*Whereas, Theta Chi has undergraduate members involved with a multitude of leadership organizations, including Student Government Associations and NCAA athletics, among others; and*

*Whereas, The Theta Chi Fraternity has their International Headquarters located in Carmel, Indiana. They also have chapters at multiple universities across the state, where they have continued to provide opportunities for friendship, community, and service: Therefore,*

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

SECTION 1. That the Indiana Senate celebrates the 163<sup>rd</sup> anniversary of the Theta Chi Fraternity and wishes them continued success in their future endeavors.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Theta Chi Fraternity. The resolution was read in full and adopted by voice vote.

#### **MESSAGE FROM THE PRESIDENT PRO TEMPORE**

Madam President and Members of the Senate: I have on Monday, April 8, 2019, signed House Enrolled Acts: 1100, 1115, 1118, 1128, 1185, 1199, 1211, 1552, 1600 and Senate Enrolled Acts: 57, 230, 238, 336, 350, 488, 570.

RODRIC D. BRAY  
President Pro Tempore

#### **MESSAGE FROM THE PRESIDENT PRO TEMPORE**

Madam President and Members of the Senate: I have on Tuesday, April 9, 2019, signed House Enrolled Acts: 1018, 1063, 1087, 1182, 1245, 1268, 1342 and 1349.

RODRIC D. BRAY  
President Pro Tempore

#### **MESSAGE FROM THE PRESIDENT OF THE SENATE**

Members of the Senate: I have on the 9th day of April, 2019, signed Senate Enrolled Acts: 4, 191, 271, 324, 375, 545 and 632.

SUZANNE CROUCH  
Lieutenant Governor

#### **MESSAGE FROM THE PRESIDENT OF THE SENATE**

Members of the Senate: I have on the 9th day of April, 2019, signed House Enrolled Acts: 1029, 1051, 1053, 1057 and 1080.

SUZANNE CROUCH  
Lieutenant Governor

#### **MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 34 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

#### **MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 50, 54 and 55 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

#### **MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed, with amendments, Engrossed Senate Bills 174, 243, 365, 480, 527, 558 and 631 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS  
Principal Clerk of the House

#### **MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 206 and 323 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS  
Principal Clerk of the House

#### **MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 40 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS  
Principal Clerk of the House

#### **SENATE MOTION**

Madam President: I move that Engrossed House Bill 1588, which is eligible for third reading, be returned to second reading for purposes of amendment.

BASSLER

Motion prevailed.

**RESOLUTIONS ON SECOND READING****Senate Resolution 13**

Senator M. Young called up Senate Resolution 13 for second reading. The resolution was read a second time and adopted by voice vote.

**ENGROSSED HOUSE BILLS  
ON SECOND READING****Engrossed House Bill 1002**

Senator Perfect called up Engrossed House Bill 1002 for second reading. The bill was read a second time by title.

**SENATE MOTION  
(Amendment 1002-1)**

Madam President: I move that Engrossed House Bill 1002 be amended to read as follows:

Page 8, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 9. IC 5-28-6-1, AS AMENDED BY P.L.121-2016, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. The corporation shall do the following:

(1) Create and regularly update a strategic economic development plan that includes the following:

(A) Identification of specific economic regions within Indiana and methods by which the corporation will implement more regional collaboration between the corporation and the various local economic development organizations within these regions.

(B) Methods by which the corporation will implement more collaboration between the corporation and the various state economic development organizations within the states contiguous to Indiana.

(2) Establish strategic benchmarks and performance measures.

(3) Monitor and report on Indiana's economic performance.

(4) Market Indiana to businesses worldwide.

(5) Assist Indiana businesses that want to grow.

(6) Solicit funding from the private sector for selected initiatives.

(7) Provide for the orderly economic development and growth of Indiana.

(8) Establish and coordinate the operation of programs commonly available to all citizens of Indiana to implement a strategic plan for the state's economic development and enhance the general welfare.

(9) Evaluate and analyze the state's economy to determine the direction of future public and private actions, and report and make recommendations to the general assembly in an electronic format under IC 5-14-6 with respect to the state's economy. The report prepared under this subdivision must include recommendations for strategies and plans for collaboration by the corporation with:

(A) local economic development organizations within geographic regions in Indiana; and

(B) the various state economic development organizations within the states contiguous to Indiana.

(10) Assemble and provide information to the commission for higher education and the department of workforce development concerning the economic benefits of residing and working in Indiana as required under IC 21-18-15-4(b)."

Page 30, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 27. IC 21-18-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

**Chapter 15. Let Indiana Work for You Program**

**Sec. 1. As used in this chapter, "corporation" refers to the Indiana economic development corporation established by IC 5-28-3-1.**

**Sec. 2. As used in this chapter, "department" refers to the department of workforce development.**

**Sec. 3. As used in this chapter, "program" refers to the Let Indiana Work for You program established under section 4 of this chapter.**

**Sec. 4. (a) The commission shall, in coordination with the department and the corporation, establish a Let Indiana Work for You program to provide to colleges and universities as provided under this chapter information for college and university students concerning:**

**(1) workforce opportunities in Indiana; and**

**(2) other benefits of residing and working in Indiana after graduating from the college or university.**

**(b) The corporation shall assemble and provide to the commission and the department information concerning the economic benefits of residing and working in Indiana.**

**Sec. 5. The commission, in coordination with the department and the corporation, shall do the following:**

**(1) Subject to section 6 of this chapter, not later than the 2019-2020 academic year, implement the program at state educational institutions selected by the commission.**

