



Journal of the House

State of Indiana

121st General Assembly

First Regular Session

Twenty-fourth Day

Thursday Morning

February 21, 2019

The invocation was offered by Pastor Daniel Keaton of Grace Pointe Community Church in Peru, a guest of Representative Manning.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

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

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

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

VanNatter
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 251: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 25, 2019, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 15

The Speaker handed down Senate Concurrent Resolution 15, sponsored by Representative Goodin:

A CONCURRENT RESOLUTION memorializing Sergeant Benton "Ben" Bertram and urging the Indiana Department of Transportation to name a mile of State Road 3 near Scottsburg the "Sgt. Ben Bertram Memorial Mile".

Whereas, Sergeant Benton "Ben" Bertram lost his life in a fatal accident while in pursuit of a stolen vehicle on December 12, 2018;

Whereas, Born on June 22, 1985, in Louisville, Kentucky, Ben Bertram graduated from Charlestown High School before pursuing a career in law enforcement;

Whereas, Ben Bertram joined the Charlestown Police Department and graduated from the Indiana Law Enforcement Academy as a member of the 11-191 graduating class;

Whereas, Rising to the rank of Sergeant, Bertram was a nine-year veteran of the Charlestown Police Department and served as a K9 handler;

Whereas, Sergeant Bertram is survived by his parents, Luke and Diane, sister, Lindsey, his current K9 partner, Franco, and his recently retired K9 partner, KuBo;

Whereas, Sergeant Bertram was known as an all-American guy who was respected and valued for his love of God, family, country, and community, and as a gentle man who loved taking care of his dogs and horses; and

Whereas, Because he paid the ultimate price while defending the people of Charlestown and the State of Indiana, Sergeant Bertram deserves recognition for his service: 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 expresses its deepest gratitude and sympathies to the family of Sergeant Ben Bertram and urges the Indiana Department of Transportation to honor Sergeant Bertram by naming a mile of

State Road 3 from the north junction of State Road 203 to the north junction of State Road 56 the "Sgt. Ben Bertram Memorial Mile".

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to the family of Sergeant Ben Bertram, the Charlestown Police Department, and the Commissioner of the Indiana Department of Transportation.

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

House Concurrent Resolution 19

Representative Frye introduced House Concurrent Resolution 19:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename a portion of State Road 62 in Jefferson County in honor of James Pendleton.

Whereas, James Pendleton was born April 6, 1922, in Perry County, Kentucky, to C.E. and Edna Childers Pendleton and died on May 20, 2017, at River Terrace Health Campus in Madison, Indiana;

Whereas, James Pendleton was a 1941 graduate of Stinnett Settlement High School in Hoskinston, Kentucky, and, while attending junior college in Jackson, Kentucky, was drafted by the Army;

Whereas, Beginning active duty on December 12, 1942, James Pendleton was deployed to the European Theater on D-Day, June 6, 1944;

Whereas, James Pendleton was severely wounded on December 19, 1944, in Stoumont, Belgium, and spent almost two years in military hospitals;

Whereas, James Pendleton was discharged with a Certificate of Disability for his battle-related injuries on November 25, 1946, leaving the Army after having attained the rank of corporal;

Whereas, In recognition of his bravery during time of war, James Pendleton was awarded the Good Conduct Medal, the Purple Heart, the Bronze Star, and the Silver Star, along with several service ribbons and badges, was recognized by the Indiana General Assembly for his military service in 2013, and was honored with a medal for heroism in 2011 at the Belgian Embassy in Washington, D.C.;

Whereas, A lifelong Republican, James Pendleton served as a precinct committeeman for many years and was the Jefferson County commissioner at-large from 1979 to 1983;

Whereas, In 2012, James Pendleton received the Michael Garber Award from the Jefferson County Republican Party and served on the board of directors for the Community Foundation of Madison and Jefferson County from 1993 through 1997;

Whereas, James and Edith Pendleton, his wife of 62 years, served as honorary mayors of the Canaan Fall Festival in 2000 and were honored for their many years of service to the community and their efforts to organize and promote the festival;

Whereas, Always active in his community and his church, James Pendleton was a member of the Indian-Kentuck Baptist Church in Canaan for more than 50 years, serving as a deacon for most of that time, and in 2011, was honored by the church for his lifetime of service;

Whereas, James Pendleton was a 60-year member of Canaan Masonic Lodge No. 581 and a 60-year member of the Ancient Accepted Scottish Rite Valley of Indianapolis; and

Whereas, It is appropriate that that portion of State Road 62 in Jefferson County commemorate James Pendleton and his many contributions to our state and our nation: 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 urges the Indiana Department of Transportation to rename a section of State Road 62 in Jefferson County as the "James Pendleton Highway" to honor and remember his great bravery and many accomplishments and contributions to Indiana and the world.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation and the family of James Pendleton.

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

House Concurrent Resolution 20

Representative Miller introduced House Concurrent Resolution 20:

A CONCURRENT RESOLUTION congratulating Elaine Shomaker on the occasion of her 100th birthday.

Whereas, Dorothy Elaine Shomaker was born on March 1, 1919, to Sue and Jay Beckwith in Cleveland, Ohio;

Whereas, Elaine Shomaker's father passed away during the Great Depression and Elaine earned her driver's license at 13 years old to help support her mother and herself;

Whereas, Mother and daughter moved to Columbia, Missouri, near the University of Missouri and Stephens College campuses;

Whereas, Elaine met her husband, Edwin Leroy Shomaker, on a blind date while he attended the University of Missouri and she attended Stephens College, and the two married in 1940;

Whereas, Elaine worked for Kemper Insurance and at a bank after her husband joined the Navy to serve the United States in World War II, and she later moved to Mexico, Missouri, to be with family until his return;

Whereas, The young couple welcomed two children into the world in 1945 and 1951 after the end of World War II, and Elaine supported the family as a homemaker while Ed worked as an engineer;

Whereas, The Shomaker family settled in Elkhart, Indiana, in 1958, established Arrow Tool and Die, built a life as Hoosiers, and spent fond evenings out on their boat on Paw Paw Lake near their home;

Whereas, Elaine went to work and later retired from E.H. Tepe Co. Inc. in Elkhart, Indiana, after her husband, Edwin, passed away in 1975 at the age of 58;

Whereas, Elaine's passion for gardening, embroidery, baking, and the Chicago Cubs is well known amongst family, friends, and her community; and

Whereas, Elaine, affectionately called "Gram" by loved ones, celebrates her 100th birthday on March 1, 2019: 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 Elaine Shomaker on the occasion of her 100th birthday.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Elaine Shomaker.

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

House Concurrent Resolution 21

Representative Kirchhofer introduced House Concurrent Resolution 21:

A CONCURRENT RESOLUTION recognizing February as Self-Care Awareness Month.

Whereas, The observance of Self-Care Awareness Month in February 2019 reminds citizens to pay attention to their health;

Whereas, Self-care is a lifelong daily habit of healthy lifestyle choices and encompasses good hygiene practices, awareness of bodily changes, a healthy diet, regular exercise, symptom monitoring, and the prevention of infection and illness;

Whereas, Self-care requires an individual to recognize when it is appropriate to self-treat conditions and when to seek professional assistance from a health care practitioner;

Whereas, Consumers have access to a wide range of over-the-counter medications that were originally sold only by prescription;

Whereas, The United States Food and Drug Administration states that "[Over-the-counter] medicines offer greater opportunity to treat more of the aches and illnesses most likely to appear in our later years. As we live longer, work longer, and take a more active role in our own health care, the need grows to become better informed about self-care.";

Whereas, A study by Booz & Company and the Consumer Healthcare Products Association found that every dollar spent on over-the-counter medicines saved the health care system as much as \$7, resulting in \$102 billion in annual savings; and

Whereas, Self-care can reduce unnecessary visits to health care practitioners, saving consumers and government money while allowing doctors and nurses to spend more time with patients who require their special expertise: 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 February as Self-Care Awareness Month.

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

HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1137, 1185, 1198, 1257, 1495 and 1552.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1052

Representative Thompson called down Engrossed House Bill 1052 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 252: yeas 73, nays 23. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

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

Engrossed House Bill 1089

Representative Thompson called down Engrossed House Bill 1089 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 253: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Raatz.

Engrossed House Bill 1214

Representative Torr called down 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 254: yeas 65, nays 32. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ruckelshaus, Koch and Spartz.

Engrossed House Bill 1397

Representative Cook called down Engrossed House Bill 1397 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 255: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Raatz, Spartz and Bassler.

Engrossed House Bill 1486

Representative Bartels called down Engrossed House Bill 1486 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 256: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Doriott.

Engrossed House Bill 1518

Representative Smaltz called down Engrossed House Bill 1518 for third reading:

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

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

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the question of House Bill 1518. Pursuant to House Rule 46, the reason for the request is the following:

I have a conflict of interest in the matter before the House which could reasonably be expected to have a unique, direct and substantial effect on my income.

BARTELS

Motion prevailed.

Roll Call 257: yeas 81, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Alting.

Engrossed House Bill 1526

Representative Austin called down Engrossed House Bill 1526 for third reading:

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

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

Roll Call 258: yeas 85, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ruckelshaus, Bohacek and Lanane.

Engrossed House Bill 1544

Representative Kirchhofer called down Engrossed House Bill 1544 for third reading:

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

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

Roll Call 259: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ruckelshaus, Breaux and Crider.

Engrossed House Bill 1607

Representative Hatfield called down Engrossed House Bill 1607 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 260: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Head.

Engrossed House Bill 1629

Representative Behning called down Engrossed House Bill

1629 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 261: yeas 67, nays 33. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Raatz and Kruse.

Engrossed House Bill 1630

Representative Behning called down Engrossed House Bill 1630 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 262: yeas 97, 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 Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Buchanan, Spartz and Melton.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:14 p.m. with the Speaker in the Chair.

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

**ENGROSSED HOUSE BILLS
ON THIRD READING****Engrossed House Bill 1138**

Representative Burton called down Engrossed House Bill 1138 for third reading:

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

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

Roll Call 263: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Freeman.

Engrossed House Bill 1211

Representative Mayfield called down Engrossed House Bill 1211 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 264: yeas 71, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators L. Brown and Messmer.

Engrossed House Bill 1591

Representative Young called down Engrossed House Bill 1591 for third reading:

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

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

Roll Call 265: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Koch and Young.

Engrossed House Bill 1625

Representative Clere called down Engrossed House Bill 1625 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 266: yeas 52, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Messmer and Garten.

HOUSE BILLS ON SECOND READING

House Bill 1001

Representative Huston called down House Bill 1001 for second reading. The bill was read a second time by title.

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

Representatives May, Speedy and the Speaker, who had been present, is now excused.

HOUSE MOTION (Amendment 1001-42)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 10, line 33, delete "1,500,000 1,500,000" and insert **"2,000,000 2,000,000"**.

Page 11, line 8, delete "22,820,000 22,820,000" and insert **"33,445,046 33,445,046"**.

Page 11, line 33, delete "1,214,900 1,214,900" and insert **"1,459,421 1,459,421"**.

Page 11, line 34, delete "336,793 336,793" and insert **"250,106 250,106"**.

Page 12, between lines 12 and 13, begin a new line double block indented and insert:

"GOVERNOR'S FELLOWSHIP PROGRAM

Personal Services 261,358 261,358

Other Operating Expense 19,421 19,421".

Page 21, between lines 5 and 6, begin a new line block left and insert:

"The above appropriation for community corrections programs does not revert at the end of any state fiscal year but remains available for the purposes of the appropriation in subsequent state fiscal years."

Page 27, between lines 10 and 11, begin a new line block indented and insert:

"HUMAN TRAFFICKING PREVENTION AND VICTIM ASSISTANCE FUND (IC 5-2-6-25)

Total Operating Expense 1,000,000".

Page 27, line 32, delete "1,501,708 1,501,708" and insert **"5,000,000 5,000,000"**.

Page 31, line 28, delete "98,115 98,115" and insert **"110,000 110,000"**.

Page 31, line 30, delete "135,431 135,431" and insert **"150,000 150,000"**.

Page 31, line 32, delete "74,379 74,379" and insert **"110,000 110,000"**.

Page 31, line 34, delete "102,432 102,432" and insert **"110,000 110,000"**.

Page 31, line 36, delete "19,400 19,400" and insert **"25,000 25,000"**.

Page 32, line 38, delete "19,010,000 19,010,000" and insert **"30,000,000 30,000,000"**.

Page 34, line 6, delete "187,210 187,210" and insert **"200,000"**.

Page 36, line 5, delete "94,090 94,090" and insert **"1,000,000 1,000,000"**.

Page 36, between lines 19 and 20, begin a new line block indented and insert:

"NONGAME FUND (IC 14-22-34-20)

Total Operating Expense 1,000,000".

Page 39, line 46, delete "300,000 300,000" and insert **"1,000,000 1,000,000"**.

Page 40, line 30, delete "The Studebaker Museum".

Page 40, delete line 31.

Page 41, line 4, delete "778,561 778,561" and insert **"1,000,000 1,000,000"**.

Page 41, line 39, delete "16,500,000 16,500,000" and insert **"25,000 25,000"**.

Page 42, line 14, delete "874,645 874,645" and insert **"1,000,000 1,000,000"**.

Page 42, delete lines 47 through 49.

Page 43, delete lines 1 through 2.

Page 43, delete lines 9 through 14.

Page 43, between lines 33 and 34, begin a new line block indented and insert:

"HOOSIER STATE RAIL LINE

Total Operating Expense 3,000,000 3,000,000".

Page 43, line 35, delete "45,000,000 45,000,000" and insert **"50,000,000 50,000,000"**.

Page 46, between lines 48 and 49, begin a new line block indented and insert:

"EVANSVILLE PEDESTRIAN BRIDGE

State Highway Fund (8-23-9-54) 1,000,000

The department shall use the foregoing appropriation to construct a pedestrian bridge over U.S. Highway 41 in the city of Evansville at Washington Avenue."

Page 52, line 20, delete "48,765,643 48,765,643" and insert **"54,000,000 54,000,000"**.

Page 52, line 23, after "waiver." insert **"The above appropriation for C.H.O.I.C.E. in-home services does not revert at the end of any state fiscal year but remains available for the purposes of the appropriation in subsequent state fiscal years."**

Page 53, line 21, delete "871,926 871,926" and insert **"2,000,000 2,000,000"**.

Page 54, line 7, delete "22,005,069 22,005,069" and insert **"42,000,000 42,000,000"**.

Page 54, between lines 20 and 21, begin a new line block left and insert:

"The above appropriation for child services administration does not revert at the end of any state fiscal year but remains available for the purposes of the appropriation in subsequent state fiscal years."

Page 54, between lines 33 and 34, begin a new line block left and insert:

"The above appropriation for the family and children fund does not revert at the end of any state fiscal year but remains available for the purposes of the appropriation in subsequent state fiscal years."

Page 55, between lines 33 and 34, begin a new line single block indented and insert:

"SICKLE CELL SUPPLEMENT

Total Operating Expense 1,100,000 1,100,000".

Page 57, line 24, delete "34,335 34,335" and insert "100,000 100,000".

Page 58, between lines 15 and 16, begin a new line block indented and insert:

"MATERNAL MORTALITY

**Total Operating Expense 1,000,000
SUPPLEMENTAL DOULA GRANTS**

**Total Operating Expense
3,000,000**

BIRTH CERTIFICATES

Total Operating Expense 100,000

The department shall use the above appropriation to provide birth certificates for no charge to persons who desire to acquire a state identification card and who reside in households with household incomes at or below two hundred percent (200%) of the federal poverty level."

Page 58, line 18, delete "3,915,209 3,915,209" and insert "10,000,000 10,000,000".

Page 59, line 19, delete "910,000 910,000" and insert "1,800,000 1,800,000".

Page 59, line 25, delete "\$200,000" and insert "\$400,000".

Page 59, line 26, delete "\$200,000" and insert "\$500,000".

Page 59, line 27, delete "\$200,000" and insert "\$400,000".

Page 59, line 28, delete "\$100,000" and insert "\$200,000".

Page 59, line 29, delete "\$100,000" and insert "\$200,000".

Page 68, delete lines 7 through 8.

Page 68, delete lines 13 through 14.

Page 69, line 22, delete "206,125 206,125" and insert "400,000 400,000".

Page 69, line 29, delete "24,070,000 24,070,000" and insert "35,000,000 35,000,000".

Page 72, line 18, delete "20,000,000 20,000,000" and insert "25,000,000 25,000,000".

Page 73, line 27, delete "500,000 500,000" and insert "1,000,000 1,000,000".

Page 73, between lines 43 and 44, begin a new line block indented and insert:

"DISTRIBUTIONS FOR PROFESSIONAL DEVELOPMENT

**Total Operating Expense
10,000,000**

The department shall distribute amounts available for the foregoing appropriation to each school corporation in proportion to the school corporation's ADM.

LOAN FORGIVENESS

Total Operating Expense 3,000,000

The department shall use the foregoing appropriation to pay off or otherwise reduce the outstanding balance of any loan made to the school city of East Chicago for the Carrie Gosch school."

Page 74, line 29, delete "180,000 180,000" and insert "185,000 185,000".

Page 80, line 40, delete "may" and insert "shall use any amount remaining from this appropriation that is not needed for deferred maintenance for water infrastructure projects throughout the state."

Page 80, delete line 41.

Page 81, between lines 23 and 24, begin a new line block indented and insert:

"STATE ARCHIVE BUILDING

Construction 30,000,000".

Page 84, between lines 2 and 3, begin a new line block indented and insert:

"LAKE MICHIGAN SAND REPLENISHMENT

Army Corps of Engineers Study 1,000,000".

Page 93, after line 47, begin a new paragraph and insert:

"SECTION 50. IC 4-12-1-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 20. (a) Before**

December 1 of each year, the budget agency shall:

- (1) prepare the report described in subsection (b) for the immediately preceding state fiscal year; and
- (2) publish the report on the Indiana transparency Internet web site.

(b) The report required by subsection (a) must include the following information:

- (1) The appropriations for:

- (A) summer school;
- (B) curricular material reimbursement; and
- (C) the gifted and talented education program.

- (2) The actual amounts expended for:

- (A) summer school;
- (B) curricular material reimbursement; and
- (C) the gifted and talented education program.

- (3) The actual expenditures specified under subdivision (2) expressed as a percentage of the appropriations specified under subdivision (1) for:

- (A) summer school;
- (B) curricular material reimbursement; and
- (C) the gifted and talented education program."

Page 108, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 75. IC 5-1.2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4.5. Public-Private Agreements

Sec. 1. (a) This chapter applies to any public-private agreement to which the authority or the state, including any state agency or instrumentality of the state, is a party regardless of the statutory authorization used to enter into the public-private agreement, including IC 5-23 (public-private agreements generally), IC 8-15.5 (toll roads), and IC 8-15.7 (highways, roads, bridges). This chapter applies to any original public-private agreement and any extension or amendment to a public-private agreement already in effect.