**(2) Subject to section 6 of this chapter, not later than the 2020-2021 academic year, implement the program at:**

**(A) all state educational institutions; and**

**(B) other colleges and universities that elect to participate in the program.**

**Sec. 6. If a college or university approves of the information described in section 4 of this chapter for distribution to the students of the college or university, the:**

**(1) commission, in coordination with the department and the corporation, shall provide the information to the college or university in:**

**(A) a written or electronic format; or**

**(B) both a written and electronic format; and**

**(2) college or university shall:**

**(A) present in-person;**

**(B) use other communication mediums to provide; or**

**(C) both present in-person and use other communication mediums to provide;**

**to students of the college or university the information described in section 4 of this chapter."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1002 as printed April 5, 2019.)

RUCKELSHAUS

Motion prevailed.

SENATE MOTION  
(Amendment 1002-2)

Madam President: I move that Engrossed House Bill 1002 be amended to read as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 2-5-42.4-3, AS ADDED BY P.L.174-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) To provide the general assembly with the information it needs to make informed policy choices about the efficacy of each workforce related program, the legislative services agency shall conduct a regular review, analysis, and evaluation of all workforce related programs according to a schedule developed by the legislative services agency, **except as provided under section 8(c) of this chapter.**

(b) The legislative services agency shall conduct a systematic and comprehensive review, analysis, and evaluation of each workforce related program scheduled for review. The review, analysis, and evaluation must include information about each workforce related program that is necessary to determine if the goals of the workforce related program are being achieved, which may include any of the following:

(1) The basic attributes and policy goals of the workforce related program, including the statutory and programmatic goals of the workforce related program, the original scope and purpose of the workforce related program, and how the scope or purpose has changed over time.

(2) The estimated cost to the state to administer the workforce related program.

(3) The workforce related program's public purpose and extent of conformance with the original purposes of the legislation enacting the workforce related program.

(4) The types of activities on which the workforce related program is based and how effective the workforce related program has been in promoting these targeted activities and in assisting participants in the workforce related program.

(5) The count of the following:

(A) Participants who enter the workforce related program.

(B) Participants who complete the workforce related program.

(C) Providers of the workforce related program.

(6) The dollar amount allotted for the workforce related program for the most recent state fiscal year.

(7) An estimate of the impact of the workforce related program, including the following:

(A) A return on investment calculation for the workforce related program. For purposes of this clause, "return on investment calculation" means analyzing the cost to the state of providing the workforce related program and analyzing the benefits realized by the participants in the workforce related program and to the state.

(B) A cost-benefit comparison among workforce related programs.

(C) An estimate of the number of jobs that were the direct result of the workforce related program.

(D) For the workforce related program, a statement by the chief executive officer of the state agency that administers the workforce related program as to whether the statutory and programmatic goals of the workforce related program are being met, with obstacles to these goals identified, if possible.

(8) The methodology and assumptions used in carrying out the reviews, analyses, and evaluations required under this section.

(9) An estimate of the extent to which benefits of the workforce related program remained in Indiana or flowed outside Indiana.

(10) Whether the effectiveness of the workforce related program could be determined more definitively if the general assembly were to clarify or modify the workforce related program's goals and intended purpose.

(11) Whether measuring the workforce related program's impact is significantly limited due to data constraints and whether any changes in statute would facilitate data collection in a way that would allow for better review, analysis, or evaluation.

(12) An estimate of the indirect economic benefit or activity stimulated by the workforce related program.

(13) Any additional review, analysis, or evaluation that the legislative services agency considers advisable, including comparisons with workforce related programs offered by other states if those comparisons would add value to the review, analysis, and evaluation.

SECTION 2. IC 2-5-42.4-8, AS ADDED BY P.L.174-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The legislative services agency shall establish and maintain a system for making available to the public information about the amount and effectiveness of workforce related programs.

(b) **Subject to subsection (c)**, the legislative services agency shall develop and publish on the general assembly's Internet web site a multiyear schedule that lists all workforce related programs and indicates the year when the report will be published for each workforce related program reviewed. **Subject to subsection (c)**, the legislative services agency may revise the schedule as long as the legislative services agency provides for a systematic review, analysis, and evaluation of all workforce related programs and ~~that~~ each workforce related program is reviewed at least once every five (5) years.

(c) **The legislative services agency shall provide a systematic review, analysis, and evaluation of all workforce related programs and each workforce related program not later than December 1, 2020. This subsection expires July 1, 2021.**

Delete page 2.

Page 3, delete lines 1 through 32.

Page 7, delete lines 40 through 42.

Delete pages 8 through 17.



Page 18, delete lines 1 through 36.  
 Page 19, delete lines 13 through 42.  
 Delete pages 20 through 32.  
 Page 33, delete lines 1 through 37.  
 Renumber all SECTIONS consecutively.  
 (Reference is to EHB 1002 as printed April 5, 2019.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 416: yeas 14, nays 34.

Motion failed. The bill was ordered engrossed.

**Engrossed House Bill 1004**

Senator Raatz called up Engrossed House Bill 1004 for second reading. The bill was read a second time by title.

SENATE MOTION  
 (Amendment 1004-2)

Madam President: I move that Engrossed House Bill 1004 be amended to read as follows:

Page 2, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 2. IC 5-2-10.1-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 14. (a) As used in this section, "school" means the following:**

- (1) A public school, including a charter school (as defined in IC 20-24-1-4).
- (2) An accredited nonpublic school.

(b) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16(a).

(c) A school corporation and a school are immune from civil liability for any injury or loss that results from an act or omission in the development or implementation of a safety plan, or any part of a safety plan, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.

(d) A person or entity that is employed by or volunteers with a school corporation or school regarding the development of a safety plan is immune from civil liability for any injury or loss that results from an act or omission in the development of the safety plan unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.

(e) A law enforcement officer or agency is immune from civil liability for any injury or loss that results from an act or omission in the development or implementation of a safety plan unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct."

Page 3, delete lines 1 through 13.

Page 15, delete lines 24 through 29, begin a new paragraph and insert:

"SECTION 14. IC 34-30-2-10.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 10.9. IC 5-2-10.1-14 (Concerning school corporations, schools, other persons and entities, and law enforcement officers and**

**agencies regarding the development or implementation of school safety plans)."**

Renumber all SECTIONS consecutively.  
 (Reference is to EHB 1004 as printed April 5, 2019.)

FREEMAN

Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1062**

Senator Boots called up Engrossed House Bill 1062 for second reading. The bill was read a second time by title.

SENATE MOTION  
 (Amendment 1062-2)

Madam President: I move that Engrossed House Bill 1062 be amended to read as follows:

Page 23, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 23. IC 22-4-13-1, AS AMENDED BY P.L.183-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: Sec. 1. (a) Whenever an individual receives benefits or extended benefits to which the individual is not entitled under

- (+) this article or
- (-) the unemployment insurance law of the United States,

the department shall establish that an overpayment has occurred **by issuing a determination of eligibility** and shall establish the amount of the overpayment. For an overpayment described in:

- (1) subsections (c) and (d), the department has four (4) years from the date of the department's discovery of the overpayment to send notification to the individual of possible overpayment; and
- (2) subsection (e), the department has four (4) years from the date of the overpayment to ~~establish that the overpayment occurred and the amount of the overpayment.~~ **send notification to the individual of possible overpayment.**

(b) An individual described in subsection (a) is liable to repay the established amount of the overpayment.

- (c) Any individual who knowingly:
  - (1) makes, or causes to be made by another, a false statement or representation of a material fact knowing it to be false; or
  - (2) fails, or causes another to fail, to disclose a material fact; and

as a result thereof has received any amount as benefits to which the individual is not entitled under this article, shall be liable to repay such amount, with interest at the rate of one-half percent (0.5%) per month, to the department for the unemployment insurance benefit fund or to have such amount deducted from any benefits otherwise payable to the individual under this article.

(d) Any individual who fails to report wages received during a week in which benefits were paid or because of the subsequent receipt of income deductible from benefits which is allocable to the week or weeks for which benefits were paid and as a result is not entitled to such benefits under this article shall be liable to repay such amount to the department for the unemployment insurance benefit fund or to have such amount deducted from any

benefits otherwise payable to the individual under this article.

(e) An individual who for any reason not described in subsection (c) or (d) has received any amount as benefits to which the individual is not entitled under this article is liable to repay that amount to the department for the unemployment insurance benefit fund or to have that amount deducted from any benefits otherwise payable to the individual under this article.

(f) When benefits are paid to an individual who was eligible or qualified to receive such payments, but when such payments are made because of the failure of representatives or employees of the department to transmit or communicate to such individual notice of suitable work offered, through the department, to such individual by an employing unit, then and in such cases, the individual shall not be required to repay or refund amounts so received, but such payments shall be deemed to be benefits improperly paid.

(g) Where it is finally determined by a deputy, an administrative law judge, the review board, or a court of competent jurisdiction that an individual has received benefits to which the individual is not entitled under this article, the department shall relieve the affected employer's experience account of any benefit charges directly resulting from such overpayment, except as provided under IC 22-4-11-1.5. However, an employer's experience account will not be relieved of the charges resulting from an overpayment of benefits which has been created by a retroactive payment by such employer directly or indirectly to the claimant for a period during which the claimant claimed and was paid benefits unless the employer reports such payment by the end of the calendar quarter following the calendar quarter in which the payment was made or unless and until the overpayment has been collected. Those employers electing to make payments in lieu of contributions shall not have their account relieved as the result of any overpayment unless and until such overpayment has been repaid to the unemployment insurance benefit fund.

(h) Where any individual is liable to repay any amount to the department for the unemployment insurance benefit fund for the restitution of benefits to which the individual is not entitled under this article, the amount due may be collectible without interest, except as otherwise provided in subsection (c), by civil action in the name of the state of Indiana, on relation of the department, which remedy by civil action shall be in addition to all other existing remedies and to the methods for collection provided in this article. **The department must commence a civil action as described in this subsection not later than ten (10) years following the date the determination of eligibility becomes final, including the exhaustion of all appeals.**

(i) Liability for repayment of benefits paid to an individual (other than an individual employed by an employer electing to make payments in lieu of contributions) for any week may be waived upon the request of the individual if:

- (1) the benefits were received by the individual without fault of the individual;
- (2) the benefits were the result of payments made:
  - (A) during the pendency of an appeal before an administrative law judge or the review board under IC 22-4-17 under which the individual is determined to be ineligible for benefits; or

(B) because of an error by the employer or the department; and

(3) repayment would cause economic hardship to the individual."

Delete page 24.

Page 25, delete lines 1 through 26.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1062 as printed March 29, 2019.)