(b) If a provision of this chapter conflicts with a provision of another statute, the provision of this chapter controls with respect to the public-private agreement.

Sec. 2. (a) If the authority or the state receives a lump sum payment as a result of entering into any extension or amendment to a public-private agreement, any amount of that payment that is not obligated to cover any obligation incurred or amounts owed by the authority or the state before the date of the extension or amendment shall be deposited in a special payment reserve fund to be administered by the Indiana finance authority.

(b) The money in the special payment reserve fund at the end of any state fiscal year does not revert to any other fund.

(c) The authority may invest the money in the special payment reserve fund in the manner provided by law for investing money in the next level Indiana trust fund under IC 8-14-15.1."

Page 117, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 100. IC 6-3-2-1, AS AMENDED BY P.L.212-2018(ss), SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018 (RETROACTIVE)]:

Sec. 1. (a) Each taxable year, a tax at the following rate of adjusted gross income is imposed upon the adjusted gross income of every resident person, and on that part of the adjusted gross income derived from sources within Indiana of every nonresident person:

- (1) For taxable years beginning before January 1, 2015, three and four-tenths percent (3.4%).

- (2) For taxable years beginning after December 31, 2014, and before January 1, 2017, three and three-tenths percent (3.3%).

(3) For taxable years beginning after December 31, 2016, three and twenty-three hundredths percent (3.23%).

(b) Except as provided in section 1.5 of this chapter (before its expiration), each taxable year, a tax at the following rate of adjusted gross income is imposed on that part of the adjusted gross income derived from sources within Indiana of every corporation:

(1) Before July 1, 2012, eight and five-tenths percent (8.5%).

(2) After June 30, 2012, and before July 1, 2013, eight percent (8.0%).

(3) After June 30, 2013, and before July 1, 2014, seven and five-tenths percent (7.5%).

(4) After June 30, 2014, and before July 1, 2015, seven percent (7.0%).

(5) After June 30, 2015, and before July 1, 2016, six and five-tenths percent (6.5%).

(6) After June 30, 2016, and before July 1, 2017, six and twenty-five hundredths percent (6.25%).

(7) After June 30, 2017, and before July 1, 2018, six percent (6.0%).

(8) After June 30, 2018, and before July 1, 2019, five and seventy-five hundredths percent (5.75%).

~~(9) After June 30, 2019, and before July 1, 2020, five and five-tenths percent (5.5%).~~

~~(10) After June 30, 2020, and before July 1, 2021, five and twenty-five hundredths percent (5.25%).~~

~~(11) After June 30, 2021, four and nine-tenths percent (4.9%).~~

(c) If for any taxable year a taxpayer is subject to different tax rates under subsection (b), the taxpayer's tax rate for that taxable year is the rate determined in the last STEP of the following STEPS:

STEP ONE: Multiply the number of days in the taxpayer's taxable year that precede the day the rate changed by the rate in effect before the rate change.

STEP TWO: Multiply the number of days in the taxpayer's taxable year that follow the day before the rate changed by the rate in effect after the rate change.

STEP THREE: Divide the sum of the amounts determined under STEPS ONE and TWO by the number of days in the taxpayer's tax period.

However, the rate determined under this subsection shall be rounded to the nearest one-hundredth of one percent (0.01%)."

Page 119, between lines 44 and 45, begin a new paragraph and insert:

"SECTION 104. IC 6-5.5-2-1, AS AMENDED BY P.L.80-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 1. (a) There is imposed on each taxpayer a franchise tax measured by the taxpayer's apportioned income for the privilege of exercising its franchise or the corporate privilege of transacting the business of a financial institution in Indiana. The amount of the tax for a taxable year shall be determined by multiplying the applicable rate under subsection (b) times the remainder of:

(1) the taxpayer's apportioned income; minus

(2) the taxpayer's deductible Indiana net operating losses as determined under this section; minus

(3) the taxpayer's net capital losses minus the taxpayer's net capital gains computed under the Internal Revenue Code for each taxable year or part of a taxable year beginning after December 31, 1989, multiplied by the apportionment percentage applicable to the taxpayer under this chapter for the taxable year of the loss.

A net capital loss for a taxable year is a net capital loss carryover to each of the five (5) taxable years that follow the taxable year in which the loss occurred.

(b) The following are the applicable tax rates to be used under subsection (a):

(1) For taxable years beginning before January 1, 2014, eight and five-tenths percent (8.5%).

(2) For taxable years beginning after December 31, 2013, and before January 1, 2015, eight percent (8.0%).

(3) For taxable years beginning after December 31, 2014, and before January 1, 2016, seven and five-tenths percent (7.5%).

(4) For taxable years beginning after December 31, 2015, and before January 1, 2017, seven percent (7.0%).

(5) For taxable years beginning after December 31, 2016, and before January 1, 2019, six and five-tenths percent (6.5%).

(6) For taxable years beginning after December 31, 2018, and before January 1, 2020, six and twenty-five hundredths percent (6.25%).

~~(7) For taxable years beginning after December 31, 2019, and before January 1, 2021, six percent (6.0%).~~

~~(8) For taxable years beginning after December 31, 2020, and before January 1, 2022, five and five-tenths percent (5.5%).~~

~~(9) For taxable years beginning after December 31, 2021, and before January 1, 2023, five percent (5.0%).~~

~~(10) For taxable years beginning after December 31, 2022, four and nine-tenths percent (4.9%).~~

(c) The amount of net operating losses deductible under subsection (a) is an amount equal to the net operating losses computed under the Internal Revenue Code, adjusted for the items set forth in IC 6-5.5-1-2, that are:

(1) incurred in each taxable year, or part of a year, beginning after December 31, 1989; and

(2) attributable to Indiana.

(d) The following apply to determining the amount of net operating losses that may be deducted under subsection (a):

(1) The amount of net operating losses that is attributable to Indiana is the taxpayer's total net operating losses under the Internal Revenue Code for the taxable year of the loss, adjusted for the items set forth in IC 6-5.5-1-2, multiplied by the apportionment percentage applicable to the taxpayer under this chapter for the taxable year of the loss.

(2) A net operating loss for any taxable year is a net operating loss carryover to each of the fifteen (15) taxable years that follow the taxable year in which the loss occurred.

(e) The following provisions apply to a combined return computing the tax on the basis of the income of the unitary group when the return is filed for more than one (1) taxpayer member of the unitary group for any taxable year:

(1) Any net capital loss or net operating loss attributable to Indiana in the combined return shall be prorated between each taxpayer member of the unitary group by the quotient of:

(A) the receipts of that taxpayer member attributable to Indiana under section 4 of this chapter; divided by

(B) the receipts of all taxpayer members of the unitary group attributable to Indiana.

(2) The net capital loss or net operating loss for that year, if any, to be carried forward to any subsequent year shall be limited to the capital gains or apportioned income for the subsequent year of that taxpayer, determined by the same receipts formula set out in subdivision (1)."

Page 121, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 108. IC 6-7-2-5, AS AMENDED BY P.L.172-2011, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. As used in this chapter, "tobacco product" means:

(1) any product made from **or derived from** tobacco, other than a cigarette (as defined in IC 6-7-1-2), that is made for smoking, chewing, ~~or both, or heating, dissolving, absorbing, inhaling, or ingesting by any~~

other means;

(2) snuff, including moist snuff;

(3) an electronic cigarette (as defined in IC 35-46-1-1.5);

(4) e-liquid (as defined in IC 7.1-7-2-10); or

(5) vapor products (as defined in IC 7.1-7-2-23).

SECTION 109. IC 6-7-2-7, AS AMENDED BY P.L.205-2013, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) A tax is imposed on the distribution of tobacco products in Indiana at the rate of:

(1) twenty-four percent (24%) of the wholesale price of tobacco products other than moist snuff; or

(2) for moist snuff, forty cents (\$0.40) per ounce, and a proportionate tax at the same rate on all fractional parts of an ounce. If the tax calculated for a fractional part of an ounce carried to the third decimal place results in the numeral in the third decimal place being greater than four (4), the amount of the tax shall be rounded to the next additional cent.

(b) The distributor of the tobacco products, including a person that sells tobacco products through an Internet web site, is liable for the tax imposed under subsection (a). The tax is imposed at the time the distributor:

(1) brings or causes tobacco products to be brought into Indiana for distribution;

(2) manufactures tobacco products in Indiana for distribution; or

(3) transports tobacco products to retail dealers in Indiana for resale by those retail dealers.

(c) ~~The Indiana general assembly finds that the tax rate on smokeless tobacco should reflect the relative risk between such products and cigarettes.~~

SECTION 110. IC 6-7-2-17, AS AMENDED BY P.L.234-2007, SECTION 202, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) **Except as provided in subsection (b),** the department shall deposit twenty-five percent (25%) of the taxes, registration fees, fines, or penalties collected under this chapter in the affordable housing and community development fund established by IC 5-20-4-7. The remainder of the taxes, registration fees, fines, or penalties collected under this chapter shall be deposited as provided in IC 6-7-1-28.1.

(b) **The department shall deposit one hundred percent (100%) of the taxes collected from electronic cigarettes, e-liquids, and vapor products under this chapter in the Indiana tobacco use prevention and cessation trust fund established by IC 4-12-4-10."**

Page 124, strike lines 2 through 3.

Page 141, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 154. IC 10-21-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.5. (a) As used in this section, "school" refers to any kindergarten through grade 12 school that receives state funding.

(b) At the conclusion of each state fiscal year, the auditor of state shall determine the total amount of money that has reverted to the state general fund during the state fiscal year from any account or fund. Before August 1 each year, the auditor of state shall transfer from the state general fund to the agency settlement fund established by IC 4-12-16-2 the lesser of:

(1) one hundred million dollars (\$100,000,000); or

(2) the total amount of money that has reverted to the state general fund during the previous state fiscal year from any account or fund.

(c) There is annually appropriated from the agency settlement fund the following amounts for the following purposes:

(1) Twenty-five percent (25%) of the amount transferred under subsection (b) for the board to provide secured school safety grants. Grants awarded from money provided under this subdivision must be used only for physical school infrastructure safety related improvements.

(2) Seventy-five percent (75%) of the amount transferred under subsection (b) for the board to provide school resource officer grants. Grants awarded from money provided under this subdivision must be used only for school resource officers who:

(A) meet the standards of the Indiana law enforcement training board, an agency that the Indiana law enforcement training board has granted reciprocity, or the National Law Enforcement Academy; and

(B) have taken the oath of office to serve as a police officer.

A school having a school resource officer as a full-time employee may not receive a grant under this subdivision until all schools that intend to employ a school resource officer and do not have a school resource officer have received a grant.

(d) Grants awarded from money provided under this section:

(1) shall be distributed before November 1 each year; and

(2) do not require a match by a school.

SECTION 155. IC 10-21-1-7, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. The department of homeland security shall report before October 1 of each year to the budget committee concerning matching grants awarded under this chapter during the previous fiscal year."

Page 162, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 187. IC 20-43-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 16. Supplemental Salary Increases

Sec. 1. (a) There is appropriated to the department a sufficient amount from the state general fund for its use in making supplemental distributions to each school corporation and charter school to provide each teacher of the school corporation or charter school a five percent (5%) salary increase during the state fiscal year beginning July 1, 2019. The amount appropriated under this subsection is in addition to other distributions to a school corporation under any other law.

(b) There is appropriated to the department a sufficient amount from the state general fund for its use in making supplemental distributions to each school corporation and charter school to provide each teacher of the school corporation or charter school a five percent (5%) salary increase during the state fiscal year beginning July 1, 2020. The amount appropriated under this subsection is in addition to other distributions to a school corporation under any other law.

(c) The governor may authorize one (1) or more transfers from the special reserve fund established under IC 5-1.2-4.5 or the major moves construction fund established under IC 8-14-14-5 to the state general fund during:

(1) the state fiscal year beginning July 1, 2019, for the pay increases described under subsection (a);

(2) the state fiscal year beginning July 1, 2020, for the pay increases described under subsection (b); or

(3) both state fiscal years specified under subdivisions (1) and (2);

by directing the Indiana finance authority or the Indiana department of transportation, as applicable, to make the

transfers. The aggregate amount of the transfers authorized under this subsection for the state fiscal year specified in subdivision (1) may not exceed the amount appropriated under subsection (a). The aggregate amount of the transfers authorized under this subsection for the state fiscal year specified in subdivision (2) may not exceed the amount appropriated under subsection (b)."

Page 168, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 194. [EFFECTIVE JULY 1, 2019] (a) Notwithstanding IC 4-12-1-15.7(b), before August 1, 2019, the budget agency shall transfer fifty million dollars (\$50,000,000) from the state tuition reserve account to the state general fund.

(b) Before July 1, 2020, the governor shall request that the board of directors of the Indiana secondary market for education loans, as established, incorporated, and designated under IC 21-16-5-1, transfer one hundred twenty million dollars (\$120,000,000) in cash or cash equivalents from the Indiana secondary market for education loans to the treasurer of state for deposit in the state general fund.

(c) This SECTION expires January 1, 2021.

SECTION 195. [EFFECTIVE JULY 1, 2019] (a) The Indiana commission for higher education shall determine the estimated cost to provide a one thousand dollar (\$1,000) stipend to every Indiana in-state student attending an accredited public or private institution of higher learning who is not eligible for a Pell Grant/Loan or an Indiana commission on higher education student assistance program. The commission shall present a report on its determination to the state budget committee before December 1, 2019."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2019.)

PORTER

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 267: yeas 33, nays 63. Motion failed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION
(Amendment 1001-35)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 119, between lines 44 and 45, begin a new paragraph and insert:

"SECTION 101. IC 6-3.1-34 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]:

Chapter 34. Credit for Contributions to Organizations That Provide Foster Care Services

Sec. 1. As used in this chapter, "pass through entity" means a:

- (1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);
- (2) partnership;
- (3) limited liability company; or
- (4) limited liability partnership.

Sec. 2. As used in this chapter, "qualified foster care organization" means an organization that meets all the following qualifications:

- (1) The organization is exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code.
- (2) The organization provides direct assistance to individuals in the foster care system and to individuals who:
 - (A) are less than twenty-six (26) years of age; and
 - (B) reached eighteen (18) years of age while in the foster care system.

(3) The organization spends at least fifty percent (50%) of its available revenue on qualified services to Indiana residents.

(4) The organization affirms that it will continue spending at least fifty percent (50%) of its available revenue on qualified services to Indiana residents.

(5) The organization provides ongoing qualified services to at least two hundred (200) individuals described in subdivision (2) who are Indiana residents.

Sec. 3. As used in this chapter, "qualified services" means cash assistance, medical care, child care, food, clothing, shelter, job placement and job training services, and other assistance provided to meet the basic needs of individuals described in section 2(2) of this chapter.

Sec. 4. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

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

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

Sec. 5. As used in this chapter, "taxpayer" means an individual or entity that has state tax liability.

Sec. 6. (a) An organization that desires to be a qualified foster care organization under this chapter must annually apply to the department and provide proof that the organization meets the requirements of this chapter.

(b) Before January 1 each year, the department shall publish a list of all qualified foster care organizations to which contributions may be made during a taxpayer's immediately following taxable year.

(c) The department shall prescribe the form of the application for the tax credit allowed under this chapter.

(d) The department may adopt rules, under IC 4-22-2, to administer the application and determination process under this chapter.

Sec. 7. (a) Each taxable year, a taxpayer that makes a contribution to a qualified foster care organization may claim a credit against the taxpayer's state tax liability.

(b) The credit allowed equals fifty percent (50%) of the amount contributed by the taxpayer to a qualified foster care organization.

(c) If the credit provided by this chapter exceeds the taxpayer's state tax liability for the taxable year for which the credit is first claimed, the excess may be carried forward to succeeding taxable years and used as a credit against the taxpayer's state tax liability during those taxable years. Each time the credit is carried forward to a succeeding taxable year, the credit is reduced by the amount that was used as a credit during the immediately preceding taxable year. The credit provided by this chapter may be carried forward and applied to succeeding taxable years for nine (9) taxable years following the unused credit year. A taxpayer is not entitled to a carryback or refund of any unused credit.

Sec. 8. (a) The total amount of tax credits awarded under this chapter may not exceed five hundred thousand dollars (\$500,000) for each state fiscal year.

(b) The department shall record the time of filing of each application for allowance of a credit under this chapter. Subject to subsection (c), the department shall approve the applications, if they otherwise qualify for a tax credit under this chapter, in the chronological order in which the applications are received from a qualified foster care organization in the state fiscal year. The department shall inform the qualified foster care organization submitting the application of the department's approval or disapproval of the application.

(c) The department may not approve an application received after the total credits approved under this section

equal the maximum amount allowable in a state fiscal year. The department shall inform each qualified foster care organization that the maximum amount of tax credits allowable under this chapter has been approved.

Sec. 9. A qualified foster care organization shall provide the following information on an Internet web site used by the organization to provide information to the public:

- (1) The application for the credit provided in this chapter.
- (2) A timeline for receiving the credit provided in this chapter.
- (3) The total amount of credit applications submitted to the department and approved under this chapter during the current state fiscal year.

Sec. 10. If a pass through entity does not have state income tax liability against which the tax credit may be applied, a shareholder or partner of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder or partner is entitled.

Sec. 11. (a) To apply for the tax credit provided by this chapter, a taxpayer must submit an application for the credit to a qualified foster care organization at the time of the taxpayer's contribution to the qualified foster care organization.

(b) To receive a tax credit approved under section 8 of this chapter, a taxpayer must:

- (1) claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department; and
- (2) submit to the department all information that the department determines is necessary to calculate the credit provided by this chapter and to verify the taxpayer's eligibility for the credit.

Sec. 12. A qualified foster care organization shall submit to the department all applications for the credit received under section 11 of this chapter in the chronological order in which the applications are received."

Page 170, between line 21 and 22, begin a new paragraph and insert:

SECTION 191. [EFFECTIVE JANUARY 1, 2020] (a) IC 6-3.1-34, as added by this act, applies to taxable years beginning after December 31, 2019.

(b) This SECTION expires June 30, 2022."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2019.)

DEVON

Motion withdrawn.

HOUSE MOTION
(Amendment 1001-31)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 54, line 6, delete "PILOT" and insert "(IC 12-17.2-7.2)".

Page 54, line 7, delete "22,005,069 22,005,069" and insert "**75,000,000 100,000,000**".

Page 119, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 100. IC 6-3.1-30.5-7, AS AMENDED BY P.L.202-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) A taxpayer that makes a contribution to a scholarship granting organization for use by the scholarship granting organization in a school scholarship program is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer makes the contribution.