TALLIAN

Motion prevailed.

SENATE MOTION  
(Amendment 1062-1)

Madam President: I move that Engrossed House Bill 1062 be amended to read as follows:

Page 37, line 10, after "article." reset in roman "Except as provided in".

Page 37, reset in roman line 11.

Page 37, line 12, reset in roman "the department may expend an amount not to exceed".

Page 37, line 14, after "subsection," insert "**ten million dollars (\$10,000,000) in a state fiscal year for the purpose of prevention, detection, and recovery of delinquent contributions, penalties, and improper benefit payments,**".

Page 37, line 14, reset in roman "unless an additional amount is approved by the budget".

Page 37, line 15, reset in roman "committee".

(Reference is to EHB 1062 as printed March 29, 2019.)

SPARTZ

Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1150**

Senator M. Young called up Engrossed House Bill 1150 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1150-2)

Madam President: I move that Engrossed House Bill 1150 be amended to read as follows:

Page 2, line 5, after "state" insert "**of Indiana**".

Page 4, line 29, delete "incarcerated." and insert "**incarcerated or, on behalf of the individual, to the individual's guardian.**".

Page 4, delete line 32.

Page 4, line 33, delete "(3)" and insert "**(2)**".

Page 4, line 34, delete "(4)" and insert "**(3)**".

Page 4, line 35, delete "(5)" and insert "**(4)**".

(Reference is to EHB 1150 as printed March 29, 2019.)

M. YOUNG

Motion prevailed.

SENATE MOTION  
(Amendment 1150-5)

Madam President: I move that Engrossed House Bill 1150 be amended to read as follows:

Page 2, line 5, after "state" insert "of Indiana".

Page 2, delete line 11, begin a new line block indented and insert:

- "(2) did not:
  - (A) commit;
  - (B) take part in; or
  - (C) plan, prepare for, or participate in the planning or preparation of;

any other criminal act in connection with that offense. The mere fact that the trier of fact acquitted or did not convict the person on remand is insufficient, standing alone, to establish that the person is actually innocent."

Renumber all SECTIONS consecutively. (Reference is to EHB 1150 as printed March 29, 2019.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1246**

Senator Grooms called up Engrossed House Bill 1246 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1246-1)

Madam President: I move that Engrossed House Bill 1246 be amended to read as follows:

Page 3, delete lines 34 through 39.  
Page 9, delete lines 19 through 23, begin a new paragraph and insert:

"SECTION 14. IC 25-26-24-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.5. As used in this chapter, "controlled substance" has the meaning set forth in IC 35-48-1-9. The term includes gabapentin."

Renumber all SECTIONS consecutively. (Reference is to EHB 1246 as printed March 29, 2019.)

GROOMS

Motion prevailed.

SENATE MOTION  
(Amendment 1246-3)

Madam President: I move that Engrossed House Bill 1246 be amended to read as follows:

Page 9, between lines 18 and 19 begin a new paragraph and insert:

"SECTION 14. IC 25-26-23-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) As used in this section, "unit" means a city, town, or county.

(b) A program to accept unused medication by a business or other entity that complies with applicable state and federal law is not subject to regulation by a unit.

- (c) A unit may not do any of the following:
  - (1) Impose a tax, fee, assessment, or charge on a consumer, business, or other entity to pay for or support a program to accept unused medication in the unit's jurisdiction.

(2) Require a business or other entity to establish, pay for, or operate a program to accept unused medication in the unit's jurisdiction.

(d) Nothing in this section prohibits a unit from using money in the unit's general fund to operate a program to accept unused medication."

Renumber all SECTIONS consecutively. (Reference is to EHB as printed March 29, 2019.)

GROOMS

Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1258**

Senator Crider called up Engrossed House Bill 1258 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1258-1)

Madam President: I move that Engrossed House Bill 1258 be amended to read as follows:

Page 9, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 12. IC 36-8-4-2, AS AMENDED BY P.L.65-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Members of the police and fire departments must reside in Indiana within:

- (1) the county in which the city is located; or
- (2) a county that is contiguous to the county in which the city is located; or
- (3) a county that is noncontiguous to the county in which the city is located but is not more than fifty (50) miles from the closest boundary of the city where the police or fire department is located.

(b) In a consolidated city, a member who was residing outside the county on January 1, 1975, is exempt from subsection (a).

(c) A city with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the city's police or fire department to comply with the following:

- (1) Reside within the county in which the city is located.
- (2) Have adequate means of transportation into the city.
- (3) Maintain in the member's residence telephone service with the city.

(d) This subsection applies to a city that:
(1) has a population of less than seven thousand five hundred (7,500); and
(2) adopted an ordinance to establish the requirements described in this subsection before September 1, 1984.

A city may require, in addition to the requirements of subsection (c), that a member of the police or fire department reside within the city until the member has served in the department for five (5) years.

(e) An ordinance adopted under subsection (c) or described in subsection (d)(2) may not require a member of a city's police or fire department to reside within the county in which the city is located if the member resides outside the county on the date the ordinance is adopted.

SECTION 13. IC 36-8-4.5-4, AS ADDED BY P.L.65-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A member of a town police or fire department must reside ~~in Indiana~~ within:

- (1) the county in which the town is located; ~~or~~
- (2) a county that is contiguous to the county in which the town is located; ~~or~~
- (3) a county that is noncontiguous to the county in which the town is located but is not more than fifty (50) miles from the closest boundary of the town where the police or fire department is located."**

Delete page 10.