(b) A taxpayer is not entitled to a credit under this chapter for a contribution to a scholarship granting organization that is used to provide a scholarship or other assistance to a child participating in the early education grant ~~pilot~~ program under IC 12-17.2-7.2."

Page 147, between lines 46 and 47, begin a new paragraph and insert:

"SECTION 153. IC 12-17.2-7.2-1, AS AMENDED BY P.L.184-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. As used in this chapter, "eligible child" refers to an individual who:

- (1) is at least four (4) years of age and less than five (5) years of age on August 1 of the state fiscal year for which a grant is sought under the prekindergarten ~~pilot~~ program;
- (2) is a resident of Indiana or otherwise has legal settlement in Indiana, as determined under IC 20-26-11;
- (3) meets the requirements under section 7.1 of this chapter;
- (4) receives qualified early education services from an eligible provider, as determined by the office;
- (5) has a parent or guardian who participates in a parental engagement and involvement component provided by the eligible provider; and
- (6) has a parent or guardian who agrees to ensure that the child meets the attendance requirements determined by the office.

SECTION 154. IC 12-17.2-7.2-2, AS AMENDED BY P.L.184-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. As used in this chapter, "eligible provider" refers to a provider that satisfies the following conditions:

(1) The provider is:

(A) a:

- (i) public school, including a charter school;
- (ii) child care center licensed under IC 12-17.2-4;
- (iii) child care home licensed under IC 12-17.2-5; or
- (iv) child care ministry registered under IC 12-17.2-6;

that meets the standards of quality recognized by a Level 3 or Level 4 paths to QUALITY program rating;

(B) a school that is accredited by the state board of education or a national or regional accreditation agency that is recognized by the state board of education; or

(C) a school that is accredited to provide qualified early education services by an accrediting agency approved by the office of the secretary.

(2) The provider:

- (A) provides qualified early education services to eligible children; and
- (B) complies with the agreement with the office concerning the delivery of qualified education services and the use of a grant provided under this chapter.

(3) The provider:

- (A) is located in a county in which the prekindergarten ~~pilot~~ program is implemented; or
- (B) meets the requirements of section 7(h) of this chapter.

SECTION 155. IC 12-17.2-7.2-4.7, AS ADDED BY P.L.184-2017, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.7. As used in this chapter, "~~pilot~~ fund" refers to the prekindergarten ~~pilot~~ program fund established by section 13.5 of this chapter.

SECTION 156. IC 12-17.2-7.2-5, AS AMENDED BY P.L.184-2017, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. As used in this chapter, "prekindergarten ~~pilot~~ program" refers to the prekindergarten ~~pilot~~ program established under section 7 of this chapter.

SECTION 157. IC 12-17.2-7.2-7, AS AMENDED BY P.L.184-2017, SECTION 19, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The office may establish a prekindergarten ~~pilot~~ program to provide grants for:

- (1) qualified early education services in a manner consistent with how funds are distributed under the Child Care and Development Fund (CCDF) grant program; and
- (2) expansion plans as described in section 7.4(a)(2) of this chapter.

(b) The office shall administer the prekindergarten ~~pilot~~ program. The prekindergarten ~~pilot~~ program may include:

- (1) eligible providers in the counties described in subsections (c) and (d); and
- (2) potential eligible providers or existing eligible providers as described in section 7.4 of this chapter.

The office shall ensure that the counties selected include a population of eligible children sufficient to conduct the longitudinal study under section 12 of this chapter.

(c) Before July 1, 2017, the prekindergarten ~~pilot~~ program includes eligible providers in the following pilot counties:

- (1) Allen.
- (2) Jackson.
- (3) Lake.
- (4) Marion.
- (5) Vanderburgh.

The total amount of grants the office awards to eligible children in a county listed in this subsection during a state fiscal year may not be less than the total amount of grants the office awarded to eligible children in that county during the immediately preceding state fiscal year unless the office determines that there is an insufficient number of eligible children or eligible providers in the county to justify the total amount of grants for that county.

(d) After June 30, 2017, **and before July 1, 2019**, in addition to the counties listed under subsection (c), the prekindergarten ~~pilot~~ program includes the following:

- (1) Eligible providers in fifteen (15) additional counties.
- (2) Eligible providers described in subsection ~~(h)~~ **(i)** regardless of whether the eligible providers are located in a county described in subsection (c) or subdivision (1).

In determining which counties are designated as pilot counties under subdivision (1), the office shall give preference to counties that are primarily rural.

(e) After June 30, 2019, the prekindergarten program is expanded to include all eligible providers in every county in Indiana.

~~(e)~~ **(f)** Subject to the requirements of this chapter, the office shall determine:

- (1) the eligibility requirements, application process, and selection process for awarding grants under the prekindergarten ~~pilot~~ program;
- (2) the administration and reporting requirements for:
 - (A) eligible providers; and
 - (B) potential eligible providers or existing eligible providers;

participating in the prekindergarten ~~pilot~~ program; and

- (3) with the assistance of the early learning advisory committee, an appropriate outcomes based accountability system for:

- (A) eligible providers; and
- (B) potential eligible providers or existing eligible providers.

~~(f)~~ **(g)** Before implementing the prekindergarten ~~pilot~~ program, the office shall submit the provisions of the prekindergarten ~~pilot~~ program to the state board of education for the state board of education's review and comment.

~~(g)~~ **(h)** The office shall, subject to the availability of funding, determine the number of eligible children who will participate in the prekindergarten ~~pilot~~ program.

~~(h)~~ **(i)** An eligible provider that:

- (1) received a matching grant under IC 12-17.2-3.6 (before its repeal) in the state fiscal year beginning after June 30,

2016, and ending before July 1, 2017;

(2) meets the requirements as an eligible provider under this chapter; and

(3) participates in the prekindergarten ~~pilot~~ program each year continuously, beginning with the year the eligible provider is eligible to participate in the prekindergarten ~~pilot~~ program under this subsection;

is eligible to participate in the prekindergarten ~~pilot~~ program regardless of whether the eligible provider is located in a county described in subsection (c) or (d)(1). If an eligible provider does not participate in the program each year continuously as described in subdivision (3), the eligible provider is not eligible under this subsection to participate in the prekindergarten ~~pilot~~ program. However, this subsection does not affect the eligibility of an eligible provider that is located in a county described in subsection (c) or (d)(1).

SECTION 158. IC 12-17.2-7.2-7.1, AS ADDED BY P.L.184-2017, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.1. (a) Except as provided in subsection (b), for an eligible child to qualify for a grant under this chapter, the eligible child must be a member of a household with an annual income that does not exceed one hundred twenty-seven percent (127%) of the federal poverty level.

(b) Subject to subsection (d) and section 8(a) of this chapter, an eligible child who resides in a county described in section 7(c) of this chapter may qualify for a grant under this chapter if the following apply:

(1) The office determines that all eligible children described in subsection (a) residing in the county who:

- (A) applied for a grant under this chapter; and
- (B) meet the requirements to receive a grant under this chapter;

have been awarded a grant under this chapter.

(2) The eligible child is a member of a household with an annual income that does not exceed one hundred eighty-five percent (185%) of the federal poverty level.

(3) The eligible child meets the other requirements to receive a grant under this chapter.

(c) At least ten percent (10%) but not more than fifty percent (50%) of the tuition for eligible children described in subsection (b) under the prekindergarten ~~pilot~~ program during the state fiscal year must be paid from donations, gifts, grants, bequests, and other funds received from a private entity or person or person, from the United States government, or from other sources (excluding funds from a grant provided under this chapter and excluding other state funding). The office may receive and administer grants on behalf of the prekindergarten ~~pilot~~ program. The grants shall be distributed by the office to fulfill the requirements of this subsection.

(d) If the office awards grants to eligible children described in subsection (b) in a county described in subsection (b), the total amount of grants awarded to all eligible children in that county under this chapter may not exceed the total of:

- (1) the amount awarded to all eligible children in that county in the immediately preceding state fiscal year; plus
- (2) twenty percent (20%) of the amount described in subdivision (1).

SECTION 159. IC 12-17.2-7.2-7.3, AS ADDED BY P.L.184-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.3. The office shall require, for an eligible provider to enroll in the prekindergarten ~~pilot~~ program, that the eligible provider agree to the following:

(1) Comply on a continuing basis with the requirements under this chapter and rules for participation established by the office.

(2) Maintain eligibility under this chapter throughout the prekindergarten program year.

(3) Report immediately any changes in eligibility status to

the office, including the eligible provider's loss of national or regional accreditation.

(4) Participate in any training and mandatory meetings required by the office.

(5) Participate in all onsite visits conducted by the office, including fiscal auditing activities with regard to the prekindergarten ~~pitot~~ program and prekindergarten program activity monitoring.

(6) Allow families of eligible children enrolled in the prekindergarten program of the eligible provider to visit at any time the prekindergarten program is in operation.

(7) Maintain accurate online attendance records through the attendance portal for eligible children enrolled in the prekindergarten ~~pitot~~ program and submit attendance records as required by the office.

(8) Offer parental engagement and involvement activities in the prekindergarten program of the eligible provider in alignment with the family engagement framework adopted by the early learning advisory committee established by IC 12-17.2-3.8-5.

(9) Complete, within the period established by the office, the Indiana early childhood family engagement toolkit, including the family engagement self-assessment, adopted by the early learning advisory committee.

(10) Share information on the family engagement self-assessment described in subdivision (9) as required by the office.

(11) Participate in research studies as required by the office.

(12) Enforce minimum attendance requirements of at least eighty-five percent (85%) of the days that the prekindergarten program of the eligible provider is offered to an eligible child.

(13) Inform the office that an eligible child has withdrawn from the prekindergarten program of the eligible provider not later than five (5) days after the eligible child is withdrawn.

(14) That retroactive repayment to the state may be required or future payments may be adjusted as a result of the withdrawal of an eligible child or changes in the law.

(15) Maintain records of participation by a family of an eligible child in family engagement activities and submit records as required by the office.

(16) Promote an eligible child's social, emotional, and behavioral health and eliminate or severely limit the use of expulsion, suspension, and other exclusionary discipline practices.

(17) Use the exclusionary discipline practices described in subdivision (16) only as a last resort in extraordinary circumstances when there is a determination of a serious safety threat that cannot otherwise be reduced or eliminated by the provision of reasonable modifications.

(18) Inform and receive approval from the office before the eligible provider expels, suspends, or uses other exclusionary discipline practices.

(19) Assist a parent or guardian, upon request by the parent or guardian, in obtaining information from, referral to, or both information from and referral to, the public school that serves the attendance area in which the parent or guardian resides for an educational evaluation and determination of eligibility for special education services if developmental delays or reasons to suspect a disability are observed by the parent, guardian, or teacher of an eligible child during the prekindergarten program year.

SECTION 160. IC 12-17.2-7.2-7.4, AS ADDED BY P.L.184-2017, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.4. (a) To qualify as a potential eligible provider or existing eligible provider, an applicant must:

(1) provide an expansion plan to the office that details the

potential eligible provider's or existing eligible provider's plan to:

(A) increase the capacity of providers of qualified early education services to serve a greater number of eligible children;

(B) increase the number of providers of qualified early education services; or

(C) increase the capacity as described in clause (A) and increase the number as described in clause (B);

(2) comply with the agreement with the office concerning the plan under subdivision (1) and the use of a grant awarded under this chapter;

(3) agree:

(A) to operate as an eligible provider; or

(B) that the applicant intends to operate as an eligible provider;

(4) agree that the applicant will not use any grant funds awarded under this section for capital expenditures; and

(5) comply with any other standards and procedures established under this chapter.

(b) Subject to subsections (c) and (d), the office may award a grant to an applicant that meets the requirements of subsection (a).

(c) The office may not use more than a total of twenty percent (20%) of the money in the ~~pitot~~ fund each state fiscal year for grants awarded under this chapter to potential eligible providers and existing eligible providers for expansion plans.

(d) The office may not award grant funds under this section to an applicant for any of the following:

(1) The purchase of land or a building.

(2) The construction or expansion of a building.

(e) If a potential eligible provider or existing eligible provider fails to:

(1) use the grant funds in accordance with the expansion plan described in subsection (a); or

(2) comply with the agreement entered into with the office under subsection (a);

the potential eligible provider or existing eligible provider shall repay to the office the total amount of the grant awarded to the potential eligible provider or existing eligible provider under this chapter.

SECTION 161. IC 12-17.2-7.2-7.5, AS AMENDED BY P.L.184-2017, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.5. The office may adopt rules under IC 4-22-2 concerning the implementation and the administration of the prekindergarten ~~pitot~~ program.

SECTION 162. IC 12-17.2-7.2-7.8, AS ADDED BY P.L.184-2017, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.8. (a) The office shall make random onsite inspections each year, as determined necessary by the office, at the facility of:

(1) an eligible provider; or

(2) a potential eligible provider or existing eligible provider;

that receives a grant under this chapter.

(b) The office may determine that an eligible provider or potential eligible provider or existing eligible provider is not eligible to receive a grant under the prekindergarten ~~pitot~~ program if the eligible provider or potential eligible provider or existing eligible provider:

(1) fails to comply with this chapter; or

(2) refuses to allow, during normal business hours, the office or an agent of the office to inspect the facility at which the eligible provider or potential eligible provider or existing eligible provider operates a child care program for eligible children.

SECTION 163. IC 12-17.2-7.2-8, AS AMENDED BY P.L.184-2017, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The office shall determine:

- (1) which applicants shall be awarded a grant; and
- (2) subject to subsection (b) and to the availability of funding, the amount of each grant.

(b) Except as provided in section 7.1 of this chapter, at least five percent (5%) but not more than fifty percent (50%) of the:

- (1) tuition for eligible children under the prekindergarten ~~pilot~~ program; or
- (2) expansion plan described in section 7.4(a) of this chapter;

during the state fiscal year must be paid from donations, gifts, grants, bequests, and other funds received from a private entity or person, from the United States government, or from other sources (excluding funds from a grant provided under this chapter and excluding other state funding). The office may receive and administer grants on behalf of the prekindergarten ~~pilot~~ program. The grants shall be distributed by the office to fulfill the requirements of this subsection.

(c) The amount of a grant made under the ~~pilot~~ program to an eligible child:

- (1) must equal at least two thousand five hundred dollars (\$2,500) during the state fiscal year; and
- (2) may not exceed six thousand eight hundred dollars (\$6,800) during the state fiscal year.

SECTION 164. IC 12-17.2-7.2-11, AS AMENDED BY P.L.184-2017, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. Except as provided under IC 20-51-1-4.3(3)(E), the receipt of a grant under the ~~pilot~~ program does not qualify, nor have an effect on the qualification or eligibility, of a child for a choice scholarship under IC 20-51-4.

SECTION 165. IC 12-17.2-7.2-12, AS AMENDED BY P.L.184-2017, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) The office shall carry out a longitudinal study of students who participate in the prekindergarten ~~pilot~~ program to determine the achievement levels of those students in kindergarten and later grades.

(b) The longitudinal study must include a comparison of test and assessment results in grade 3 of:

- (1) the eligible children who participated in the prekindergarten ~~pilot~~ program; and
- (2) a control group determined by the office that consists of children who did not participate in the prekindergarten ~~pilot~~ program.

(c) The office may, after consulting with the state board of education, enter into a contract with one (1) or more persons to carry out the longitudinal study under this section. The office may expend not more than one million dollars (\$1,000,000) from the funds appropriated under section 9 of this chapter (repealed) to carry out the longitudinal study.

SECTION 166. IC 12-17.2-7.2-13, AS AMENDED BY P.L.184-2017, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. The office shall before November 1 of each year report to the governor, the budget committee, the state board of education, the department of education, and, in an electronic format under IC 5-14-6, the legislative council regarding the prekindergarten ~~pilot~~ program."

Page 148, line 1, strike "pilot".

Page 148, line 14, reset in roman "at the end of a state fiscal year does not revert to the state general fund."

Page 148, line 14, after "fund." insert "**Money in the fund**".

Page 148, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 168. IC 12-17.2-7.5-4, AS ADDED BY P.L.184-2017, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) After completing the review under section 3 of this chapter, the office may develop and implement a reimbursement program to reimburse costs that are incurred by a parent or guardian of a

child to provide in-home early education services to the child.

(b) If the office develops and implements a reimbursement program under subsection (a), the office shall give preference to a child located in a county that does not have a child care provider that meets the standards of quality recognized by a Level 3 or Level 4 Paths to QUALITY program rating located in the county.

(c) The office may develop reimbursement rates for the reimbursement of in-home early education services.

(d) Reimbursement by the office under this section may be funded from any of the following sources:

- (1) Federal grants.
- (2) State appropriations.
- (3) Money from a political subdivision (as defined in IC 36-1-2-13).
- (4) Money from the prekindergarten ~~pilot~~ program fund established by IC 12-17.2-7.2-13.5."

Page 150, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 174. IC 20-19-3-17, AS ADDED BY P.L.186-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) As used in this section, "foster care" has the meaning set forth in IC 31-9-2-46.7.

(b) As used in this section, "foster care youth" means students in foster care.

(c) As used in this section, "graduation rate" has the meaning set forth in IC 20-26-13-6.

(d) The state board shall, in collaboration with the department and the department of child services, annually prepare a report on foster care youth educational outcomes that includes the following:

- (1) The annual graduation rate of foster care youth, including the following information:
 - (A) The graduation rate for each of the following:
 - (i) Foster care youth who received a graduation waiver under IC 20-32-4-4.
 - (ii) Foster care youth who did not receive a graduation waiver under IC 20-32-4-4.
 - (B) The number and percentage of foster care youth who received each type of diploma.
 - (2) The adjusted cohort graduation rate for foster care youth, including the adjusted cohort graduation rate for each of the following:
 - (A) Foster care youth who received a graduation waiver under IC 20-32-4-4.
 - (B) Foster care youth who did not receive a graduation waiver under IC 20-32-4-4.
 - (3) The number and percentage for each of the following:
 - (A) Foster care youth who were promoted to the next grade level at the end of the school year.
 - (B) Foster care youth who were retained in the same grade level for the next school year.
 - (C) Foster care youth who were suspended during the school year.
 - (D) Foster care youth who were expelled during the school year.
 - (E) Foster care youth who met academic standards on statewide assessment program tests (as defined in IC 20-32-2-2.3) administered during the school year.
- The information reported under this subdivision must also be disaggregated by race, grade, gender, free or reduced price lunch status, and eligibility for special education.
- (4) The number and percentage of eligible foster care youth who are enrolled in the prekindergarten ~~pilot~~ program under IC 12-17.2-7.2.
 - (5) The number and percentage of foster care youth who passed the reading skills evaluation administered under IC 20-32-8.5-2.
 - (6) The number and percentage of foster care youth

enrolled in schools, disaggregated by the category or designation of the school under IC 20-31-8-3.

(7) The number and percentage of foster care youth enrolled in schools, disaggregated by the type of school, including public schools, charter schools, and secure private facilities (as defined in IC 31-9-2-115).

(e) Not later than June 30, 2019, the department shall:

(1) after consulting with the department of child services, develop a remediation plan concerning foster care youth; and

(2) submit a copy of the remediation plan to the following:

(A) The state board.

(B) The department of child services.

(C) The legislative council in an electronic format under IC 5-14-6.

(f) Before April 1, 2019, and before April 1 each year thereafter, the department shall submit the report described in subsection (d) to the following:

(1) Department of child services.

(2) Legislative council in an electronic format under IC 5-14-6.

SECTION 175. IC 20-19-3-18, AS ADDED BY P.L.186-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) As used in this section, "graduation rate" has the meaning set forth in IC 20-26-13-6.

(b) The state board shall, in collaboration with the department and the department of child services, annually prepare a report on homeless youth educational outcomes that includes the following:

(1) The annual graduation rate of homeless youth, including the following information:

(A) The graduation rate for each of the following:

(i) Homeless youth who received a graduation waiver under IC 20-32-4-4.

(ii) Homeless youth who did not receive a graduation waiver under IC 20-32-4-4.

(B) The number and percentage of homeless youth who received each type of diploma.

(2) The adjusted cohort graduation rate for homeless youth, including the adjusted cohort graduation rate for each of the following:

(A) Homeless youth who received a graduation waiver under IC 20-32-4-4.

(B) Homeless youth who did not receive a graduation waiver under IC 20-32-4-4.

(3) The number and percentage of each of the following:

(A) Homeless youth who were promoted to the next grade level at the end of the school year.

(B) Homeless youth who were retained in the same grade level for the next school year.

(C) Homeless youth who were suspended during the school year.

(D) Homeless youth who were expelled during the school year.

(E) Homeless youth who met academic standards on statewide assessment program tests (as defined in IC 20-32-2-2.3) administered during the school year.

The information reported under this subdivision must also be disaggregated by race, grade, gender, free or reduced price lunch status, and eligibility for special education.

(4) The number and percentage of eligible homeless youth who are enrolled in the prekindergarten pilot program under IC 12-17.2-7.2.

(5) The number and percentage of homeless youth who passed the reading skills evaluation administered under IC 20-32-8.5-2.

(6) The number and percentage of homeless youth enrolled in schools, disaggregated by the category or designation of the school under IC 20-31-8-3.

(7) The number and percentage of homeless youth enrolled in schools, disaggregated by the type of school, including public schools, charter schools, and secure private facilities (as defined in IC 31-9-2-115).

(c) Not later than August 31, 2019, the department shall:

(1) develop a remediation plan concerning homeless youth; and

(2) submit a copy of the remediation plan to the following:

(A) The state board.

(B) The Indiana housing and community development authority established by IC 5-20-1-3.

(C) The legislative council in an electronic format under IC 5-14-6.

(d) Before June 1, 2019, and before June 1 each year thereafter, the department shall submit the report described in subsection (b) to the following:

(1) The Indiana housing and community development authority.

(2) The legislative council in an electronic format under IC 5-14-6."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2019.)

HAMILTON

Upon request of Representatives GiaQuinta and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 268: yeas 33, nays 61. Motion failed.

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

HOUSE MOTION

(Amendment 1001-9)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 162, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 177. IC 20-43-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 16. Supplemental Salary Increases

Sec. 1. (a) There is appropriated to the department a sufficient amount from the state general fund for its use in making supplemental distributions to each school corporation and charter school to provide each teacher of the school corporation or charter school a five percent (5%) salary increase during the state fiscal year beginning July 1, 2019. The amount appropriated under this subsection is in addition to other distributions to a school corporation under any other law.

(b) There is appropriated to the department a sufficient amount from the state general fund for its use in making supplemental distributions to each school corporation and charter school to provide each teacher of the school corporation or charter school a five percent (5%) salary increase during the state fiscal year beginning July 1, 2020. The amount appropriated under this subsection is in addition to other distributions to a school corporation under any other law.

(c) Notwithstanding IC 8-14-14.2-1(c) and IC 8-14-14-5(a), the governor may authorize one (1) or more transfers from the toll road lease amendment proceeds fund established under IC 8-14-14.2-1 or the major moves construction fund established under IC 8-14-14-5 to the state general fund during:

(1) the state fiscal year beginning July 1, 2019, for the pay increases described under subsection (a);

(2) the state fiscal year beginning July 1, 2020, for the pay increases described under subsection (b); or

(3) both state fiscal years specified under subdivisions (1) and (2);

by directing the Indiana department of transportation to make the transfers. The aggregate amount of the transfers authorized under this subsection for the state fiscal year specified in subdivision (1) may not exceed the amount appropriated under subsection (a). The aggregate amount of the transfers authorized under this subsection for the state fiscal year specified in subdivision (2) may not exceed the amount appropriated under subsection (b)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2019.)

PORTER

Upon request of Representatives Pierce and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 269: yeas 33, nays 61. Motion failed.

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

HOUSE MOTION
(Amendment 1001-30)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 141, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 146 IC 10-21-1-1, AS AMENDED BY P.L.109-2015, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. The following definitions apply throughout this chapter:

(1) "ADM" refers to average daily membership determined under IC 20-43-4-2. In the case of a school corporation career and technical education school described in IC 20-37-1-1, "ADM" refers to the count on a full-time equivalency basis of students attending the school on the date ADM is determined under IC 20-43-4-2.

(2) "Board" refers to the secured school safety board established by section 3 of this chapter.

(3) "Fund" refers to the Indiana secured school fund established by section 2 of this chapter.

(4) "Local plan" means the school safety plan described in IC 20-26-18.2-2(b).

(5) "School corporation or charter school" refers to an individual school corporation, a school corporation career and technical education school described in IC 20-37-1-1, or a charter school but also includes:

(A) a coalition of school corporations;

(B) a coalition of charter schools; or

(C) a coalition of both school corporations and charter schools;

that intend to jointly employ a school resource officer or to jointly apply for a **matching** grant under this chapter, unless the context clearly indicates otherwise.

(6) "School resource officer" has the meaning set forth in IC 20-26-18.2-1.

SECTION 147. IC 10-21-1-2, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The Indiana secured school fund is established to provide **matching** grants to enable school corporations and charter schools to establish programs under which a school corporation or charter school (or a coalition of schools) may:

(1) employ a school resource officer or enter into a contract or a memorandum of understanding with a:

(A) local law enforcement agency;

(B) private entity; or

(C) nonprofit corporation;

to employ a school resource officer;

(2) conduct a threat assessment of the buildings within a school corporation or operated by a charter school; or

(3) purchase equipment and technology to:

(A) restrict access to school property; or

(B) expedite notification of first responders.

(b) The fund shall be administered by the department of homeland security.

(c) The fund consists of:

(1) appropriations from the general assembly;

(2) grants from the Indiana safe schools fund established by IC 5-2-10.1-2;

(3) federal grants; and

(4) amounts deposited from any other public or private source.

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

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

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

SECTION 148. IC 10-21-1-3, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The secured school safety board is established to approve or disapprove applications for **matching** grants to fund programs described in section 2(a) of this chapter.

(b) The board consists of seven (7) members appointed as follows:

(1) The executive director of the department of homeland security or the executive director's designee. The executive director of the department of homeland security or the executive director's designee serves as the chairperson of the board.

(2) The attorney general or the attorney general's designee.

(3) The superintendent of the state police department or the superintendent's designee.

(4) A local law enforcement officer appointed by the governor.

(5) The state superintendent of public instruction or the superintendent's designee.

(6) The director of the criminal justice institute or the director's designee.

(7) An employee of a local school corporation or a charter school appointed by the governor.

(c) The board shall establish criteria to be used in evaluating applications for **matching** grants from the fund. These criteria must:

(1) be consistent with the fund's goals; and

(2) provide for an equitable distribution of grants to school corporations and charter schools located throughout Indiana.

SECTION 149. IC 10-21-1-4, AS AMENDED BY P.L.30-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The board may award a **matching** grant to enable a school corporation or charter school (or a coalition of schools applying jointly) to establish a program to employ a school resource officer, provide school resource officer training described in IC 20-26-18.2-1(b)(2), conduct a threat assessment, or purchase equipment to restrict access to the school or expedite the notification of first responders in accordance with section 2(a) of this chapter.

(b) A **matching** grant awarded to a school corporation or charter school (or a coalition of schools applying jointly) may not exceed the lesser of the following during a two (2) year period beginning on or after May 1, 2013:

(1) The total cost of the program established by the school corporation or charter school (or the coalition of schools applying jointly).

(2) The following amounts:

(A) Fifty thousand dollars (\$50,000) per year, in the

case of a school corporation or charter school that:

- (i) has an ADM of at least one thousand (1,000); and
- (ii) is not applying jointly with any other school corporation or charter school.

(B) Thirty-five thousand dollars (\$35,000) per year, in the case of a school corporation or charter school that:

- (i) has an ADM of less than one thousand (1,000); and
- (ii) is not applying jointly with any other school corporation or charter school.

(C) Fifty thousand dollars (\$50,000) per year, in the case of a coalition of schools applying jointly.

(c) A school corporation or charter school may receive only one (1) **matching** grant under this section each year.

(d) The board may not award a grant to a school corporation or charter school under this chapter unless the school corporation or charter school is in a county that has a county school safety commission, as described in IC 5-2-10.1-10.

(e) The board may not require a match for a grant under this chapter.

SECTION 150. IC 10-21-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4.5. (a) As used in this section, "school" refers to any kindergarten through grade 12 school that receives state funding.**

(b) At the conclusion of each state fiscal year, the auditor of state shall determine the total amount of money that has reverted to the state general fund during the state fiscal year from any account or fund. Before August 1 each year, the auditor of state shall transfer from the state general fund to the agency settlement fund established by IC 4-12-16-2 the lesser of:

- (1) one hundred million dollars (\$100,000,000); or
- (2) the total amount of money that has reverted to the state general fund during the previous state fiscal year from any account or fund.

(c) There is annually appropriated from the agency settlement fund the following amounts for the following purposes:

(1) Twenty-five percent (25%) of the amount transferred under subsection (b) for the board to provide secured school safety grants. Grants awarded from money provided under this subdivision must be used only for physical school infrastructure safety related improvements.

(2) Seventy-five percent (75%) of the amount transferred under subsection (b) for the board to provide school resource officer grants. Grants awarded from money provided under this subdivision must be used only for school resource officers who:

(A) meet the standards of the Indiana law enforcement training board, an agency that the Indiana law enforcement training board has granted reciprocity, or the National Law Enforcement Academy; and

(B) have taken the oath of office to serve as a police officer.

A school having a school resource officer as a full-time employee may not receive a grant under this subdivision until all schools that intend to employ a school resource officer and do not have a school resource officer have received a grant.

(d) Grants awarded from money provided under this section:

- (1) shall be distributed before November 1 each year; and
- (2) do not require a match by a school.

SECTION 151. IC 10-21-1-5, AS AMENDED BY P.L.211-2018(ss), SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) A school**

corporation or charter school may annually apply to the board for a **matching** grant from the fund for a program described in section 2(a) of this chapter.

(b) The application must include the following:

(1) A concise description of the school corporation's or charter school's security needs.

(2) The estimated cost of the program to the school corporation or charter school.

(3) The extent to which the school corporation or charter school has access to and support from a nearby law enforcement agency, if applicable.

(4) The ADM of the school corporation or charter school (or the combined ADM of the coalition of schools applying jointly).

(5) Any other information required by the board.

(6) A statement whether the school corporation or charter school has completed a local plan and has filed the plan with the county school safety commission for the county in which the school corporation or charter school is located.

(7) A statement whether the school corporation or charter school (or coalition of public schools applying jointly) requests an advance under IC 20-49-10 in addition to a **matching** grant under this chapter.

SECTION 152. IC 10-21-1-6, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6. A school corporation or charter school that is awarded a matching grant under this chapter is not required to repay or reimburse the board or fund the amount of the matching grant.**

SECTION 153. IC 10-21-1-6.5, AS ADDED BY P.L.211-2018(ss), SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6.5. If a school corporation or charter school (or a coalition of public schools applying jointly) indicates on an application under section 5 of this chapter that the school corporation or charter school (or coalition of public schools applying jointly) requests, in addition to the matching grant under this chapter, an advance under IC 20-49-10, the board shall review the application and may make recommendations to the state board to approve or deny an advance in the manner prescribed in IC 20-49-10-6.**

SECTION 154. IC 10-21-1-7, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 7. The department of homeland security shall report before October 1 of each year to the budget committee concerning matching grants awarded under this chapter during the previous fiscal year."**

Page 162, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 186. IC 20-49-10-5, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) Advances made under this chapter may be used to purchase equipment or make capital improvements needed to:**

- (1) restrict access to schools;
- (2) expedite the notification of first responders; or
- (3) improve school security.

(b) The maximum amount of an advance that a school corporation or charter school may receive under this chapter may not exceed five hundred thousand dollars (\$500,000).

(c) The maximum amount of the advance that the state board may approve under section 6(c) of this chapter is the lesser of:

- (1) the maximum amount of an advance that may be awarded as established by subsection (b); or
- (2) the amount needed to cover costs approved by the secured school safety board that are in excess of the amount awarded by the secured school safety board under IC 10-21-1-4. ~~and the amount committed as a match by the school corporation or charter school (or coalition of~~

public schools filing jointly) that applied for the grant under IC 10-21-1-5.

SECTION 187. IC 20-49-10-6, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) An application to the secured school safety board for a matching grant under IC 10-21-1 may serve as an application for an advance under this chapter.

(b) To apply for an advance, a school corporation or charter school (or a coalition of public schools applying jointly) shall submit an application to the secured school safety board under IC 10-21-1. If the secured school safety board approves a matching grant to the school corporation or charter school (or coalition of public schools filing jointly) under IC 10-21-1-4 and the school corporation or charter school (or coalition of public schools filing jointly) requests an advance under this chapter, the secured school safety board may recommend to the state board the approval of an advance under this chapter.

(c) If an advance is recommended by the secured school safety board and the state board finds that the school corporation or charter school (or coalition of public schools filing jointly):

- (1) qualifies for an advance under this chapter; and
- (2) will use the advance for purposes described in section 5 of this chapter;

the state board may make the advance to the school corporation or charter school (or coalition of public schools filing jointly).

SECTION 188. IC 20-49-10-7, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. The following apply to an advance under this chapter:

- (1) A school corporation or charter school (or coalition of public schools filing jointly) must pay interest on the advance. The state board of finance shall periodically establish the rate or rates of interest payable on advances made under this chapter as long as the established interest rate or rates are not less than one percent (1%) and do not exceed four percent (4%) **for an advance made before July 1, 2019. For an advance made after June 30, 2019, no interest may be charged.**
- (2) The state board may provide that the advances made under this chapter are prepayable at any time.
- (3) The term of the advance may not exceed ten (10) years after the date of the advance.
- (4) A school corporation or charter school (or a coalition of public schools applying jointly) must enter into an advance agreement with the state board before receiving an advance from the fund. The terms of the agreement must include a provision allowing the state board to withhold funds due to a school corporation or charter school to which an advance is made until the advance is paid."

Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 19, 2019.)
WRIGHT

Upon request of Representatives GiaQuinta and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 270: yeas 33, nays 61. Motion failed.

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

HOUSE MOTION
(Amendment 1001-37)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 117, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 98. IC 6-3-2-1, AS AMENDED BY P.L.212-2018(ss), SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018 (RETROACTIVE)]:

Sec. 1. (a) Each taxable year, a tax at the following rate of adjusted gross income is imposed upon the adjusted gross income of every resident person, and on that part of the adjusted gross income derived from sources within Indiana of every nonresident person:

- (1) For taxable years beginning before January 1, 2015, three and four-tenths percent (3.4%).
- (2) For taxable years beginning after December 31, 2014, and before January 1, 2017, three and three-tenths percent (3.3%).
- (3) For taxable years beginning after December 31, 2016, three and twenty-three hundredths percent (3.23%).

(b) Except as provided in section 1.5 of this chapter (before its expiration), each taxable year, a tax at the following rate of adjusted gross income is imposed on that part of the adjusted gross income derived from sources within Indiana of every corporation:

- (1) Before July 1, 2012, eight and five-tenths percent (8.5%).
- (2) After June 30, 2012, and before July 1, 2013, eight percent (8.0%).
- (3) After June 30, 2013, and before July 1, 2014, seven and five-tenths percent (7.5%).
- (4) After June 30, 2014, and before July 1, 2015, seven percent (7.0%).
- (5) After June 30, 2015, and before July 1, 2016, six and five-tenths percent (6.5%).
- (6) After June 30, 2016, and before July 1, 2017, six and twenty-five hundredths percent (6.25%).
- (7) After June 30, 2017, and before July 1, 2018, six percent (6.0%).
- (8) After June 30, 2018, and before July 1, 2019, five and seventy-five hundredths percent (5.75%).
- (9) After June 30, 2019, and before July 1, 2020, five and five-tenths percent (5.5%).
- (10) After June 30, 2020, and before July 1, 2021, five and twenty-five hundredths percent (5.25%).
- (11) After June 30, 2021, four and nine-tenths percent (4.9%).

(c) If for any taxable year a taxpayer is subject to different tax rates under subsection (b), the taxpayer's tax rate for that taxable year is the rate determined in the last STEP of the following STEPS:

- STEP ONE: Multiply the number of days in the taxpayer's taxable year that precede the day the rate changed by the rate in effect before the rate change.
- STEP TWO: Multiply the number of days in the taxpayer's taxable year that follow the day before the rate changed by the rate in effect after the rate change.
- STEP THREE: Divide the sum of the amounts determined under STEPS ONE and TWO by the number of days in the taxpayer's tax period.

However, the rate determined under this subsection shall be rounded to the nearest one-hundredth of one percent (0.01%)."

Page 119, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 101. IC 6-3.1-21-6, AS AMENDED BY P.L.214-2018(ss), SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. (a) Except as provided by subsections (b), (d), and (e), an individual who is eligible for an earned income tax credit under Section 32 of the Internal Revenue Code as it existed before being amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312), is eligible for a credit under this chapter equal to **the product of the following:**

- (1) A percentage equal to:
 - (A) nine percent (9%), ~~of for taxable years beginning before January 1, 2020;~~
 - (B) ten percent (10%), for taxable years beginning

after December 31, 2019, and before January 1, 2021; or

(C) eleven percent (11%), for taxable years beginning after December 31, 2020.

(2) The amount of the federal earned income tax credit that the individual:

(1) (A) is eligible to receive in the taxable year; and

(2) (B) claimed for the taxable year;

under Section 32 of the Internal Revenue Code as it existed before being amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312).