Page 11, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1258 as printed April 3, 2019.)

CRIDER

Motion prevailed. The bill was ordered engrossed.

### Engrossed House Bill 1278

Senator Messmer called up Engrossed House Bill 1278 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1278-3)

Madam President: I move that Engrossed House Bill 1278 be amended to read as follows:

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 4. IC 13-13-8-4, AS ADDED BY P.L.133-2012, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The board consists of the following ~~sixteen (16)~~ **fourteen (14)** members:

- (1) ~~The following ex officio members:~~ **(A) The commissioner.** The commissioner, or the commissioner's designee, **who** serves as a nonvoting member of the board.
- ~~(B) The commissioner of the state department of health.~~
- ~~(C) The director of the department of natural resources.~~
- ~~(D) The lieutenant governor.~~
- ~~(E) The secretary of commerce or the secretary's designee.~~

(2) The following ~~eleven (11)~~ **thirteen (13)** members, who shall be appointed by the governor based on recommendations from representative constituencies:

- (A) One (1) representative of agriculture.
- (B) One (1) representative of manufacturing.
- (C) One (1) representative of environmental interests.
- (D) One (1) representative of labor.
- (E) One (1) representative of local government.
- (F) One (1) representative of small business.
- (G) One (1) health professional who holds a license to practice in Indiana.
- (H) One (1) representative of the solid waste management industry.
- (I) One (1) representative of a public utility that engages in the production and transmission of electricity.
- (J) One (1) representative of the residential or commercial construction industry.**

~~(K) Two (2)~~ **Three (3)** representatives of the general public who cannot qualify ~~to sit for membership~~ on the board under ~~any of the other~~ clauses in this subdivision. **(A) through (J).**

(b) An individual appointed under subsection (a)(2) must possess knowledge, experience, or education qualifying the individual to represent the constituency the individual is being recommended to represent.

SECTION 5. IC 13-13-8-5 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 5: Except as provided in section 4(a)(1)(A) of this chapter, an ex officio member of the board may designate in writing a technical representative to serve as a voting member of the board when the ex officio member is unable to attend a board meeting."~~

Page 17, line 24, delete "two million" and insert "**three million**".

Page 17, line 25, delete "\$2,200,000" and insert "**(\$3,200,000)**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1278 as printed April 3, 2019.)

MESSMER

Motion prevailed.

SENATE MOTION  
(Amendment 1278-4)

Madam President: I move that Engrossed House Bill 1278 be amended to read as follows:

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 4. IC 13-13-8-4, AS ADDED BY P.L.133-2012, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The board consists of the following sixteen (16) members:

- (1) The following ex officio members:
  - (A) The commissioner. The commissioner, or the commissioner's designee, serves as a nonvoting member of the board.
  - (B) The commissioner of the state department of health.
  - (C) The director of the department of natural resources.
  - (D) The lieutenant governor.
  - (E) The secretary of commerce or the secretary's designee.

(2) The following eleven (11) members, who shall be appointed by the governor based on recommendations from representative constituencies:

- (A) One (1) representative of agriculture.
- (B) One (1) representative of manufacturing.
- (C) One (1) representative of **a not-for-profit organization whose primary mission includes environmental interests: protection.**
- (D) One (1) representative of labor.
- (E) One (1) representative of local government.
- (F) One (1) representative of small business.
- (G) One (1) health professional who holds a license to practice in Indiana.
- (H) One (1) representative of the solid waste management industry.

(I) One (1) representative of a public utility that engages in the production and transmission of electricity.

(J) Two (2) representatives of the general public, who cannot qualify to sit on the board under any of the other clauses in this subdivision.

(b) An individual appointed under subsection (a)(2) must possess knowledge, experience, or education qualifying the individual to represent the constituency the individual is being recommended to represent."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1278 as printed April 3, 2019.)

STOOPS

Upon request of Senator Stoops the President ordered the roll of the Senate to be called. Roll Call 417: yeas 9, nays 39.

Motion failed. The bill was ordered engrossed.

**Engrossed House Bill 1279**

Senator Zay called up Engrossed House Bill 1279 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1279-1)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 2, delete lines 8 through 25, begin a new paragraph and insert:

"SECTION 6. IC 14-33-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. A petition filed under section 1 of this chapter must be signed by freeholders owning land in the proposed district. **The signatures of freeholders on the petition must be sufficient to satisfy both of the following requirements:**

**(1) in The freeholders signing the petition must constitute at least the minimum number or proportion of all the freeholders in the proposed district as follows:**

~~(1) (A) Districts of not more than one thousand (1,000) freeholds, thirty percent (30%) of the freeholders.~~

~~(2) Districts of at least one thousand one (1,001) and not more than five thousand (5,000) freeholds, fifteen percent (15%) of the freeholders but not less than three hundred (300) signatures.~~

~~(3) (B) Districts of at least five thousand one (5,001) and not more than twenty-five thousand (25,000) freeholds, ten percent (10%) fifteen percent (15%) of the freeholders but not less than seven hundred fifty (750) one thousand (1,000) signatures.~~

~~(4) (C) Districts of at least twenty-five thousand one (25,001) freeholds, five percent (5%) ten percent (10%) of the freeholders but not less than two thousand five hundred (2,500) three thousand (3,000) signatures.~~

**(2) The freeholders signing the petition must own at least fifty-one percent (51%) of the assessed valuation of the real property located within the boundaries of the proposed conservancy district, as determined by the most recent assessment of the real property in the**

**proposed conservancy district for property tax purposes, excluding the assessed valuation of any real property located within the boundaries of the proposed conservancy district that would be exempt under this article from a special benefit tax levied by the proposed conservancy district or that is exempt from property taxes imposed under IC 6-1.1."**

(Reference is to EHB 1279 as printed April 3, 2019.)