(b) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the amount of the credit is equal to the product of:

(1) the amount determined under subsection (a); multiplied by

(2) the quotient of the taxpayer's income taxable in Indiana divided by the taxpayer's total income.

(c) If the credit amount exceeds the taxpayer's adjusted gross income tax liability for the taxable year, the excess shall be refunded to the taxpayer.

(d) If a taxpayer properly elects to determine the taxpayer's earned income in accordance with the federal Bipartisan Budget Act of 2018 for purposes of the credit under Section 32 of the Internal Revenue Code for a taxable year beginning after December 31, 2016, the election shall be treated as being made for purposes of the credit under this chapter.

(e) The minimum earned income amounts and phaseout threshold amounts for the credit under this section are subject to the same cost of living adjustments provided in the Internal Revenue Code."

Page 119, between lines 44 and 45, begin a new paragraph and insert:

"SECTION 103. IC 6-5.5-2-1, AS AMENDED BY P.L.80-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 1. (a) There is imposed on each taxpayer a franchise tax measured by the taxpayer's apportioned income for the privilege of exercising its franchise or the corporate privilege of transacting the business of a financial institution in Indiana. The amount of the tax for a taxable year shall be determined by multiplying the applicable rate under subsection (b) times the remainder of:

(1) the taxpayer's apportioned income; minus

(2) the taxpayer's deductible Indiana net operating losses as determined under this section; minus

(3) the taxpayer's net capital losses minus the taxpayer's net capital gains computed under the Internal Revenue Code for each taxable year or part of a taxable year beginning after December 31, 1989, multiplied by the apportionment percentage applicable to the taxpayer under this chapter for the taxable year of the loss.

A net capital loss for a taxable year is a net capital loss carryover to each of the five (5) taxable years that follow the taxable year in which the loss occurred.

(b) The following are the applicable tax rates to be used under subsection (a):

(1) For taxable years beginning before January 1, 2014, eight and five-tenths percent (8.5%).

(2) For taxable years beginning after December 31, 2013, and before January 1, 2015, eight percent (8.0%).

(3) For taxable years beginning after December 31, 2014, and before January 1, 2016, seven and five-tenths percent (7.5%).

(4) For taxable years beginning after December 31, 2015, and before January 1, 2017, seven percent (7.0%).

(5) For taxable years beginning after December 31, 2016, and before January 1, 2019, six and five-tenths percent

(6.5%).

(6) For taxable years beginning after December 31, 2018, and before January 1, 2020; six and twenty-five hundredths percent (6.25%).

(7) For taxable years beginning after December 31, 2019, and before January 1, 2021; six percent (6.0%).

(8) For taxable years beginning after December 31, 2020, and before January 1, 2022; five and five-tenths percent (5.5%).

(9) For taxable years beginning after December 31, 2021, and before January 1, 2023; five percent (5.0%).

(10) For taxable years beginning after December 31, 2022, four and nine-tenths percent (4.9%).

(c) The amount of net operating losses deductible under subsection (a) is an amount equal to the net operating losses computed under the Internal Revenue Code, adjusted for the items set forth in IC 6-5.5-1-2, that are:

(1) incurred in each taxable year, or part of a year, beginning after December 31, 1989; and

(2) attributable to Indiana.

(d) The following apply to determining the amount of net operating losses that may be deducted under subsection (a):

(1) The amount of net operating losses that is attributable to Indiana is the taxpayer's total net operating losses under the Internal Revenue Code for the taxable year of the loss, adjusted for the items set forth in IC 6-5.5-1-2, multiplied by the apportionment percentage applicable to the taxpayer under this chapter for the taxable year of the loss.

(2) A net operating loss for any taxable year is a net operating loss carryover to each of the fifteen (15) taxable years that follow the taxable year in which the loss occurred.

(e) The following provisions apply to a combined return computing the tax on the basis of the income of the unitary group when the return is filed for more than one (1) taxpayer member of the unitary group for any taxable year:

(1) Any net capital loss or net operating loss attributable to Indiana in the combined return shall be prorated between each taxpayer member of the unitary group by the quotient of:

(A) the receipts of that taxpayer member attributable to Indiana under section 4 of this chapter; divided by

(B) the receipts of all taxpayer members of the unitary group attributable to Indiana.

(2) The net capital loss or net operating loss for that year, if any, to be carried forward to any subsequent year shall be limited to the capital gains or apportioned income for the subsequent year of that taxpayer, determined by the same receipts formula set out in subdivision (1)."

Page 163, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 182. IC 22-2-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. As used in this chapter:

"Commissioner" means the commissioner of labor or the commissioner's authorized representative.

"Department" means the department of labor.

"Occupation" means an industry, trade, business, or class of work in which employees are gainfully employed.

"Employer" means any individual, partnership, association, limited liability company, corporation, business trust, the state, or other governmental agency or political subdivision during any work week in which they have two (2) or more employees. However, **except as provided in section 14 of this chapter**, it shall not include any employer who is subject to the minimum wage provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209).

"Employee" means any person employed or permitted to work or perform any service for remuneration or under any contract of hire, written or oral, express or implied by an

employer in any occupation, but shall not include any of the following:

- (a) Persons less than sixteen (16) years of age.
- (b) Persons engaged in an independently established trade, occupation, profession, or business who, in performing the services in question, are free from control or direction both under a contract of service and in fact.
- (c) Persons performing services not in the course of the employing unit's trade or business.
- (d) Persons employed on a commission basis.
- (e) Persons employed by their own parent, spouse, or child.
- (f) Members of any religious order performing any service for that order, any ordained, commissioned, or licensed minister, priest, rabbi, sexton, or Christian Science reader, and volunteers performing services for any religious or charitable organization.
- (g) Persons performing services as student nurses in the employ of a hospital or nurses training school while enrolled and regularly attending classes in a nurses training school chartered or approved under law, or students performing services in the employ of persons licensed as both funeral directors and embalmers as a part of their requirements for apprenticeship to secure an embalmer's license or a funeral director's license from the state, or during their attendance at any schools required by law for securing an embalmer's or funeral director's license.
- (h) Persons who have completed a four (4) year course in a medical school approved by law when employed as interns or resident physicians by any accredited hospital.
- (i) Students performing services for any school, college, or university in which they are enrolled and are regularly attending classes.
- (j) Persons with physical or mental disabilities performing services for nonprofit organizations organized primarily for the purpose of providing employment for persons with disabilities or for assisting in their therapy and rehabilitation.
- (k) Persons employed as insurance producers, insurance solicitors, and outside salesmen, if all their services are performed for remuneration solely by commission.
- (l) Persons performing services for any camping, recreational, or guidance facilities operated by a charitable, religious, or educational nonprofit organization.
- (m) Persons engaged in agricultural labor. The term shall include only services performed:
 - (1) on a farm, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife;
 - (2) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of the farm and its tools and equipment if the major part of the service is performed on a farm;
 - (3) in connection with:
 - (A) the production or harvesting of maple sugar or maple syrup or any commodity defined as an agricultural commodity in the Agricultural Marketing Act, as amended (12 U.S.C. 1141j);
 - (B) the raising or harvesting of mushrooms;
 - (C) the hatching of poultry; or
 - (D) the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes; and
 - (4) in handling, planting, drying, packing, packaging,

processing, freezing, grading, storing, or delivering to storage, to market, or to a carrier for transportation to market, any agricultural or horticultural commodity, but only if service is performed as an incident to ordinary farming operation or, in the case of fruits and vegetables, as an incident to the preparation of fruits and vegetables for market. However, this exception shall not apply to services performed in connection with any agricultural or horticultural commodity after its delivery to a terminal market or processor for preparation or distribution for consumption.

As used in this subdivision, "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, nurseries, orchards, or greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities.

(n) Those persons employed in executive, administrative, or professional occupations who have the authority to employ or discharge and who earn one hundred fifty dollars (\$150) or more a week, and outside salesmen.

(o) Any person not employed for more than four (4) weeks in any four (4) consecutive three (3) month periods.

(p) Any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service under the federal Motor Carrier Act of 1935 (49 U.S.C. 304(3)) or any employee of a carrier subject to IC 8-2-1.

SECTION 183. IC 22-2-2-4, AS AMENDED BY P.L.165-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Every employer employing four (4) or more employees during a work week shall:

(1) in any work week beginning on or after July 1, 1968, in which the employer is subject to the provisions of this chapter, pay each of the employer's employees wages of not less than one dollar and twenty-five cents (\$1.25) per hour;

(2) in any work week beginning on or after July 1, 1977, in which the employer is subject to this chapter, pay each of the employer's employees wages of not less than one dollar and fifty cents (\$1.50) per hour;

(3) in any work week beginning on or after January 1, 1978, in which the employer is subject to this chapter, pay each of the employer's employees wages of not less than one dollar and seventy-five cents (\$1.75) per hour; and

(4) in any work week beginning on or after January 1, 1979, in which the employer is subject to this chapter, pay each of the employer's employees wages of not less than two dollars (\$2) per hour.

(b) Except as provided in subsection (c), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on and after July 1, 1990, and before October 1, 1998, wages of not less than three dollars and thirty-five cents (\$3.35) per hour.

(c) **This subsection applies in determining the wage of a tipped employee before January 1, 2020.** An employer subject to subsection (b) is permitted to apply a "tip credit" in determining the amount of cash wage paid to tipped employees. In determining the wage an employer is required to pay a tipped employee, the amount paid the employee by the employee's employer shall be an amount equal to:

(1) the cash wage paid the employee, which for purposes of the determination shall be not less than the cash wage required to be paid to employees covered under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20, 1996, which amount is two dollars and thirteen cents (\$2.13) an hour; and

(2) an additional amount on account of the tips received by the employee, which amount is equal to the difference

between the wage specified in subdivision (1) and the wage in effect under subsections (b), (f), (g), and (h).

An employer is responsible for supporting the amount of tip credit taken through reported tips by the employees.

(d) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which employees are employed, between employees on the basis of sex by paying to employees in such establishment a rate less than the rate at which the employer pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to:

- (1) a seniority system;
- (2) a merit system;
- (3) a system which measures earnings by quantity or quality of production; or
- (4) a differential based on any other factor other than sex.

(e) An employer who is paying a wage rate differential in violation of subsection (d) shall not, in order to comply with subsection (d), reduce the wage rate of any employee, and no labor organization, or its agents, representing employees of an employer having employees subject to subsection (d) shall cause or attempt to cause such an employer to discriminate against an employee in violation of subsection (d).

(f) Except as provided in subsection (c), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after October 1, 1998, and before March 1, 1999, wages of not less than four dollars and twenty-five cents (\$4.25) per hour.

(g) Except as provided in subsections (c) and ~~(j)~~, **(k)**, every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after March 1, 1999, and before July 1, 2007, wages of not less than five dollars and fifteen cents (\$5.15) an hour.

(h) Except as provided in subsections (c) and ~~(j)~~, **(k)**, every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after June 30, 2007, **and before January 1, 2020**, wages of not less than the minimum wage payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).

(i) Except as provided in subsection (k), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after January 1, 2020, wages of not less than eight dollars and fifty cents (\$8.50) an hour.

~~(j)~~ **(j)** This section does not apply if an employee:

- (1) provides companionship services to the aged and infirm (as defined in 29 CFR 552.6); and
- (2) is employed by an employer or agency other than the family or household using the companionship services, as provided in 29 CFR 552.109 (a).

~~(j)~~ **(k)** This subsection applies only to an employee who has not attained the age of twenty (20) years. Instead of the rates prescribed by subsections (c) (**before January 1, 2020**), (f), (g), **and** (h), **and** (i), an employer may pay an employee of the employer, during the first ninety (90) consecutive calendar days after the employee is initially employed by the employer, a wage which is not less than:

- (1) four dollars and twenty-five cents (\$4.25) per hour, effective March 1, 1999; and
- (2) the amount payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et

seq.), during the first ninety (90) consecutive calendar days after initial employment to an employee who has not attained twenty (20) years of age, effective July 1, 2007.

However, no employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in this subsection.

~~(k)~~ **(l)** Except as otherwise provided in this section, no employer shall employ any employee for a work week longer than forty (40) hours unless the employee receives compensation for employment in excess of the hours above specified at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(k)~~ **(m)** For purposes of this section the following apply:

(1) "Overtime compensation" means the compensation required by subsection ~~(k)~~: **(l)**.

(2) "Compensatory time" and "compensatory time off" mean hours during which an employee is not working, which are not counted as hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.

(3) "Regular rate" means the rate at which an employee is employed is considered to include all remuneration for employment paid to, or on behalf of, the employee, but is not considered to include the following:

(A) Sums paid as gifts, payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency.

(B) Payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause, reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of the employer's interests and properly reimbursable by the employer, and other similar payments to an employee which are not made as compensation for the employee's hours of employment.

(C) Sums paid in recognition of services performed during a given period if:

(i) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employee to expect the payments regularly;

(ii) the payments are made pursuant to a bona fide profit sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the administrator set forth in appropriately issued regulations, having due regard among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency; or

(iii) the payments are talent fees paid to performers, including announcers, on radio and television programs.

(D) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for employees.

(E) Extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or work week because those hours are hours worked in excess of eight (8) in a day or in excess of the maximum work week applicable to the employee under subsection ~~(k)~~ **(l)** or in excess of the employee's normal working hours or regular working hours, as the

case may be.

(F) Extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the work week, where the premium rate is not less than one and one-half (1.5) times the rate established in good faith for like work performed in nonovertime hours on other days.

(G) Extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday (not exceeding eight (8) hours) or work week (not exceeding the maximum work week applicable to the employee under subsection ~~(k)~~ (I) where the premium rate is not less than one and one-half (1.5) times the rate established in good faith by the contract or agreement for like work performed during the workday or work week.

~~(m)~~ (n) No employer shall be considered to have violated subsection ~~(k)~~ (I) by employing any employee for a work week in excess of that specified in subsection ~~(k)~~ (I) without paying the compensation for overtime employment prescribed therein if the employee is so employed:

(1) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than one thousand forty (1,040) hours during any period of twenty-six (26) consecutive weeks; or
(2) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that during a specified period of fifty-two (52) consecutive weeks the employee shall be employed not more than two thousand two hundred forty (2,240) hours and shall be guaranteed not less than one thousand eight hundred forty (1,840) hours (or not less than forty-six (46) weeks at the normal number of hours worked per week, but not less than thirty (30) hours per week) and not more than two thousand eighty (2,080) hours of employment for which the employee shall receive compensation for all hours guaranteed or worked at rates not less than those applicable under the agreement to the work performed and for all hours in excess of the guaranty which are also in excess of the maximum work week applicable to the employee under subsection ~~(k)~~ (I) or two thousand eighty (2,080) in that period at rates not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(m)~~ (o) No employer shall be considered to have violated subsection ~~(k)~~ (I) by employing any employee for a work week in excess of the maximum work week applicable to the employee under subsection ~~(k)~~ (I) if the employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of the employee necessitate irregular hours of work, and the contract or agreement includes the following:

(1) Specifies a regular rate of pay of not less than the minimum hourly rate provided in subsections (c) (**before January 1, 2020**), ~~(h)~~ (i), and ~~(j)~~ (k) (whichever is applicable) and compensation at not less than one and one-half (1.5) times that rate for all hours worked in excess of the maximum work week.

(2) Provides a weekly guaranty of pay for not more than sixty (60) hours based on the rates so specified.

~~(n)~~ (p) No employer shall be considered to have violated subsection ~~(k)~~ (I) by employing any employee for a work week

in excess of the maximum work week applicable to the employee under that subsection if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by the employee in the work week in excess of the maximum work week applicable to the employee under that subsection:

(1) in the case of an employee employed at piece rates, is computed at piece rates not less than one and one-half (1.5) times the bona fide piece rates applicable to the same work when performed during nonovertime hours;

(2) in the case of an employee performing two (2) or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half (1.5) times those bona fide rates applicable to the same work when performed during nonovertime hours; or

(3) is computed at a rate not less than one and one-half (1.5) times the rate established by the agreement or understanding as the basic rate to be used in computing overtime compensation thereunder, provided that the rate so established shall be substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a representative period of time;

and if the employee's average hourly earnings for the work week exclusive of payments described in this section are not less than the minimum hourly rate required by applicable law, and extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

~~(p)~~ (q) Extra compensation paid as described in this section shall be creditable toward overtime compensation payable pursuant to this section.

~~(n)~~ (r) No employer shall be considered to have violated subsection ~~(k)~~ (I) by employing any employee of a retail or service establishment for a work week in excess of the applicable work week specified therein, if:

(1) the regular rate of pay of the employee is in excess of one and one-half (1.5) times the minimum hourly rate applicable to the employee under ~~section 2 of this chapter~~; **subsection (a), (b), (f), (g), (h), or (i)**; and

(2) more than half of the employee's compensation for a representative period (not less than one (1) month) represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be considered commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

~~(n)~~ (s) No employer engaged in the operation of a hospital or an establishment which is an institution primarily engaged in the care of the sick, the aged, or individuals with a mental illness or defect who reside on the premises shall be considered to have violated subsection ~~(k)~~ (I) if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of fourteen (14) consecutive days is accepted in lieu of the work week of seven (7) consecutive days for purposes of overtime computation and if, for the employee's employment in excess of eight (8) hours in any workday and in excess of eighty (80) hours in that fourteen (14) day period, the employee receives compensation at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(o)~~ (t) No employer shall employ any employee in domestic service in one (1) or more households for a work week longer than forty (40) hours unless the employee receives compensation for that employment in accordance with subsection ~~(k)~~ (I).

~~(p)~~ (u) In the case of an employee of an employer engaged in

the business of operating a street, a suburban or interurban electric railway, or a local trolley or motorbus carrier (regardless of whether or not the railway or carrier is public or private or operated for profit or not for profit), in determining the hours of employment of such an employee to which the rate prescribed by subsection ~~(k)~~ (l) applies, there shall be excluded the hours the employee was employed in charter activities by the employer if both of the following apply:

- (1) The employee's employment in the charter activities was pursuant to an agreement or understanding with the employer arrived at before engaging in that employment.
- (2) If employment in the charter activities is not part of the employee's regular employment.

~~(v)~~ (v) Any employer may employ any employee for a period or periods of not more than ten (10) hours in the aggregate in any work week in excess of the maximum work week specified in subsection ~~(k)~~ (l) without paying the compensation for overtime employment prescribed in subsection ~~(k)~~ (l), if during that period or periods the employee is receiving remedial education that:

- (1) is provided to employees who lack a high school diploma or educational attainment at the eighth grade level;
- (2) is designed to provide reading and other basic skills at an eighth grade level or below; and
- (3) does not include job specific training.

~~(w)~~ (w) Subsection ~~(k)~~ (l) does not apply to an employee of a motion picture theater.