SPARTZ

Motion prevailed.

SENATE MOTION  
(Amendment 1279-2)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 6, line 25, delete "of:" and insert **"of the utility owner of the reservoir located within the boundaries of the reservoir conservancy district."**

Page 6, delete lines 26 through 31.

(Reference is to ESB 1279 as printed April 3, 2019.)

MESSMER

Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1343**

Senator Zay called up Engrossed House Bill 1343 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1343-2)

Madam President: I move that Engrossed House Bill 1343 be amended to read as follows:

Page 3, line 17, delete "two hundred" and insert **"one hundred fifty"**.

Page 3, line 18, delete "(200%)" and insert **"(150%)"**.

Page 3, line 25, delete "September 1." and insert **"July 1."**

(Reference is to EHB 1343 as printed April 2, 2019.)

ZAY

Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1484**

Senator Kruse called up Engrossed House Bill 1484 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1484-1)

Madam President: I move that Engrossed House Bill 1484 be amended to read as follows:

Page 1, line 4, delete "are" and insert **"Are"**.

Page 5, line 26, after "of the" insert **"federal"**.

Page 6, between lines 6 and 7, begin a new line block indented and insert:

**"(11) Provide notice that a parent of a child has the right to select the language or communication mode for the child's language acquisition and developmental milestone tracking."**

(Reference is to EHB 1484 as printed April 5, 2019.)

KRUSE

Motion prevailed. The bill was ordered engrossed.

### Engrossed House Bill 1495

Senator Bohacek called up Engrossed House Bill 1495 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed House Bill 1607

Senator Head called up Engrossed House Bill 1607 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1607-2)

Madam President: I move that Engrossed House Bill 1607 be amended to read as follows:

Page 2, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 2. IC 33-23-5-8, AS AMENDED BY P.L.161-2018, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. ~~Except as provided under sections 5(14) and 9(b) of this chapter,~~ A magistrate does not have the power of judicial mandate.

SECTION 3. IC 33-23-5-9, AS AMENDED BY P.L.173-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. ~~(a) Except as provided under subsection (b), a magistrate shall report findings in an evidentiary hearing, a trial, or a jury's verdict to the court. The court shall enter the final order.~~

~~(b)~~ (a) If a magistrate presides at a criminal trial or a guilty plea hearing, the magistrate may do the following:

- (1) Enter a final order.
- (2) Conduct a sentencing hearing.
- (3) Impose a sentence on a person convicted of a criminal offense.

~~(c)~~ (b) This subsection does not apply to a consolidated city. Unless the defendant consents, a magistrate who did not preside at the criminal trial may not preside at the sentencing hearing. However, this subsection does not prohibit a magistrate from presiding at a sentencing hearing if there was no trial."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1607 as printed March 20, 2019.)

HEAD

Motion prevailed.

#### SENATE MOTION (Amendment 1607-4)

Madam President: I move that Engrossed House Bill 1607 be amended to read as follows:

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

"SECTION 1. IC 20-33-9-1.5, AS ADDED BY P.L.72-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. As used in this chapter, "harassment" refers to **criminal harassment** under ~~IC 35-45-2-2.~~

### IC 35-45-10-7.

SECTION 2. IC 31-9-2-29.5, AS AMENDED BY P.L.65-2016, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 29.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) A sex offense under IC 35-42-4.
- (5) Robbery under IC 35-42-5.
- (6) Arson or mischief under IC 35-43-1.
- (7) Burglary or trespass under IC 35-43-2.
- (8) Disorderly conduct under IC 35-45-1.
- (9) Intimidation ~~or harassment~~ under IC 35-45-2.
- (10) Voyeurism under IC 35-45-4.
- (11) Stalking ~~or criminal harassment~~ under IC 35-45-10.
- (12) An offense against the family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, IC 35-46-1-15.1, or IC 35-46-1-15.3.
- (13) Human and sexual trafficking crimes under IC 35-42-3.5.
- (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5."

Page 2, line 9, delete "(harassment" and insert "**(criminal harassment)**".

Page 2, delete lines 17 through 42.

Delete page 3, begin a new paragraph and insert:

"SECTION 4. IC 34-6-2-34.5, AS AMENDED BY P.L.171-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 34.5. "Domestic or family violence" means, except for an act of self-defense, the occurrence of at least one (1) of the following acts committed by a family or household member:

- (1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member.
- (2) Placing a family or household member in fear of physical harm.
- (3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.
- (4) Beating (as described in IC 35-46-3-0.5(2)), torturing (as described in IC 35-46-3-0.5(5)), mutilating (as described in IC 35-46-3-0.5(3)), or killing a vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.

For purposes of IC 34-26-5, domestic and family violence also includes stalking (as defined in ~~IC 35-45-10-1~~) **IC 35-45-10-5**) or a sex offense under IC 35-42-4, whether or not the stalking or sex offense is committed by a family or household member.

SECTION 5. IC 34-26-7 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

### Chapter 7. Criminal Harassment Protection Orders

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Criminal harassment" has the meaning set forth in IC 35-45-10-7.
- (2) "Stalking" has the meaning set forth in IC 35-45-10-5.

Sec. 2. (a) A person who has been subjected to criminal harassment may file a petition for a criminal harassment protection order to prohibit further criminal harassment. A person who has been subjected to stalking may file a petition for a civil protection order under IC 34-26-5, even if the stalking is not committed by a family or household member.

(b) A parent, a guardian, or another representative of a child may file a petition for a criminal harassment protection order on behalf of the child to prohibit further criminal harassment of the child.

(c) A petition for a criminal harassment protection order may be filed in the county where:

- (1) the petitioner currently or temporarily resides;
- (2) the petitioner is employed;
- (3) the respondent resides; or
- (4) any act of criminal harassment occurred.

Sec. 3. A court shall hold a hearing not more than thirty (30) days after a petition for a criminal harassment protection order is filed. The respondent may file a cross-complaint or a responsive pleading that denies, explains, excuses, or justifies the conduct alleged to constitute criminal harassment. The court:

- (1) shall receive testimony; and
- (2) may make independent inquiry.

If the court finds by clear and convincing evidence that the respondent criminally harassed the petitioner, the court shall issue a criminal harassment protection order prohibiting further criminal harassment.

Sec. 4. A criminal harassment protection order issued under this chapter remains in effect for not more than one (1) year.

Sec. 5. A respondent shall be personally served with:

- (1) a copy of the petition; and
- (2) notice of the hearing;

not less than five (5) days before the hearing.

Sec. 6. The court shall order a petitioner or the attorney for a petitioner to deliver a copy of each:

- (1) criminal harassment protection order;
- (2) modification of a criminal harassment protection order; and
- (3) termination of a criminal harassment protection order;

to a law enforcement agency that is requested by the petitioner and approved by the court. The copies must be delivered by the close of the business day on which the order is granted. Each law enforcement agency shall make information on the existence and status of a criminal harassment protection order available to a responding law enforcement officer, as appropriate.

Sec. 7. A violation of a criminal harassment protection order issued under this chapter may constitute a criminal

offense under IC 35-46-1-15.1.

Sec. 8. (a) The office of judicial administration shall develop forms, instructions, and rules for the scheduling of hearings and other procedures under this chapter. A party to an action under this chapter must use the forms developed by the office of judicial administration.

(b) A criminal harassment protection order must be issued on forms adopted and approved by the office of judicial administration and must be consistent with IC 34-26-5-3. However, a criminal harassment protection order issued is not rendered unenforceable solely because it is not issued on forms adopted and approved by the office of judicial administration.

Sec. 9. A filing fee may not be charged for filing a:

- (1) petition for a criminal harassment protection order; or
- (2) responsive pleading described under section 3 of this chapter.

SECTION 6. IC 35-31.5-2-76, AS AMENDED BY P.L.65-2016, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 76. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) Human and sexual trafficking crimes under IC 35-42-3.5.
- (5) A sex offense under IC 35-42-4.
- (6) Robbery under IC 35-42-5.
- (7) Arson or mischief under IC 35-43-1.
- (8) Burglary or trespass under IC 35-43-2.
- (9) Disorderly conduct under IC 35-45-1.
- (10) Intimidation or harassment under IC 35-45-2.
- (11) Voyeurism under IC 35-45-4.
- (12) Stalking or criminal harassment under IC 35-45-10.
- (13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, IC 35-46-1-15.1, or IC 35-46-1-15.3.
- (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(2) or IC 35-46-3-12.5.

SECTION 7. IC 35-40-5-3, AS AMENDED BY P.L.65-2016, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) This section applies if either of the following has occurred:

- (1) The alleged felony or delinquent act that would have been a felony if committed by an adult was directly perpetrated against the victim.
- (2) The alleged felony, misdemeanor, or delinquent act that would have been a felony or misdemeanor if committed by an adult was:
  - (A) a violation of IC 35-42-2 (offenses against the person), IC 35-45-2-1 (intimidation), ~~IC 35-45-2-2 (harassment)~~, IC 35-45-10-7 (criminal harassment), IC 35-46-1-15.1 (invasion of privacy), IC 35-46-1-15.3,

or IC 35-47-4-3 (pointing a firearm); and  
 (B) directly perpetrated against the victim by a person who:

- (i) is or was a spouse of the victim;
- (ii) is or was living as if a spouse of the victim; or
- (iii) has a child in common with the victim.

(3) The alleged misdemeanor or delinquent act that would have been a misdemeanor if committed by an adult, other than a misdemeanor described in subdivision (2), was directly perpetrated against the victim, and the victim has complied with the notice requirements under IC 35-40-10.

(b) A victim has the right to confer with a representative of the prosecuting attorney's office:

- (1) after a crime allegedly committed against the victim has been charged;
- (2) before the trial of a crime allegedly committed against the victim; and
- (3) before any disposition of a criminal case involving the victim.

This right does not include the authority to direct the prosecution of a criminal case involving the victim."

Page 4, delete lines 1 through 29.

Page 9, line 41, after "a" insert "**criminal**".