~~(x)~~ (x) Subsection ~~(k)~~ (l) does not apply to an employee of a seasonal amusement or recreational establishment, an organized camp, or a religious or nonprofit educational conference center that is exempt under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213).

SECTION 184. IC 22-2-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) This section applies to an employer that is subject to the minimum wage provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209).

(b) If the minimum hourly wage required under section 4 of this chapter is higher than the minimum wage provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209), an employer shall pay the minimum hourly wage required under section 4 of this chapter."

Page 170, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 199. [EFFECTIVE JULY 1, 2019] (a) The legislative council is urged to require an appropriate interim study committee to study the topic of paid family and medical leave during the 2019 interim.

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

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2019.)

PRYOR

Upon request of Representatives Mahan and Clere, the Speaker ordered the roll of the House to be called. Roll Call 271: yeas 32, nays 63. Motion failed.

HOUSE MOTION
(Amendment 1001-44)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 19, between lines 40 and 41, begin a new line block indented and insert:

"BROADBAND

Toll Road Lease Amendment Proceeds Fund (IC 8-14-14.2-1)

Total Operating Expense 50,000,000 50,000,000".

Page 36, between lines 20 and 21, begin a new line block

indented and insert:

"HIGH HAZARD DAM PROJECTS

Total Operating Expense 5,000,000, 5,000,000".

Page 43, between lines 33 and 34, begin a new line block indented and insert:

"HOOSIER STATE RAIL LINE

Total Operating Expense 3,000,000 3,000,000".

Page 43, line 35, delete "45,000,000 45,000,000" and insert "**65,000,000 65,000,000".**

Page 47, between lines 28 and 29, begin a new line block indented and insert:

"RAILS TO TRAILS PROGRAMS

Toll Road Lease Amendment Proceeds Fund (IC 8-14-14.2-1)

Total Operating Expense 50,000,000 50,000,000".

Page 125, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 111. IC 8-14-15.2-12, AS ADDED BY P.L.189-2018, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) Except as otherwise required by section 10 of this chapter, the principal of the trust may not be diminished during the term of the trust.

(b) The income that accrues from investment of the trust shall be deposited in the trust.

(c) On ~~March 15, 2021~~, **January 1, 2020**, and ~~March 15 every five (5) years~~ **January 1 each year** thereafter, the treasurer of state shall transfer all interest accruing to the trust to the ~~major moves construction local structurally deficient bridges grant fund established under IC 8-16-18.~~

SECTION 112. IC 8-16-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 18. Local Structurally Deficient Bridges Grant Program

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

(1) "Department" refers to the Indiana department of transportation.

(2) "Fund" refers to the local structurally deficient bridges grant fund established under section 2 of this chapter.

Sec. 2. (a) The local structurally deficient bridges grant fund is established for the purpose of making grants to political subdivisions to finance the repair and rehabilitation of the most structurally deficient bridges in Indiana.

(b) The fund consists of:

(1) interest transferred to the fund under IC 8-14-15.2-12(c);

(2) appropriations by the general assembly;

(3) federal grants;

(4) gifts; and

(5) interest and other investment income accruing on money in the fund.

(c) The department shall administer the fund.

(d) Expenses incurred in the administration of the fund shall be paid from the fund.

(e) Money in the fund that is not otherwise encumbered may be invested in the same manner as other public money is invested.

(f) Money in the fund is continuously appropriated for the purpose of the fund.

Sec. 3. Before January 1, 2020, the department shall develop a program to make grants to political subdivisions to repair and rehabilitate structurally deficient bridges within the territory of the political subdivision. The program must score applications in such a way that the most structurally deficient bridges are given the highest priority for a grant award.

Sec. 4. After December 31, 2019, a political subdivision may apply for a grant from the fund in manner prescribed

by the department."

Re-number all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 19, 2019.)
FORESTAL

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 272: yeas 31, nays 61. Motion failed.

HOUSE MOTION
(Amendment 1001-41)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 150, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 158. IC 20-24-2-2, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A charter school is subject to all federal and state laws and constitutional provisions that prohibit discrimination on the basis of the following:

- (1) Disability.
- (2) Race.
- (3) Color.
- (4) Gender.
- (5) Gender identity or expression.**
- (6) Sexual orientation.**
- ~~(5)~~ (7) National origin.
- ~~(6)~~ (8) Religion.
- ~~(7)~~ (9) Ancestry.

SECTION 159. IC 20-24-4-1, AS AMENDED BY P.L.192-2018, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A charter must meet the following requirements:

- (1) Be a written instrument.
- (2) Be executed by an authorizer and an organizer.
- (3) Confer certain rights, franchises, privileges, and obligations on a charter school.
- (4) Confirm the status of a charter school as a public school.
- (5) Subject to subdivision (6)(E), be granted for:
 - (A) not less than three (3) years or more than seven (7) years; and
 - (B) a fixed number of years agreed to by the authorizer and the organizer.
- (6) Provide for the following:
 - (A) A review by the authorizer of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect.
 - (B) Renewal, if the authorizer and the organizer agree to renew the charter.
 - (C) The renewal application must include guidance from the authorizer, and the guidance must include the performance criteria that will guide the authorizer's renewal decisions.
 - (D) The renewal application process must, at a minimum, provide an opportunity for the charter school to:
 - (i) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;
 - (ii) describe improvements undertaken or planned for the charter school; and
 - (iii) detail the charter school's plans for the next charter term.
 - (E) Not later than the end of the calendar year in which the charter school seeks renewal of a charter, the governing board of a charter school seeking renewal shall submit a renewal application to the charter authorizer under the renewal application guidance

issued by the authorizer. The authorizer shall make a final ruling on the renewal application not later than April 1 after the filing of the renewal application. A renewal granted under this clause is not subject to the three (3) year minimum described in subdivision (5). The April 1 deadline does not apply to any review or appeal of a final ruling. After the final ruling is issued, the charter school may obtain further review by the authorizer of the authorizer's final ruling in accordance with the terms of the charter school's charter and the protocols of the authorizer.

- (7) Specify the grounds for the authorizer to:
 - (A) revoke the charter before the end of the term for which the charter is granted; or
 - (B) not renew a charter.
- (8) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:
 - (A) Evidence of improvement in:
 - (i) assessment measures, including the statewide assessment program measures;
 - (ii) attendance rates;
 - (iii) graduation rates (if appropriate);
 - (iv) increased numbers of Indiana diplomas with a Core 40 designation and other college and career ready indicators including advanced placement participation and passage, dual credit participation and passage, and International Baccalaureate participation and passage (if appropriate);
 - (v) increased numbers of Indiana diplomas with Core 40 with academic honors and technical honors designations (if appropriate);
 - (vi) student academic growth;
 - (vii) financial performance and stability; and
 - (viii) governing board performance and stewardship, including compliance with applicable laws, rules and regulations, and charter terms.
 - (B) Evidence of progress toward reaching the educational goals set by the organizer.
- (9) Describe the method to be used to monitor the charter school's:
 - (A) compliance with applicable law; and
 - (B) performance in meeting targeted educational performance.
- (10) Specify that the authorizer and the organizer may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter.
- (11) Describe specific operating requirements, including all the matters set forth in the application for the charter.
- (12) Specify a date when the charter school will:
 - (A) begin school operations; and
 - (B) have students attending the charter school.
- (13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.
- (14) Specify that records provided by the charter school to the department or authorizer that relate to compliance by the organizer with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.
- (15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.
- (16) This subdivision applies to a charter established or renewed for an adult high school after June 30, 2014. The charter must require:
 - (A) that the school will offer flexible scheduling;
 - (B) that students will not complete the majority of instruction of the school's curriculum online or through

remote instruction;

(C) that the school will offer dual credit or industry certification course work that aligns with career pathways as recommended by the Indiana career council established by IC 22-4.5-9-3; and

(D) a plan:

(i) to support successful program completion and to assist transition of graduates to the workforce or to a postsecondary education upon receiving a diploma from the adult high school; and

(ii) to review individual student accomplishments and success after a student receives a diploma from the adult high school.

(17) This subdivision applies to a charter established or renewed after June 30, 2019. The charter must include a provision specifying that the school will not discriminate against staff members on the basis of the following:

(A) Disability.

(B) Race.

(C) Color.

(D) Gender.

(E) Gender identity or expression.

(F) Sexual orientation.

(G) National origin.

(H) Religion.

(I) Ancestry.

(b) A charter school shall set annual performance targets in conjunction with the charter school's authorizer. The annual performance targets shall be designed to help each school meet applicable federal, state, and authorizer expectations.

SECTION 160. IC 20-24-5-5, AS AMENDED BY P.L.215-2018(ss), SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsections (b), (c), (d), (e), and (f), a charter school must enroll any eligible student who submits a timely application for enrollment.

(b) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The organizer must determine which of the applicants will be admitted to the charter school or the program, class, grade level, or building by random drawing in a public meeting, with each timely applicant limited to one (1) entry in the drawing. However, the organizer of a charter school located in a county with a consolidated city shall determine which of the applicants will be admitted to the charter school or the program, class, grade level, or building by using a publicly verifiable random selection process.

(c) A charter school may limit new admissions to the charter school to:

(1) ensure that a student who attends the charter school during a school year may continue to attend the charter school in subsequent years;

(2) ensure that a student who attends a charter school during a school year may continue to attend a different charter school held by the same organizer in subsequent years;

(3) allow the siblings of a student who attends a charter school or a charter school held by the same organizer to attend the same charter school the student is attending;

(4) allow preschool students who attend a Level 3 or Level 4 Paths to QUALITY program preschool to attend kindergarten at a charter school if the charter school and the preschool provider have entered into an agreement to share services or facilities; and

(5) allow each student who qualifies for free or reduced price lunch under the national school lunch program to

receive preference for admission to a charter school if the preference is specifically provided for in the charter school's charter and is approved by the authorizer.

(d) This subsection applies to an existing school that converts to a charter school under IC 20-24-11. During the school year in which the existing school converts to a charter school, the charter school may limit admission to:

(1) those students who were enrolled in the charter school on the date of the conversion; and

(2) siblings of students described in subdivision (1).

(e) A charter school may give enrollment preference to children of the charter school's founders, governing body members, and charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the charter school's total population.

(f) A charter school may not suspend or expel a charter school student or otherwise request a charter school student to transfer to another school on the basis of the following:

(1) Disability.

(2) Race.

(3) Color.

(4) Gender.

(5) Gender identity or expression.

(6) Sexual orientation.

~~(7)~~ (7) National origin.

~~(8)~~ (8) Religion.

~~(9)~~ (9) Ancestry.

A charter school student may be expelled or suspended only in a manner consistent with discipline rules established under IC 20-24-5.5."

Page 151, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 163. IC 20-24.5-3-5, AS ADDED BY P.L.2-2007, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A student who applies for admission to the academy must:

(1) be eligible to attend a public school in Indiana;

(2) demonstrate exceptional intellectual ability; and

(3) demonstrate a commitment to scholarship.

(b) A student shall be admitted without regard to sex, **sexual orientation, gender identity or expression**, race, religion, creed, national origin, or household income."

Page 153, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 166. IC 20-33-1-1, AS AMENDED BY P.L.3-2008, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following is the public policy of the state:

(1) To provide:

(A) equal;

(B) nonsegregated; and

(C) nondiscriminatory;

educational opportunities and facilities for all, regardless of race, creed, national origin, color, ~~or~~ sex, **sexual orientation, or gender identity or expression**.

(2) To provide and furnish public schools open equally to all, and prohibited and denied to none because of race, creed, color, **sex, sexual orientation, gender identity or expression**, or national origin.

(3) To reaffirm the principles of:

(A) the Bill of Rights;

(B) civil rights; and

(C) the Constitution of the State of Indiana.

(4) To provide a uniform democratic system of public school education to the state and the citizens of Indiana.

(5) To:

(A) abolish;

(B) eliminate; and

(C) prohibit;

segregated and separate schools or school districts on the

basis of race, creed, or color.

(6) To eliminate and prohibit:

- (A) segregation;
- (B) separation; and
- (C) discrimination;

on the basis of race, creed, or color in public schools.

SECTION 167. IC 20-33-1-6, AS AMENDED BY P.L.2-2007, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A public school **or a nonpublic school with at least one (1) employee** may not discriminate in any way in the hiring, upgrading, tenure, or placement of a teacher on the basis of race, creed, color, ~~or~~ national origin, sex, sexual orientation, or gender identity or expression.

SECTION 168. IC 20-33-1-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. A nonpublic school with at least one (1) employee shall provide nondiscriminatory educational opportunities and facilities for all, regardless of:**

- (1) disability;**
- (2) race;**
- (3) color;**
- (4) gender;**
- (5) gender identity or expression;**
- (6) sexual orientation;**
- (7) national origin;**
- (8) religion; or**
- (9) ancestry."**

Page 162, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 184. IC 20-51-1-4.7, AS AMENDED BY P.L.242-2017, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.7. "Eligible school" refers to a public or nonpublic elementary school or high school that:

- (1) is located in Indiana;
- (2) requires an eligible choice scholarship student to pay tuition or transfer tuition to attend;
- (3) voluntarily agrees to enroll an eligible choice scholarship student;
- (4) is accredited by either the state board or a national or regional accreditation agency that is recognized by the state board;
- (5) administers the statewide assessment program;
- (6) is not a charter school or the school corporation in which an eligible choice scholarship student has legal settlement under IC 20-26-11; ~~and~~
- (7) submits to the department only the student performance data required for a category designation under IC 20-31-8-3; ~~and~~
- (8) complies with IC 20-51-4-1(h).**

SECTION 185. IC 20-51-4-1, AS AMENDED BY P.L.106-2016, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided under subsections (b) through (h); ~~(i)~~, it is the intent of the general assembly to honor the autonomy of nonpublic schools that choose to become eligible schools under this chapter. A nonpublic eligible school is not an agent of the state or federal government, and therefore:

- (1) the department or any other state agency may not in any way regulate the educational program of a nonpublic eligible school that accepts a choice scholarship under this chapter, including the regulation of curriculum content, religious instruction or activities, classroom teaching, teacher and staff hiring requirements **(except as provided in subsection (h))**, and other activities carried out by the eligible school;
- (2) the creation of the choice scholarship program does not expand the regulatory authority of the state, the state's

officers, or a school corporation to impose additional regulation of nonpublic schools beyond those necessary to enforce the requirements of the choice scholarship program in place on July 1, 2011; and

(3) a nonpublic eligible school shall be given the freedom to provide for the educational needs of students without governmental control.

(b) This section applies to the following writings, documents, and records:

- (1) The Constitution of the United States.
- (2) The national motto.
- (3) The national anthem.
- (4) The Pledge of Allegiance.
- (5) The Constitution of the State of Indiana.
- (6) The Declaration of Independence.
- (7) The Mayflower Compact.
- (8) The Federalist Papers.
- (9) "Common Sense" by Thomas Paine.
- (10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.
- (11) United States Supreme Court decisions.
- (12) Executive orders of the presidents of the United States.
- (13) Frederick Douglass's speech at Rochester, New York, on July 5, 1852, entitled "What to the Slave is the Fourth of July?"
- (14) "Appeal" by David Walker.
- (15) Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands.

(c) An eligible school may allow a principal or teacher in the eligible school to read or post in the school building or classroom or at a school event any excerpt or part of a writing, document, or record listed in subsection (b).

(d) An eligible school may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed in subsection (b).

(e) A library, a media center, or an equivalent facility that an eligible school maintains for student use must contain in the facility's permanent collection at least one (1) copy of each writing or document listed in subsection (b)(1) through (b)(9).

(f) An eligible school shall do the following:

- (1) Allow a student to include a reference to a writing, document, or record listed in subsection (b) in a report or other work product.
- (2) May not punish the student in any way, including a reduction in grade, for using the reference.
- (3) Display the United States flag in each classroom.
- (4) Provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:
 - (A) the student chooses to not participate; or
 - (B) the student's parent chooses to have the student not participate.
- (5) Provide instruction on the constitutions of:
 - (A) Indiana; and
 - (B) the United States.
- (6) For an eligible school that enrolls students in grades 6 through 12, provide within the two (2) weeks preceding a general election five (5) full recitation periods of class discussion concerning:
 - (A) the system of government in Indiana and in the United States;
 - (B) methods of voting;
 - (C) party structures;
 - (D) election laws; and

(E) the responsibilities of citizen participation in government and in elections.

(7) Require that each teacher employed by the eligible school present instruction with special emphasis on:

- (A) honesty;
- (B) morality;
- (C) courtesy;
- (D) obedience to law;
- (E) respect for the national flag and the Constitution of the State of Indiana and the Constitution of the United States;

(F) respect for parents and the home;

(G) the dignity and necessity of honest labor; and

(H) other lessons of a steadying influence that tend to promote and develop an upright and desirable citizenry.

(8) Provide good citizenship instruction that stresses the nature and importance of the following:

- (A) Being honest and truthful.
- (B) Respecting authority.
- (C) Respecting the property of others.
- (D) Always doing the student's personal best.
- (E) Not stealing.
- (F) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
- (G) Taking personal responsibility for obligations to family and community.
- (H) Taking personal responsibility for earning a livelihood.

(I) Treating others the way the student would want to be treated.

(J) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.

(K) Respecting the student's parents and home.

(L) Respecting the student's self.

(M) Respecting the rights of others to have their own views and religious beliefs.

(9) Provide instruction in the following studies:

(A) Language arts, including:

- (i) English;
- (ii) grammar;
- (iii) composition;
- (iv) speech; and
- (v) second languages.

(B) Mathematics.

(C) Social studies and citizenship, including the:

- (i) constitutions;
- (ii) governmental systems; and
- (iii) histories;

of Indiana and the United States, including a study of the Holocaust and the role religious extremism played in the events of September 11, 2001, in each high school United States history course.

(D) Sciences.

(E) Fine arts, including music and art.

(F) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.

(g) An eligible school shall not teach the violent overthrow of the government of the United States.

(h) An eligible school may not discriminate against a member of the eligible school's staff on the basis of any of the following:

- (1) Disability.**
- (2) Race.**
- (3) Color.**
- (4) Gender.**
- (5) Gender identity or expression.**
- (6) Sexual orientation.**

(7) National origin.

(8) Religion.

(9) Ancestry.

~~(h)~~ **(i)** Nothing in this section shall be construed to limit the requirements of IC 20-30-5.

SECTION 186. IC 20-51-4-3, AS AMENDED BY P.L.106-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An eligible school may not discriminate on the basis of race, color, **sexual orientation, gender identity or expression, disability, ancestry,** or national origin.

(b) An eligible school shall abide by the school's written admission policy fairly and without discrimination with regard to students who:

(1) apply for; or

(2) are awarded;

scholarships under this chapter.