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

"SECTION 9. IC 35-45-2-2 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 2: ~~(a) A person who, with intent to harass, annoy, or alarm another person but with no intent of legitimate communication:~~

- ~~(1) makes a telephone call, whether or not a conversation ensues;~~
- ~~(2) communicates with a person by telegraph, mail, or other form of written communication;~~
- ~~(3) transmits an obscene message, or indecent or profane words, on a Citizens Radio Service channel; or~~
- ~~(4) uses a computer network (as defined in IC 35-43-2-3(a)) or other form of electronic communication to:~~

- ~~(A) communicate with a person; or~~
- ~~(B) transmit an obscene message or indecent or profane words to a person;~~

~~commits harassment, a Class B misdemeanor.~~

~~(b) A message is obscene if:~~

- ~~(1) the average person, applying contemporary community standards, finds that the dominant theme of the message, taken as a whole, appeals to the prurient interest in sex;~~
- ~~(2) the message refers to sexual conduct in a patently offensive way; and~~
- ~~(3) the message, taken as a whole, lacks serious artistic, literary, political, or scientific value.~~

SECTION 10. IC 35-45-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. As used in this chapter, "harassment" or "**harass**" means conduct directed toward a victim that includes **but is not limited to repeated or continuing** impermissible contact that would cause a reasonable person to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include

statutorily or constitutionally protected activity, such as lawful picketing pursuant to labor disputes or lawful employer-related activities pursuant to labor disputes.

SECTION 11. IC 35-45-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. **(a)** As used in this chapter, "impermissible contact" includes **but is not limited to knowingly or intentionally following or pursuing the victim. the following:**

- (1) Following or pursuing the victim.**
- (2) Communicating with the victim in person, in writing, by telephone, by telegraph, or through electronic means.**
- (3) Posting on social media, if the post:**
  - (A) is directed to the victim; or**
  - (B) refers to the victim, directly or indirectly.**

**(b) The list in subsection (a) is nonexclusive.**

SECTION 12. IC 35-45-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. As used in this chapter, "victim" means a person who is the object **or target of stalking, a crime under this chapter.**

SECTION 13. IC 35-45-10-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. **A person who, with the intent to cause emotional distress to an individual and with no intent of legitimate communication, knowingly or intentionally harasses that individual commits criminal harassment, a Class B misdemeanor."**

Page 11, line 17, after "a" insert "**criminal**".

Page 14, line 8, after "a" insert "**criminal**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1607 as printed March 20, 2019.)

TALLIAN

Motion prevailed.

SENATE MOTION  
 (Amendment 1607-5)

Madam President: I move that Engrossed House Bill 1607 be amended to read as follows:

Page 3, line 13, delete "(c) A" and insert "**(c) Except as provided in subsection (d), a**".

Page 3, between lines 18 and 19, begin a new paragraph and insert:

**"(d) If a court has jurisdiction over an action that relates to the subject matter of the requested protection order, either because of an action pending in that court or in the exercise of the court's continuing jurisdiction, the petitioner must file the petition for a harassment protection order in that court."**

Page 3, line 28, delete "harassment." and insert "**harassment, or, if the petitioner is a victim in a criminal case in which the respondent is a defendant, prohibiting contact between the petitioner and respondent.**"

(Reference is to EHB 1607 as printed March 20, 2019.)

HEAD

Motion prevailed. The bill was ordered engrossed.



**Engrossed House Bill 1630**

Senator Buchanan called up Engrossed 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 1007**

Senator Charbonneau called up Engrossed House Bill 1007 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 418: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1008**

Senator Crane called up Engrossed House Bill 1008 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 419: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1010**

Senator Crider called up Engrossed House Bill 1010 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 420: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1015**

Senator Messmer called up Engrossed House Bill 1015 for third reading:

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

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

Roll Call 421: yeas 44, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1177**

Senator Niemeyer called up Engrossed House Bill 1177 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 422: yeas 45, 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 Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1200**

Senator Charbonneau called up Engrossed House Bill 1200 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 423: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1208**

Senator Grooms called up Engrossed House Bill 1208 for third reading:

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

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

Roll Call 424: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1214**

Senator Ruckelshaus called up Engrossed House Bill 1214 for third reading:

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

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

Roll Call 425: yeas 43, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1299**

Senator Glick called up Engrossed House Bill 1299 for third reading:

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

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

Roll Call 426: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1367**

Senator Becker called up 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 427: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1400**

Senator Spartz called up Engrossed House Bill 1400 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 428: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1447**

Senator Bassler called up Engrossed House Bill 1447 for third reading:

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

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

Roll Call 429: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1488**

Senator Ruckelshaus called up Engrossed House Bill 1488 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 430: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1506**

Senator Merritt called up Engrossed House Bill 1506 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 431: yeas 42, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1548**

Senator Becker called up 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 432: yeas 46, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### SENATE MOTION

Madam President: I move that Senator Koch be added as coauthor of Senate Resolution 13.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Merritt, Doriot, Kruse, Charbonneau, Holdman and Breaux be added as coauthors of Senate Resolution 13.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Merritt, Garten, Doriot, Tomes and Crane be added as coauthors of Senate Resolution 64.

RUCKELSHAUS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as cosponsor of Engrossed House Bill 1007.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1177.

NIEMEYER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Spartz be removed as third sponsor of Engrossed House Bill 1214.

SPARTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1246.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1278.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1299.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as cosponsor of Engrossed House Bill 1331.

FREEMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1331.

FREEMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as cosponsor of Engrossed House Bill 1367.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1482.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1506.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ruckelshaus be added as second sponsor of Engrossed House Bill 1607.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, April 11, 2019.

BRAY

Motion prevailed.

The Senate adjourned at 4:18 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUZANNE CROUCH  
President of the Senate