(c) If the number of applicants for enrollment in an eligible school under a choice scholarship exceeds the number of choice scholarships available to the eligible school, the eligible school must draw at random in a public meeting the applications of applicants who are entitled to a choice scholarship from among the applicants who meet the requirements for admission to the eligible school.

(d) The department shall make random visits to at least five percent (5%) of eligible schools during a particular school year to verify that the eligible school complies with the provisions of this chapter and the Constitutions of the State of Indiana and the United States.

(e) Each eligible school shall grant the department reasonable access to its premises, including access to the school's grounds, buildings, and property.

(f) Each year the principal of each eligible school shall certify under penalties of perjury to the department that the eligible school is complying with the requirements of this chapter. The department shall develop a process for eligible schools to follow to make certifications.

(g) Each eligible school shall annually submit to the department, in a manner prescribed by the department, copies of teacher contracts or other documentation prescribed by the department to demonstrate that the eligible school's employment practices comply with section 1(h) of this chapter.

SECTION 187. IC 20-51-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) If the department:**

(1) after reviewing documentation submitted under section 3(g) of this chapter determines that an eligible school does not comply with section 1(h) of this chapter;

(2) receives copies of findings from a court that an eligible school does not comply with section 1(h) of this chapter; or

(3) otherwise determines that an eligible school does not comply with section 1(h) of this chapter;

the department shall send a notice to the eligible school indicating that the eligible school will not be considered an eligible school under IC 20-51-1-4.7, beginning in the school year immediately following the current school year if the eligible school, within thirty (30) days of the date of the notice, does not demonstrate, in a manner prescribed by the department, that the eligible school complies with section 1(h) of this chapter.

(b) If an eligible school that receives a notice does not comply with section 1(h) of this chapter in the manner described in subsection (a), the school will not be considered an eligible school beginning in the school year immediately following the current school year. The department may not award a choice scholarship under this chapter to students

enrolled in the school beginning in the school year immediately following the current school year until the department subsequently approves the school's application under subsection (d).

(c) An eligible school described in subsection (b) must notify parents of students currently enrolled in the school that students enrolled in the school beginning in the school year immediately following the current school year will not be eligible to receive a choice scholarship under this chapter if the student is enrolled in the school.

(d) A school described in subsection (b) may submit an application to the department to become an eligible school not earlier than one (1) year from the date the school is no longer considered an eligible school under this section. The school must submit documentation prescribed by the department to demonstrate that the school is compliant with section 1(h) of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2019.)

FORESTAL

Upon request of Representatives Wesco and Mahan, the Speaker ordered the roll of the House to be called. Roll Call 273: yeas 30, nays 62. Motion failed.

HOUSE MOTION
(Amendment 1001-34)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 122, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 105. IC 6-9-52 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 52. Merrillville Food and Beverage Tax

Sec. 1. This chapter applies to the town of Merrillville.

Sec. 2. The definitions in IC 6-9-12-1 apply throughout this chapter.

Sec. 3. (a) The fiscal body of the town may adopt an ordinance to impose an excise tax, known as the town food and beverage tax, on transactions described in section 4 of this chapter. The fiscal body of the town may adopt an ordinance under this subsection only after the fiscal body has previously held at least one (1) separate public hearing in which a discussion of the proposed ordinance to impose the town food and beverage tax is the only substantive issue on the agenda for the public hearing.

(b) If the town fiscal body adopts an ordinance under subsection (a), the town fiscal body shall immediately send a certified copy of the ordinance to the department of state revenue.

(c) If the town fiscal body adopts an ordinance under subsection (a), the town food and beverage tax applies to transactions that occur after the later of the following:

- (1) The day specified in the ordinance.
- (2) The last day of the month that succeeds the month in which the ordinance is adopted.

Sec. 4. (a) Except as provided in subsection (c), a tax imposed under section 3 of this chapter applies to a transaction in which food or beverage is furnished, prepared, or served:

- (1) for consumption at a location or on equipment provided by a retail merchant;
- (2) in the town; and
- (3) by a retail merchant for consideration.

(b) Transactions described in subsection (a)(1) include transactions in which food or beverage is:

- (1) served by a retail merchant off the merchant's premises;
- (2) food sold in a heated state or heated by a retail merchant;
- (3) made of two (2) or more food ingredients, mixed or

combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or

(4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or package used to transport the food).

(c) The town food and beverage tax does not apply to the furnishing, preparing, or serving of a food or beverage in a transaction that is exempt, or to the extent the transaction is exempt, from the state gross retail tax imposed by IC 6-2.5.

Sec. 5. The town food and beverage tax rate:

- (1) must be imposed in an increment of twenty-five hundredths percent (0.25%); and
- (2) may not exceed one percent (1%);

of the gross retail income received by the merchant from the food or beverage transaction described in section 4 of this chapter. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

Sec. 6. A tax imposed under this chapter is imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed with the payment of the tax imposed under this chapter may be made on a separate return or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

Sec. 7. The amounts received from the tax imposed under this chapter shall be paid monthly by the treasurer of state to the town fiscal officer upon warrants issued by the auditor of state.

Sec. 8. (a) If a tax is imposed under section 3 of this chapter by the town, the town fiscal officer shall establish a food and beverage tax receipts fund.

(b) The town fiscal officer shall deposit in the fund all amounts received under this chapter.

(c) Money earned from the investment of money in the fund becomes a part of the fund.

Sec. 9. Money in the food and beverage tax receipts fund must be used by the town only for the following purposes:

- (1) To reduce the town's property tax levy for a particular year at the discretion of the town, but this use does not reduce the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for the town.
- (2) For economic development purposes, including the pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations for economic development purposes.
- (3) For the following purposes:
 - (A) Storm water, sidewalk, street, park, parking improvements, and any infrastructure necessary to support tourism in the town.
 - (B) Public safety.
 - (C) Parks and recreation.
 - (D) Finance, construct, improve, equip, operate, maintain, and promote a convention center and then other economic development projects.
 - (E) Finance, construct, improve, equip, operate, maintain, and promote a community center, and then other economic development projects.
 - (F) The pledge of money under IC 5-1-14-4 for

bonds, leases, or other obligations incurred for a purpose described in clauses (A) through (E).

Revenue derived from the imposition of a tax under this chapter may be treated by the town as additional revenue for the purpose of fixing its budget for the budget year during which the revenues are to be distributed to the town.

Sec. 10. With respect to obligations for which a pledge has been made under section 9 of this chapter, the general assembly covenants with the holders of the obligations that this chapter will not be repealed or amended in a manner that will adversely affect the imposition or collection of the tax imposed under this chapter if the payment of any of the obligations is outstanding."

Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 19, 2019.)
V. SMITH

Motion withdrawn.

HOUSE MOTION
(Amendment 1001-23)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 90, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 38. IC 4-1-12-1, AS ADDED BY P.L.160-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) **Except as provided in subsection (b)**, as used in this chapter, "Patient Protection and Affordable Care Act" refers to the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), as amended from time to time, and regulations or guidance issued under those acts.

(b) **As used in section 5 of this chapter, "Patient Protection and Affordable Care Act" refers to the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), and regulations or guidance issued under those acts, all as in effect on January 1, 2019.**

SECTION 39. IC 4-1-12-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) **As used in this section, "preexisting condition exclusion" has the meaning set forth in 45 CFR 144.103, as in effect on January 1, 2019.**

(b) **Notwithstanding any other law:**

- (1) 42 U.S.C. 300gg-3;
- (2) 45 CFR 147.108; and
- (3) all other provisions of the Patient Protection and Affordable Care Act concerning preexisting condition exclusions;

and the protections therein and in effect on January 1, 2019, are in effect and must be enforced in Indiana, regardless of the legal status of the Patient Protection and Affordable Care Act."

Page 92, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 50. IC 4-6-2-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.7. **The attorney general shall not expend any money appropriated by the general assembly in connection with a legal proceeding to invalidate any part of the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152)."**

Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 19, 2019.)
DELANEY

HOUSE MOTION

Mr. Speaker: I move that the question shall be divided because the motion has propositions that are so distinct that if one was taken away a substantive proposition shall remain for the decision of the House per Rule 81.

The question shall be divided as follows:

Question 1 on the passage of the following sections of the House Motion 1001-23 SECTION 38 (page 1, lines 1-15) and SECTION 39 (page 1, lines 16-21 to page 2, lines 1-9)

Question 2 on the passage of the following section of the House Motion 1001-23 SECTION 50 (page 2, lines 10-18).

LEONARD

The Speaker ordered the roll of the House to be called. Roll Call 274: yeas 60, nays 32. Motion prevailed.

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

The question then was shall the portion of the amendment concerning Sec 38 page 1, lines 1-15 and Sec 39 page 1, lines 16-21 to page 2 lines 1-9 be adopted? The Speaker ordered the roll of the House to be called. Roll Call 275: yeas 93, nays 0. Motion prevailed.

Representatives Morris and V. Smith, who had been excused are now present.

The question then was shall the portion of the amendment concerning Sec 50, page 2 lines 10-18 be adopted? The Speaker ordered the roll of the House to be called. Roll Call 276: yeas 29, nays 62. Motion failed

HOUSE MOTION
(Amendment 1001-20)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 116, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 94. IC 5-28-40 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 40. Consumer Call Center Employee Protection
Sec. 1. As used this chapter, "employer" means a business that employs, for the purpose of customer service or back-office operations, either of the following:

- (1) **Fifty (50) or more individuals, excluding part-time employees.**
- (2) **Fifty (50) or more individuals who, in the aggregate, work at least one thousand five hundred (1,500) hours each week for the employer, not including overtime hours.**

Sec. 2. As used in this chapter, "grant" has the meaning set forth in IC 5-28-28-2.

Sec. 3. As used in this chapter, "loan" has the meaning set forth in IC 5-28-28-3.

Sec. 4. As used in this chapter, "tax credit" has the meaning set forth in IC 5-28-28-4.

Sec. 5. As used this chapter, "part-time employee" means an individual employed by an employer for an average of fewer than twenty (20) hours each week or for fewer than six (6) of the twelve (12) months before the date on which a determination is made.

Sec. 6. (a) An employer that intends to relocate either:

- (1) a call center; or
- (2) one (1) or more facilities or operating units within a call center comprising at least thirty percent (30%) of the call center's total volume when measured against the previous twelve (12) month average call

volume of operations; from Indiana to a foreign country shall notify the secretary of commerce at least one hundred twenty (120) days before that relocation.

(b) If an employer fails to provide the notice, the secretary of commerce shall inform the attorney general. The attorney general shall commence an action for a civil penalty against that employer in the county in which the employer's business is located. On a finding that an employer has violated subsection (a), the court shall assess a civil penalty of not more than ten thousand dollars (\$10,000) against the employer for each day the employer failed to provide the notice.

(c) A court may reduce a civil penalty imposed under subsection (b) if the court determines that an employer has shown just cause why a notification under subsection (a) was not made in the time required.

Sec. 7. (a) Beginning July 1, 2019, and every six (6) months thereafter, the corporation shall compile a list of every employer that has relocated an operation or facility described in section 6(a)(1) or 6(a)(2) of this chapter.

(b) The corporation shall include on the list the name of the employer and the date on which the call center or facility was relocated.

(c) The corporation shall immediately notify each state agency that is providing the employer with any grant, loan, or tax credit.

(d) The corporation shall include the list in the incentives compliance report required by IC 5-28-28.

Sec. 8. (a) Except as provided in subsection (c), an employer that appears on a list compiled by the corporation under section 7 of this chapter is ineligible to receive from the state any grant, loan, or tax credit until five (5) years after the date on which the employer relocated the operation or facility described in section 6(a)(1) or 6(a)(2) of this chapter.

(b) Except as provided in subsection (c), if an employer appears on a list compiled under section 7 of this chapter, the corporation shall recapture from the employer an amount equal to the unamortized value of any grant, loan, or tax credit that the employer has received from the state after June 30, 2019. The employer shall pay the recapture amount to the corporation within thirty (30) days of receiving the recapture demand.

(c) The corporation may waive the disqualification under subsection (a) if the employer applying for the grant, loan, or tax credit demonstrates that disqualification will result in one (1) or more of the following:

- (1) Substantial job loss in Indiana.
- (2) Harm to the environment.
- (3) A significant economic impact to Indiana.

Sec. 9. (a) This section applies to contracts entered into on or after July 1, 2019.

(b) Each state agency within the executive department shall ensure that all call center and customer service work performed for the agency is performed entirely within Indiana.

(c) A contractor that performs call center or customer service work for the state shall not hire an individual to perform that work at a location outside of the state.

(d) Beginning July 1, 2021, every individual employed by a contractor to perform call center or customer service work for the state shall perform that work within Indiana.

Sec. 10. This chapter does not permit withholding or denial of payments, compensation, or benefits to employees."

Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 19, 2019.)
FORESTAL

Upon request of Representatives Pierce and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 277: yeas 31, nays 61. Motion failed.

HOUSE MOTION
(Amendment 1001-14)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 36, between lines 19 and 20, begin a new line block indented and insert:

**"LAKE MICHIGAN BEACH EROSION STUDY MATCH
Total Operating Expense 1,000,000".**
(Reference is to HB 1001 as printed February 19, 2019.)
MOSELEY

Motion failed.

HOUSE MOTION
(Amendment 1001-16)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 73, between lines 43 and 44, begin a new line block indented and insert:

**"LOAN FORGIVENESS
Total Operating Expense 3,000,000
The department shall use the above appropriation to pay off or otherwise reduce the outstanding balance of the emergency loan made to the school city of East Chicago for the Carrie Gosch school."**
(Reference is to HB 1001 as printed February 19, 2019.)
HARRIS

Motion failed.

HOUSE MOTION
(Amendment 1001-19)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 43, between lines 33 and 34, begin a new line block indented and insert:

**"HOOSIER STATE RAIL LINE
Total Operating Expense 3,000,000 3,000,000".**
(Reference is to HB 1001 as printed February 19, 2019.)
CAMPBELL

Upon request of Representatives GiaQuinta and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 278: yeas 35, nays 59. Motion failed.

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

HOUSE MOTION
(Amendment 1001-26)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 35, between lines 21 and 22, begin a new line block indented and insert:

**"STATE WILDLIFE ACTION PLAN
Total Operating Expense 8,000,000 8,000,000".**
Page 36, line 5, delete "94,090 94,090" and insert **"10,000,000 10,000,000".**
(Reference is to HB 1001 as printed February 19, 2019.)
ERRINGTON

Motion failed.

HOUSE MOTION
(Amendment 1001-11)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 11, line 33, delete "1,214,900 1,214,900" and insert **"1,459,421 1,459,421".**

Page 11, line 34, delete "336,793 336,793" and insert "**250,106**".

(Reference is to HB 1001 as printed February 19, 2019.)
PRYOR

Motion failed.

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

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

HOUSE MOTION
(Amendment 1001-36)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 39, line 46, delete "300,000 300,000" and insert "**600,000 600,000**".

(Reference is to HB 1001 as printed February 19, 2019.)
PRYOR

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 279: yeas 30, nays 59. Motion failed.

HOUSE MOTION
(Amendment 1001-21)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 46, between lines 48 and 49, begin a new line block indented and insert:

**"EVANSVILLE PEDESTRIAN BRIDGE
State Highway Fund (8-23-9-54) 1,000,000**

The department shall use the above appropriation to construct a pedestrian bridge over U.S. Highway 41 in the city of Evansville at Washington Avenue."

(Reference is to HB 1001 as printed February 19, 2019.)
HATFIELD

Motion failed.

HOUSE MOTION
(Amendment 1001-28)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 69, line 22, delete "206,125 206,125" and insert "**400,000 400,000**".

(Reference is to HB 1001 as printed February 19, 2019.)
KLINKER

Upon request of Representatives Fleming and Beck, the Speaker ordered the roll of the House to be called. Roll Call 280: yeas 31, nays 61. Motion failed.

HOUSE MOTION
(Amendment 1001-18)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 151, delete lines 18 through 28.
Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 19, 2019.)

PFAFF

Upon request of Representatives Mahan and Lehman, the Speaker ordered the roll of the House to be called. Roll Call 281: yeas 25, nays 64. Motion failed.

HOUSE MOTION
(Amendment 1001-33)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 38, between lines 12 and 13, begin a new line block indented and insert:

**"SAFE DRINKING WATER PROGRAM
Total Operating Expense \$780,000 \$780,000".**

(Reference is to HB 1001 as printed February 19, 2019.)
HAMILTON

Upon request of Representatives Porter and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 282: yeas 29, nays 61. Motion failed.

HOUSE MOTION
(Amendment 1001-32)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 58, line 11, delete "500,000 500,000" and insert "**725,000 725,000**".

Page 58, line 13, delete "\$375,000" and insert "**\$600,000**".
(Reference is to HB 1001 as printed February 19, 2019.)

CAMPBELL

Upon request of Representatives GiaQuinta and DeLaney, the Speaker ordered the roll of the House to be called. Roll Call 283: yeas 28, nays 61. Motion failed.

HOUSE MOTION
(Amendment 1001-29)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 34, between lines 6 and 7, begin a new line block indented and insert:

**"WABASH COUNTY ENHANCEMENT
CORPORATION**

Total Operating Expense 300,000 300,000".

(Reference is to HB 1001 as printed February 19, 2019.)
KLINKER

Motion failed.

HOUSE MOTION
(Amendment 1001-27)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 113, delete lines 31 through 47.

Page 114, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2019.)
PORTER

Upon request of Representatives Porter and Carbaugh, the Speaker ordered the roll of the House to be called. Roll Call 284: yeas 91, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 1001-1)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 150, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 158. IC 20-20-45.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

**Chapter 45.5. School Corporation Consolidation Grants
Sec. 1. As used in this chapter, "fund" refers to the school corporation consolidation or reorganization grant fund established by section 2 of this chapter.**

Sec. 2. (a) The school corporation consolidation or reorganization grant fund is established to provide grants to assist two (2) or more school corporations in consolidating under IC 20-23-6 or IC 20-23-7 or reorganizing under IC 36-1.5.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Gifts, grants, devises, or bequests made to the department to achieve the purposes of the fund.

- (c) The department shall administer the fund.
- (d) The expenses of administering the fund shall be paid from money in the fund.
- (e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.
- (f) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to be used for the purposes of this chapter.

Sec. 3. (a) The school corporation consolidation or reorganization grant program is established to assist two (2) or more school corporations in consolidating under IC 20-23-6 or IC 20-23-7 or reorganizing under IC 36-1.5.

(b) In order to receive a grant under this chapter, two (2) or more school corporations must apply jointly to the department, in a manner prescribed by the department.

(c) A grant awarded under this chapter may be used by a grant applicant described in subsection (b) to:

- (1) conduct studies necessary to evaluate the feasibility or implement the consolidation or reorganization of two (2) or more school corporations;
- (2) provide severance pay to employees whose employment is terminated as a result of the school corporation consolidation or reorganization;
- (3) pay debt service or other obligations owed by one (1) or more of the joint applicants; or
- (4) pay other costs or expenses directly related to the school corporation consolidation or reorganization that are approved by the department.

(d) The department may approve a grant request under subsection (b) in a manner and in an amount approved by the department.

Sec. 4. The department may adopt rules under IC 4-22-2 necessary to implement this chapter."

Page 170, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 193. [EFFECTIVE JULY 1, 2019] (a) The following amounts are appropriated to the school corporation consolidation or reorganization grant fund, established by IC 20-20-45.5-2, as added by this act, to carry out the purposes of the school corporation consolidation or reorganization grant fund:

- (1) One million dollars (\$1,000,000) for the state fiscal year beginning July 1, 2019, and ending June 30, 2020.
- (2) Three million dollars (\$3,000,000) for the state fiscal year beginning July 1, 2020, and ending June 30, 2021.

(b) This SECTION expires July 1, 2021."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2019.)

DELANEY

Motion failed.

HOUSE MOTION
(Amendment 1001-3)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 121, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 102. IC 6-7-1-27.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 27.9. (a) This section applies only if the rate of tax imposed on cigarettes under section 12 of this chapter is increased by the general assembly after December 31, 2018, and before January 1, 2020.

(b) The amount of taxes determined under STEP EIGHT of the following formula shall be deposited in the health improvement fund established by IC 16-19-18-4:

STEP ONE: Determine the amount of taxes collected under this chapter with regard to cigarettes weighing not more than three (3) pounds per thousand (1,000) under section 12(1) of this chapter.

STEP TWO: Determine the quotient of:

- (A) the rate of tax imposed under section 12(1) of this chapter before January 1, 2019; divided by
- (B) the rate of tax imposed under section 12(1) of this chapter after December 31, 2018, and before January 1, 2020;

expressed as a percentage.

STEP THREE: Multiply the STEP ONE amount by the STEP TWO percentage and round to the nearest dollar.

STEP FOUR: Determine the amount of taxes collected under this chapter with regard to cigarettes weighing more than three (3) pounds per thousand (1,000) under section 12(2) of this chapter.

STEP FIVE: Determine the quotient of:

- (A) the rate of tax imposed under section 12(2) of this chapter before January 1, 2019; divided by
- (B) the rate of tax imposed under section 12(2) of this chapter after December 31, 2018, and before January 1, 2020;

expressed as a percentage.

STEP SIX: Multiply the STEP FOUR amount by the STEP FIVE percentage and round to the nearest dollar.

STEP SEVEN: Determine the sum of the STEP THREE amount and STEP SIX amount.

STEP EIGHT: Determine the result of:

- (A) the sum of:
 - (i) the STEP ONE amount; plus
 - (ii) the STEP FOUR amount; minus
- (B) the STEP SEVEN amount.

(c) The amount of taxes remaining after making the deposit under subsection (b) shall be deposited as set forth in section 28.1 of this chapter.

SECTION 103. IC 6-7-1-28.1, AS AMENDED BY P.L.213-2015, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 28.1. Except as provided in section 27.9 of this chapter, the taxes, registration fees, fines, or penalties collected under this chapter shall be deposited in the following manner:

- (1) Four and twenty-two hundredths percent (4.22%) of the money shall be deposited in a fund to be known as the cigarette tax fund.
- (2) Six-tenths percent (0.6%) of the money shall be deposited in a fund to be known as the mental health centers fund.
- (3) The following amount of the money shall be deposited in the state general fund:
 - (A) After June 30, 2011, and before July 1, 2013, sixty and twenty-four hundredths percent (60.24%).
 - (B) After June 30, 2013, fifty-six and twenty-four hundredths percent (56.24%).
- (4) Five and forty-three hundredths percent (5.43%) of the money shall be deposited into the pension relief fund established in IC 5-10.3-11.
- (5) Twenty-seven and five hundredths percent (27.05%) of the money shall be deposited in the healthy Indiana plan trust fund established by IC 12-15-44.2-17.
- (6) Two and forty-six hundredths percent (2.46%) of the money shall be deposited in the state general fund for the purpose of paying appropriations for Medicaid—Current Obligations, for provider reimbursements.
- (7) The following amount of the money shall be deposited in the state retiree health benefit trust fund established by IC 5-10-8-8.5 as follows:

(A) Before July 1, 2011, five and seventy-four hundredths percent (5.74%).

(B) After June 30, 2011, and before July 1, 2013, zero percent (0%).

(C) After June 30, 2013, four percent (4%).

The money in the cigarette tax fund, the mental health centers fund, the healthy Indiana plan trust fund, or the pension relief fund at the end of a fiscal year does not revert to the state general fund. However, if in any fiscal year, the amount allocated to a fund under subdivision (1) or (2) is less than the amount received in fiscal year 1977, then that fund shall be credited with the difference between the amount allocated and the amount received in fiscal year 1977, and the allocation for the fiscal year to the fund under subdivision (3) shall be reduced by the amount of that difference. Money deposited under subdivisions (6) through (7) may not be used for any purpose other than the purpose stated in the subdivision."

Page 149, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 148. IC 16-19-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]:

Chapter 18. Health Improvement Fund

Sec. 1. This chapter applies only if the rate of tax imposed on cigarettes under IC 6-7-1-12 is increased by the general assembly after December 31, 2018, and before January 1, 2020.

Sec. 2. As used in this chapter, "state department" means the state department of health.

Sec. 3. As used in this chapter, "fund" refers to the health improvement fund established in section 4 of this chapter.

Sec. 4. (a) The health improvement fund is established. The purpose of the fund is to provide money for the purposes set forth in section 5 of this chapter. The state department shall administer the fund.

(b) The fund consists of the following:

(1) Money deposited in the fund under IC 6-7-1-27.9.

(2) Interest and other earnings derived from investment of money in the fund.

(c) Interest, premiums, gains, or other earnings from the investments shall be credited to and deposited in the fund.

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

(e) The cost of administering the fund may be paid from money in the fund.

(f) Expenditures from the fund are subject to appropriation by the general assembly to the state department for the purposes under section 5 of this chapter.

Sec. 5. Money in the fund may be used only for one (1) or more of the following purposes:

(1) Treatment of opioid drug addiction and reduction of such addiction.

(2) Reduction of the incidence of diabetes.

(3) Treatment of obesity.

(4) Treatment of low birth weight.

(5) Increased access to mental health treatment.

(6) Payments required to fund increased healthy Indiana plan 2.0 contributions required from the state."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2019.)

DELANEY

Motion failed.

HOUSE MOTION
(Amendment 1001-5)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 121, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 102. IC 6-7-1-0.4, AS ADDED BY P.L.220-2011, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 0.4. **(a)** Notwithstanding section 14 of this chapter, revenue stamps paid for before July 1, 2007, and in the possession of a distributor may be used after June 30, 2007, only if the full amount of the tax imposed by section 12 of this chapter, as effective after June 30, 2007, and as amended by P.L.218-2007, is remitted to the department under the procedures prescribed by the department.

(b) Notwithstanding section 14 of this chapter, revenue stamps paid for before July 1, 2019, and in the possession of a distributor may be used after June 30, 2019, only if the full amount of the tax imposed by section 12 of this chapter, as amended and effective after June 30, 2019, is remitted to the department under the procedures prescribed by the department.

SECTION 103. IC 6-7-1-12, AS AMENDED BY P.L.191-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. The following taxes are imposed, and shall be collected and paid as provided in this chapter, upon the sale, exchange, bartering, furnishing, giving away, or otherwise disposing of cigarettes within the state of Indiana:

(1) On cigarettes weighing not more than three (3) pounds per thousand (1,000), a tax at the rate of ~~four and nine hundred seventy-five thousandths cents (\$0.04975)~~ **fourteen and nine hundred seventy-five thousandths cents (\$0.14975)** per individual cigarette.

(2) On cigarettes weighing more than three (3) pounds per thousand (1,000), a tax at the rate of ~~six and six hundred twelve thousandths cents (\$0.06612)~~ **nineteen and nine hundred two thousandths cents (\$0.19902)** per individual cigarette, except that if any cigarettes weighing more than three (3) pounds per thousand (1,000) shall be more than six and one-half (6 1/2) inches in length, they shall be taxable at the rate provided in subdivision (1), counting each two and three-fourths (2 3/4) inches (or fraction thereof) as a separate cigarette."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2019.)

DELANEY

Representative Leonard rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1001 a bill pending before the House. The Speaker ruled the point was well taken.

The motion was ruled out of order.

HOUSE MOTION
(Amendment 1001-43)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 68, line 8, delete "30,000,000 31,200,000" and insert **"15,000,000 15,000,000"**.

Page 68, delete lines 13 through 14.

Page 71, line 14, delete "39,000,000 39,000,000" and insert **"55,000,000 55,000,000"**.

Page 162, delete lines 13 through 47.

Page 163, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 19, 2019.)

PORTER

Upon request of Representatives Mahan and Torr, the Speaker ordered the roll of the House to be called. Roll Call 285: yeas 27, nays 60. Motion failed. The bill was ordered engrossed.

House Bill 1055

Representative Torr called down House Bill 1055 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1055-1)

Mr. Speaker: I move that House Bill 1055 be amended to read as follows:

Page 2, line 33, delete "A" and insert "**Subject to subsection (h), a**".

Page 2, line 35, delete "." and insert "**not less than thirty (30) days after the filing or deposit of the bond.**".

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"(h) A contractor or subcontractor shall be permitted to adjudicate the adequacy of a bond described under subsection (c) or (e) in a court of competent jurisdiction. The liability of a person served by a lien claimant under section 9 of this chapter may not be discharged while the adequacy of a bond is being adjudicated."

Page 2, line 36, delete "(h)" and insert "**(i)**".

Page 2, line 41, delete "(i)" and insert "**(j)**".

Page 3, line 10, delete "(j)" and insert "**(k)**".

Page 3, line 12, delete "(k)" and insert "**(l)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1055 as printed February 18, 2019.)

TORR

Motion prevailed. The bill was ordered engrossed.

House Bill 1362.

Pursuant to House Rule 143, the author of House Bill 1362, Representative Eberhart, granted consent to the coauthor, Representative VanNatter, to call the bill down for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1596

Representative Clere called down House Bill 1596 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1596-2)

Mr. Speaker: I move that House Bill 1596 be amended to read as follows:

Page 1, line 7, delete "redevelopment district" and insert "**allocation area**".

Page 1, line 9, after "commission" insert "**immediately at the conclusion of the public hearing required under section 17 of this chapter,**".

Page 1, line 11, delete "redevelopment district; and" and insert "**allocation area; or**".

Page 1, line 15, delete "school corporation or public school, including a" and insert "**a school corporation, an accredited or nonaccredited public or private school, or a charter school, including a transfer of property tax proceeds for a program under IC 36-7-25-7.**".

Page 1, delete line 16.

Page 2, line 21, strike "described in subsection (b)," and insert "**under this section,**".

Page 2, line 25, after "benefit;" reset in roman "and".

Page 2, line 26, delete "residents;" and insert "residents."

Page 2, delete lines 27 through 40, begin a new paragraph and insert:

"(d) This subsection applies to a program that is established under this section by contract effective after June 30, 2019. The following apply to a program under this subsection:

(1) The program must provide that it is open to all individuals who:

(A) reside; or

(B) attend any public or private, accredited or nonaccredited secondary or postsecondary school; in the unit in which the commission is located.

(2) The program must be designed to fulfill the workforce needs of employers or prospective employers whose wages for jobs included in the program equal or exceed the county average wage.

(3) The program must require participants to maintain satisfactory progress toward obtaining a degree or certificate.

(4) A participant in a program may be required by the commission to:

(A) reside within the unit;

(B) work for employers located in the unit; or

(C) both clause (A) and (B);

for a specified period of time.

(e) A program under this section may be implemented pursuant to a contract that is entered into by the eligible entity and the person implementing the program. If an eligible entity enters into a contract effective after June 30, 2019, with a person to implement a program, the contract must meet all of the same requirements of subsection (d) that apply to the contract between the commission and the eligible entity."

Page 3, line 1, delete "subsection (b)." and insert "**subsection (b) this section.**".

Page 3, line 7, strike "subsection (b)" and insert "**this section**".

(Reference is to HB 1596 as printed February 18, 2019.)

FLEMING

Motion prevailed. The bill was ordered engrossed.

House Bill 1643

Representative Smalt called down House Bill 1643 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1643-3)

Mr. Speaker: I move that House Bill 1643 be amended to read as follows:

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 6. IC 35-31.5-2-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19.5. "Antique firearm", for purposes of IC 35-47-1.5, has the meaning set forth in IC 35-47-1.5-1.

SECTION 7. IC 35-31.5-2-38, AS AMENDED BY P.L.252-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 38. "Child", for purposes of IC 35-46-1-8, IC 35-47-10, and IC 35-44.1-5-5, and IC 35-47-1.5, has the meaning set forth in IC 35-47-10-3.

SECTION 8. IC 35-31.5-2-171.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 171.5. "Inoperable firearm", for purposes of IC 35-47-1.5, has the meaning set forth in IC 35-47-1.5-3.

SECTION 9. IC 35-31.5-2-188.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 188.1. "Loaded firearm", for purposes of IC 35-47-1.5, has the meaning set forth in IC 35-47-1.5-4."

Page 4, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 11. IC 35-31.5-2-288.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 288.5. "Secures", for purposes of IC 35-47-1.5, has the meaning set forth in IC 35-47-1.5-5."

Page 5, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 8. IC 35-47-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 1.5. Storage of Firearms

Sec. 1. As used in this chapter, "antique firearm" has the meaning set forth in 18 U.S.C. 921(a)(16).

Sec. 2. As used in this chapter, "child" has the meaning set forth in IC 35-47-10-3.

Sec. 3. As used in this chapter, "inoperable firearm" means a firearm that is permanently unable to discharge or expel a projectile by means of an explosion. The term does not include any firearm that may be modified to discharge or expel a projectile by means of an explosion.

Sec. 4. As used in this chapter, "loaded firearm" means a firearm with one (1) or more of the following characteristics:

- (1) A bullet, cartridge, projectile, or round in the breech, chamber, or cylinder of the firearm.
- (2) Ammunition in close proximity to the firearm so that a person can readily insert the ammunition into the firearm.
- (3) Ammunition that is:
 - (A) inserted or stored inside:
 - (i) the firing chamber;
 - (ii) a cylinder; or
 - (iii) a fixed magazine;
 - of the firearm; or
 - (B) housed or stored inside a detachable magazine for the firearm.

Sec. 5. As used in this chapter, "secures" means to take the precautions that a reasonable person would take to prevent access to a firearm. The term includes the use or performance of the following, as applicable:

- (1) Placing or storing the firearm in a locked container.
- (2) Temporarily rendering the firearm inoperable by:
 - (A) use of a trigger lock, bore lock, cable lock, or comparable device; or
 - (B) disassembling the firearm in a manner that prevents the firearm from operating.

Sec. 6. (a) It is unlawful for a person to knowingly or intentionally store or keep a loaded firearm on any premises under the person's control if the person knows, or reasonably should know, that a child is likely to gain access to the firearm.

(b) If:

- (1) a person described in subsection (a) fails to secure a firearm; and
- (2) a child obtains possession of the unsecured firearm; the person responsible for the control of the premises commits unsafe storage of a firearm, a Class C misdemeanor. However, the offense is a Class B misdemeanor if the person has a prior, unrelated conviction for an offense under this section.

(c) If:

- (1) a person described in subsection (a) fails to secure a firearm; and
- (2) use of the unsecured firearm by a child results in:
 - (A) any injury to; or
 - (B) the death of;

any other person; the person responsible for control of the premises commits dangerous storage of a firearm, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior, unrelated conviction for an offense under this section.

(d) It is a defense to a prosecution under this section that:

- (1) the firearm at issue is an antique firearm;
- (2) the firearm at issue is an inoperable firearm;
- (3) the person secured the firearm at issue against unauthorized access;

(4) the person who carried the firearm at issue had the firearm:

(A) on their person; or

(B) in such proximity to their person that the firearm could have been readily retrieved and used by the person;

(5) the use of the firearm at issue was for a purpose described in IC 35-47-10-1(b); or

(6) the possession of the firearm at issue complied with IC 34-28-7.

(e) It is a defense to a prosecution under subsection (c) that the possession of the firearm by a child was the result of the commission of an act that would be an offense described in one (1) or more of the following sections if committed by an adult:

(1) Burglary (IC 35-43-2-1).

(2) Residential entry (IC 35-43-2-1.5).

(3) Robbery (IC 35-42-5-1).

(4) Theft (IC 35-43-4-2).

(5) Criminal conversion (IC 35-43-4-3).

(f) It is a defense to a prosecution under subsection (c) that the injury or death inflicted on the other person occurred during a lawful act of:

(1) self-defense; or

(2) defense of a third party."

Page 12, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 10. IC 35-47-2-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 14.5. (a)** A retail dealer shall conspicuously display at the site of the retail dealer's business a sign with the following language:

"IT IS UNLAWFUL TO LEAVE AN UNSECURED FIREARM IN A LOCATION WHERE CHILDREN ARE LIKELY TO BE AND MAY OBTAIN ACCESS TO THE FIREARM."

(b) A retail dealer who knowingly or intentionally violates subsection (a) commits a Class C infraction. However, the violation is a Class A infraction if the retail dealer has a prior unrelated adjudication for the violation."

Renumber all SECTIONS consecutively.

(Reference is to HB 1643 as printed February 19, 2019.)

FORESTAL

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as coauthor of House Bill 1397.

COOK

Motion prevailed.

HOUSE MOTION

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

KIRCHHOFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Steuerwald, DeLaney and Torr be added as coauthors of House Bill 1591.

YOUNG

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as coauthor of House Bill 1630.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pryor, Bartlett, McNamara and Macer be added as coauthors of House Resolution 17.

SUMMERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bartlett, Harris, Hatcher, Jackson, Porter, Pryor, Shackelford and V. Smith be added as coauthors of House Concurrent Resolution 22.

HATFIELD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative May be added as cosponsor of Engrossed Senate Bill 319.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pfaff and Manning be added as cosponsors of Engrossed Senate Bill 459.

MORRISON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives McNamara and Bartels be added as cosponsors of Engrossed Senate Bill 561.

BACON

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 2, 41, 42, 118, 144, 158, 201, 219, 248, 270, 282, 304, 322, 362, 365, 381, 393, 407, 460, 472, 485, 486, 496, 497, 507, 549, 560 and 586 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 15, 30 and 31 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 10 and the same is herewith returned to the House.

JENNIFER L. MERTZ

Principal Secretary of the Senate

On the motion of Representative Miller, the House adjourned at 6:17 p.m., this twenty-first day of February, 2019, until Monday, February 25, 2019, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives