



# Journal of the Senate

State of Indiana

121st General Assembly

First Regular Session

Thirty-ninth Meeting Day

Tuesday Afternoon

April 2, 2019

The Senate convened at 1:51 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Imam Wafa Safi Al-Salam from the Al-Salam Foundation.

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

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

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

Roll Call 368: present 48; excused 2. [Note: A  indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

### SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 2 and that a conference committee be appointed to confer with a like committee of the House.

Motion prevailed.

### SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 604, filed March 27, 2019, be withdrawn from further consideration by the Senate.

DORIOT

Motion prevailed.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Engrossed House Bill 1208, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 31-9-2-76.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 76.7. "Lifetime sex or violent offender" has the meaning set forth in IC 34-28-2-1.5.**

SECTION 2. IC 31-9-2-76.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 76.8. "Local law enforcement authority" has the meaning set forth in IC 11-8-8-2.**

SECTION 3. IC 31-11-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4. (a) An application for a marriage license must be written and verified. The application must contain the following information concerning each of the applicants:**

- (1) Full name.
- (2) Birthplace.
- (3) Residence.
- (4) Age.
- (5) Names of dependent children.
- (6) Full name, including the maiden name of a mother, last known residence, and, if known, the place of birth of:
  - (A) the birth parents of the applicant if the applicant is not adopted; or
  - (B) the adoptive parents of the applicant if the applicant is adopted.

**(7) Whether either of the applicants is a lifetime sex or violent offender, and, if an applicant is a lifetime sex or violent offender, the county and state in which the conviction was entered giving rise to the applicant's status as a lifetime sex or violent offender.**

HEAD

~~(7)~~ **(8)** A statement of facts necessary to determine whether any legal impediment to the proposed marriage exists.

~~(8)~~ **(9)** Except as provided in subsection (e), an acknowledgment that both applicants must sign, affirming that the applicants have received the information described in section 5 of this chapter, including a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome). The acknowledgment required by this subdivision must be in the following form:

ACKNOWLEDGMENT

I acknowledge that I have received information regarding dangerous communicable diseases that are sexually transmitted and a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome).

Signature of Applicant	Date

Signature of Applicant	Date

(b) The clerk of the circuit court shall record the application, including the license and certificate of marriage, in a book provided for that purpose. This book is a public record.

(c) The state department of health shall develop uniform forms for applications for marriage licenses. The state department of health shall furnish these forms to the circuit court clerks. The state department of health may periodically revise these forms.

(d) The state department of health shall require that the record of marriage form developed under subsection (c) must include each applicant's Social Security number. Any Social Security numbers collected on the record of marriage form shall be kept confidential and used only to carry out the purposes of the Title IV-D program. A person who knowingly or intentionally violates confidentiality regarding an applicant's Social Security numbers as described in this subsection commits a Class A infraction.

(e) Notwithstanding subsection (a), a person who objects on religious grounds is not required to:

- (1) verify the application under subsection (a) by oath or affirmation; or
- (2) sign the acknowledgment described in subsection ~~(a)(8)~~: **(a)(9)**.

However, before the clerk of the circuit court may issue a marriage license to a member of the Old Amish Mennonite church, the bishop of that member must sign a statement that the information in the application is true.

(f) If a person objects on religious grounds to:

- (1) verifying the application under subsection (a) by oath or affirmation; or
- (2) signing the acknowledgment described in subsection ~~(a)(8)~~;

**(a)(9)**; the clerk of the circuit court shall indicate that fact on the application for a marriage license.

SECTION 4. IC 31-11-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. A clerk of a circuit court may not issue a marriage license if either of the individuals who applies for the license:

- (1) has been adjudged to be mentally incompetent unless the clerk finds that the adjudication is no longer in effect;

or

(2) is under the influence of an alcoholic beverage or a narcotic drug; or

**(3) is a lifetime sex or violent offender, unless the individual submits an affidavit stating under the penalties of perjury that the individual has provided written notice of the person's:**

- (A) intent to marry; and**
- (B) married name;**

**to the local law enforcement authority in the county of conviction and in the person's county of residence.**

SECTION 5. IC 31-15-2-5, AS AMENDED BY P.L.83-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A petition for dissolution of marriage must:

- (1) be verified; and
- (2) set forth the following:
  - (A) The residence of each party and the length of residence in the state and county.
  - (B) The date of the marriage.
  - (C) The date on which the parties separated.
  - (D) The name, age, and address of:
    - (i) any living child less than twenty-one (21) years of age; and
    - (ii) any incapacitated child;
 of the marriage and whether the wife is pregnant.
  - (E) The grounds for dissolution of the marriage.
  - (F) The relief sought.
  - (G) If a guardian of an incapacitated person is filing the petition for dissolution of marriage on behalf of the incapacitated person, the name and address of the guardian.
  - (H) Whether either party is a lifetime sex or violent offender.**

(b) If a guardian of an incapacitated person files a petition for dissolution of a marriage on behalf of the incapacitated person, the guardian shall file with the petition a copy of the court order granting authority to petition for dissolution of marriage described in IC 29-3-9-12.2.

SECTION 6. IC 31-15-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. **(a) This section does not apply to a lifetime sex or violent offender.**

**(b) A woman who desires the restoration of her maiden or previous married name must set out the name she desires to be restored to her in her petition for dissolution as part of the relief sought. The court shall grant the name change upon entering the decree of dissolution.**

SECTION 7. IC 31-15-2-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19. (a) This section applies to a lifetime sex or violent offender.**

**(b) The court may not issue an order restoring the previous married or unmarried name of a lifetime sex or violent offender unless all of the following conditions are met:**

- (1) The lifetime sex or violent offender sets out the name the offender wishes to be restored.**

**(2) The lifetime sex or violent offender provides written notice of intent to restore the previous married or unmarried name to the local law enforcement authority in the:**

- (A) county of conviction; and**
- (B) county where the person resides.**

**(c) Upon proof that the notice described in subsection (b)(2) has been properly served, the court shall grant the petition to restore the previous name.**

**(d) Nothing in this section limits, alters, or affects the authority of the court to enter a dissolution decree as provided in this chapter.**

SECTION 8. IC 31-19-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. **(a) Subject to section 1.1 of this chapter**, an individual who is at least eighteen (18) years of age may be adopted by a resident of Indiana:

- (1) upon proper petition to the court having jurisdiction in probate matters in the county of residence of the individual or the petitioner for adoption; and
- (2) with the consent of the individual acknowledged in open court.

**(b) If the court in which a petition for adoption is filed under this section considers it necessary, the court may order:**

- (1) the type of investigation that is conducted in an adoption of a child who is less than eighteen (18) years of age; or
- (2) any other inquiry that the court considers advisable;

before granting the petition for adoption.

SECTION 9. IC 31-19-2-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.1. (a) This section applies only to an individual:**

- (1) who seeks to be adopted by a resident of Indiana under section 1 of this chapter; and**
- (2) who is a lifetime sex or violent offender.**

**(b) A court may not issue an order granting a petition for adoption of an individual described in subsection (a) unless all of the following conditions are met:**

- (1) The lifetime sex or violent offender complies with and meets the requirements of section 1 of this chapter.**
- (2) If the lifetime sex or violent offender intends to change the offender's name, the offender provides written notice of the petition for adoption and the new name to the local law enforcement authority in the:**
  - (A) county of conviction; and**
  - (B) county where the person resides.**

**(c) Upon proof that the notice described in subsection (b) has been properly served, the court shall grant the petition for adoption if all other requirements are met.**

SECTION 10. IC 34-6-2-73.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 73.8. "Lifetime sex or violent offender", for purposes of IC 34-28-2, has the meaning set forth in IC 34-28-2-1.5.**

SECTION 11. IC 34-6-2-74.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 74.5. "Local law enforcement authority", for purposes of IC 34-28-2, has**

**the meaning set forth in IC 34-28-2-1.5."**

Page 1, line 2, after "Sec. 1.5." insert **"(a) The following definitions apply throughout this section:**

**(1) "Lifetime sex or violent offender" means a person convicted of an offense that currently requires a person to register as a sex or violent offender for life under IC 11-8-8-19, regardless of the date the conviction was entered against the person or whether the person was or is required to register as a sex offender for life.**

**(2) "Local law enforcement authority" has the meaning set forth in IC 11-8-8-2.**

**(b)".**

Page 1, delete line 5, begin a new line block indented and insert:

**"(2) except as provided in subsection (c), is a lifetime sex or violent offender.**

**(c) This subsection does not apply to a person who is currently required to register as a sex offender. Notwithstanding subsection (b), a person may petition for a change of name based on a sincerely held religious belief.**

**(d) A person described in subsection (c) shall provide written notice of the petition for name change to the local law enforcement authority in the:**

- (1) county of conviction; and**
- (2) county where the person resides."**

Renummer all SECTIONS consecutively.

(Reference is to HB 1208 as printed January 25, 2019.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

M. YOUNG, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Engrossed House Bill 1258, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 3. IC 22-12-6-6, AS AMENDED BY P.L.218-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The commission may adopt rules under IC 4-22-2 setting a fee schedule for the following:

- (1) Fireworks display permits issued under IC 22-11-14-2.
- (2) Explosives magazine permits issued under IC 35-47.5-4.
- (3) Design releases issued under IC 22-15-3 and IC 22-15-3.2.
- (4) Certification of industrialized building systems and mobile structures under IC 22-15-4.
- (5) Inspection of regulated amusement devices under IC 22-15-7.
- (6) Application fees for variance requests under IC 22-13-2-11 and inspection fees for exemptions under IC 22-13-4-5.

- (7) Permitting and inspection of regulated lifting devices under IC 22-15-5.
- (8) Permitting and inspection of regulated boiler and pressure vessels under IC 22-15-6.
- (9) Licensing of
  - ~~(A) boiler and pressure vessel inspectors under IC 22-15-6-5. and~~
  - ~~(B) an owner or user boiler and pressure vessel inspection agency under IC 22-15-6-6.~~
- (10) Licensing of elevator contractors, elevator inspectors, and elevator mechanics under IC 22-15-5-6 through IC 22-15-5-16.

(b) Fee schedules set under this section must be sufficient to pay all of the costs, direct and indirect, that are payable from the fund into which the fee must be deposited, after deducting other money deposited in the fund. In setting these fee schedules, the commission may consider differences in the degree or complexity of the activity being performed for each fee.

(c) The fee schedule set for design releases issued under subsection (a)(3) may not be changed more than one (1) time each year. The commission may include in this fee schedule a fee for the review of plans and specifications and, if a political subdivision does not have a program to periodically inspect the construction covered by the design release, a fee for inspecting the construction.

(d) The fee schedule set under subsection (a) for design releases may provide that a portion of the fees collected shall be deposited in the statewide fire and building safety education fund established under section 3 of this chapter."

Page 4, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 5. IC 22-13-2-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 14.1. (a) The commission or department shall consult with an industry expert to discuss a variance application or an update to a rule or safety standard concerning:**

- (1) a boiler or pressure vessel; or**
- (2) a regulated amusement device.**

**(b) An industry expert for the purposes of consulting under subsection (a)(1) must be:**

- (1) a professional engineer registered under IC 25-31; and**
- (2) knowledgeable in and have experience with boiler and pressure vessels."**

Page 4, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 8. IC 22-15-6-2, AS AMENDED BY P.L.86-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2. (a) The division shall may conduct a program of periodic inspections of regulated boilers and pressure vessels.**

**(b) The division or a boiler and pressure vessel inspector acting under section 4 of this chapter shall do the following:**

- (1) Issue a regulated boiler and pressure vessel operating permit to an applicant who qualifies under this section.**
- (2) Perform an operating permit inspection of a boiler or pressure vessel owned by the state.**

**(3) Conduct a program to audit boiler and pressure vessel inspectors licensed under section 5 of this chapter.**

**(4) Conduct a program to audit inspections completed by a boiler and pressure vessel inspector licensed under section 5 of this chapter.**

~~(c) Except as provided in subsection (f); (e), a an operating permit issued under this section expires one (1) year after it is issued. The permit terminates if it was issued by an insurance company acting under section 4 of this chapter and the applicant ceases to insure the boiler or pressure vessel covered by the permit against loss by explosion with an insurance company authorized to do business in Indiana:~~

~~(d) To qualify for a an operating permit or to renew a an operating permit under this section, an applicant must do the following:~~

~~(1) Apply for an operating permit on a form approved by the division.~~

~~(f) (2) Demonstrate through an inspection, performed by an inspector licensed under section 5 of this chapter, that the regulated boiler or pressure vessel covered by the application complies with the rules adopted by the rules board: commission.~~

~~(3) Submit a report of the inspection conducted under subdivision (2) to the division.~~

~~(2) (4) Pay the fee set under IC 22-12-6-6(a)(8).~~

~~(e) An inspection under subsection (d)(2) shall be conducted as follows:~~

~~(f) An inspection for an initial permit shall be conducted by:~~

- ~~(A) the division; or~~
- ~~(B) an owner or user inspection agency:~~

~~(2) An inspection for a renewal permit shall be conducted by one (f) of the following:~~

- ~~(A) An insurance company inspection agency; if the vessel is insured under a boiler and pressure vessel insurance policy and the renewal inspection is not conducted by an owner or user inspection agency:~~
- ~~(B) An owner or user inspection agency:~~
- ~~(C) The division; if:~~

- ~~(i) the owner or user of a vessel is not licensed as an owner or user inspection agency and the vessel is not insured under a boiler and pressure vessel insurance policy; or~~
- ~~(ii) the regulated boiler or pressure vessel operating permit has lapsed:~~

~~(f) (e) The rules board commission may, by rule adopted under IC 4-22-2, specify:~~

- ~~(1) a period between inspections of more than one (1) year; and~~
- ~~(2) an expiration date for an operating permit longer than one (1) year from the date of issuance.~~

However, the rules board commission may not set an inspection period of greater than five (5) years or issue an operating permit valid for a period of more than five (5) years for regulated pressure vessels or steam generating equipment that is an integral part of a continuous processing unit.

(g) (f) For any inspection conducted by the division under this section, the division may designate

- (1) a third party an inspector that satisfies the requirements of licensed under section 5 of this chapter or
- (2) an inspection agency that satisfies the requirements of section 6 of this chapter;

to act as the division's agent for purposes of the inspection.

(g) The commission may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement this chapter. An emergency rule adopted under this subsection expires on the earliest of the following dates:

- (1) The expiration date stated in the emergency rule.
- (2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under IC 4-22-2-37.1.
- (3) July 1, 2021.

SECTION 9. IC 22-15-6-4 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 4: (a) As used in this chapter, "inspection agency" means:

- (1) an insurance company inspection agency; or
- (2) an owner or user inspection agency;

licensed under section 6 of this chapter:

(b) A boiler and pressure vessel inspector licensed under section 5 of this chapter and employed by an inspection agency may perform any of the following:

- (1) An inspection required by section 2 of this chapter.
- (2) The issuance of a permit under section 2 of this chapter.
- (3) The issuance of an appropriate order under IC 22-12-7 when an equipment law has been violated.

(c) The authority of an inspector acting under this chapter is limited to enforcement related to regulated boilers or pressure vessels insured, owned, or operated by the inspection agency employing the inspector.

(d) Unless an annual report is substituted under subsection (e), an inspection agency shall, within thirty (30) days after the completion of an inspection, submit to the office the report required by the rules board. In addition to any other information required by the rules board, the inspector conducting the inspection shall cite on the report any violation of the equipment law applicable to the regulated boiler or pressure vessel.

(e) In the case of boilers or pressure vessels inspected by an owner or user inspection agency, an annual report filed on or before the annual date as the rules board may prescribe for each report may be substituted. An annual report of an owner or user inspection agency must list, by number and abbreviated description necessary for identification, each boiler and pressure vessel inspected during the covered period, the date of the last inspection of each unit, and for each pressure vessel the approximate date for its next inspection under the rules of the rules board. Each annual report of an owner or user inspection must also contain the certificate of a professional engineer registered under IC 25-31 and having supervision over the inspections reported, swearing or affirming under penalty of perjury that each inspection was conducted in conformity with the equipment laws.

(f) An owner or user inspection agency shall pay the fee set under IC 22-12-6 with a report under subsection (e).

(g) In addition to the reports required by subsections (d) and

(e), an owner, a user, or an inspection agency shall immediately notify the division when an incident occurs to render a boiler or pressure vessel inoperative:

(h) An inspection agency, an owner, or a user that violates this section is subject to a disciplinary action under IC 22-12-7."

Delete pages 5 through 7.

Page 8, delete lines 1 through 11.

Page 8, between lines 30 and 31, begin a new paragraph and insert:

"(d) The commission may sanction a boiler and pressure vessel inspector under IC 22-12-7 if the boiler and pressure vessel inspector violates this chapter or rules adopted by the commission."

Page 8, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 11. IC 22-15-6-6 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 6: (a) The division shall issue a license to act as an owner or user boiler and pressure vessel inspection agency to an applicant who qualifies under this section:

(b) A license issued under this section expires if the bond required by subsection (c)(3) becomes invalid:

(c) To qualify for a license under this section an applicant must:

- (1) submit the name and address of the applicant;
- (2) submit proof that inspections will be supervised by one (1) or more professional engineers licensed under IC 25-31 and regularly employed by the applicant;
- (3) provide a surety bond issued by a surety qualified to do business in Indiana for one hundred thousand dollars (\$100,000), made payable to the division and conditioned upon compliance with the equipment laws applicable to inspections and the true accounting for all funds due to the division; and
- (4) pay the fee set under IC 22-12-6-6(a)(9).

(d) An owner or user boiler and pressure vessel inspection agency licensee under this section shall maintain with the division the most current name and address of the licensee and the name of the professional engineer supervising the licensee's inspections and notify the division of any changes within thirty (30) days after the change occurs. An inspection agency that violates this subsection is subject to a disciplinary action under IC 22-12-7.

(e) The rules board may establish standards for the operation of inspection agencies:

(f) An inspection agency that violates this section is subject to a disciplinary action under IC 22-12-7."

Page 9, delete lines 1 through 18.

Renumber all SECTIONS consecutively.

(Reference is to HB 1258 as printed January 29, 2019.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

CRIDER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Engrossed House Bill 1266, has

had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the amendment adopted by the Senate Environmental Affairs Committee on March 11, 2019.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 13-11-2-40.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 40.9. "Construction activities", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-2.**

SECTION 2. IC 13-11-2-41.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 41.2. "Construction plan", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-3.**

SECTION 3. IC 13-11-2-72.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 72.6. "Erosion", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-4.**

SECTION 4. IC 13-11-2-72.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 72.7. "Erosion and sediment control measure", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-5.**

SECTION 5. IC 13-11-2-88.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 88.8. "General permit", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-6.**

SECTION 6. IC 13-11-2-116.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 116.5. "Large construction activity site", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-7.**

SECTION 7. IC 13-11-2-130.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 130.6. "MS4 community", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-8.**

SECTION 8. IC 13-11-2-173.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 173.2. "Project site owner", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-9.**

SECTION 9. IC 13-11-2-195.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 195.2. "Review authority", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-10.**

SECTION 10. IC 13-11-2-197.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 197.8. "Sedimentation", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-11.**

SECTION 11. IC 13-11-2-204.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 204.5. "Small construction activity site", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-12.**

SECTION 12. IC 13-11-2-234.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 234.5. "Trained individual", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-13.**

SECTION 13. IC 13-11-2-245.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 245.3. "Very small construction activity site", for purposes of IC 13-18-27, has the meaning set forth in IC 13-18-27-14.**

SECTION 14. IC 13-18-27 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

#### **Chapter 27. Erosion and Sediment Control in Construction Projects**

**Sec. 1.** As used in this chapter, "327 IAC 15-5" refers to the administrative rule of the environmental rules board in effect on March 25, 2019, concerning storm water runoff associated with construction activity.

**Sec. 2.** As used in this chapter, "construction activities" include clearing, grading, and excavating.

**Sec. 3.** As used in this chapter, "construction plan" means a written plan that:

- (1) presents information about a construction project and activities associated with the construction project;
- (2) includes a storm water pollution prevention plan that outlines how erosion and sedimentation will be controlled on the site of the construction project; and
- (3) must be submitted to a review authority as a condition of proceeding with the construction project under the general permit rule program established under 327 IAC 15-5 or the general permit.

**Sec. 4.** As used in this chapter, "erosion" means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

**Sec. 5.** As used in this chapter, "erosion and sediment control measure" means a practice, or a combination of practices, to control erosion and resulting sedimentation associated with construction activity.

**Sec. 6.** As used in this chapter, "general permit" refers to the general permit issued by the commissioner or the department in accordance with 40 CFR 122.26 to establish erosion and sediment control requirements for construction sites.

**Sec. 7.** As used in this chapter, "large construction activity site" means:

- (1) a site at which construction activities result in land disturbance of at least five (5) acres; or
- (2) a site:
  - (A) at which construction activities result in land disturbance of more than one (1) but less than five (5) acres; but

(B) that is part of a larger common plan of development or sale in which construction activities will ultimately result in land disturbance of more than five (5) acres.

Sec. 8. As used in this chapter, "MS4 community" means a county, city, or town that:

- (1) owns, operates, or maintains a regulated municipal separate storm sewer system (MS4); and
- (2) administers a program under which construction plans relating to construction projects in locations within the boundaries of the MS4 community are reviewed and given a favorable or unfavorable determination.

Sec. 9. As used in this chapter, "project site owner" means the person required to comply with 327 IAC 15-5, the general permit, or the applicable ordinance of an MS4 community with respect to a construction project. The term includes the following:

- (1) A developer.
- (2) A person who has financial and operational control of construction activities and construction project plans and specifications, including the ability to make modifications to those plans and specifications.

Sec. 10. As used in this chapter, "review authority" means either of the following:

- (1) A soil and water conservation district or another entity designated by the department.
- (2) An MS4 community, in the case of a construction project in a location within the boundaries of the MS4 community.

Sec. 11. As used in this chapter, "sedimentation" means the settling and accumulation of unconsolidated sediment carried by storm water runoff.

Sec. 12. As used in this chapter, "small construction activity site" means:

- (1) a site at which construction activities result in land disturbance of at least one (1) but less than five (5) acres; or
- (2) a site:
  - (A) at which construction activities result in land disturbance of less than one (1) acre; but
  - (B) that is part of a larger common plan of development or sale in which construction activities will ultimately result in land disturbance of at least one (1) but less than five (5) acres.

Sec. 13. As used in this chapter, "trained individual" means an individual who is trained and experienced in the principles of storm water management, including erosion and sediment control, as demonstrated by:

- (1) the completion of course work;
- (2) state registration;
- (3) professional certification; or
- (4) annual training;

that enables the individual to make judgments concerning storm water management, storm water treatment, and storm water monitoring.

Sec. 14. As used in this chapter, "very small construction activity site" means a site at which construction activities

result in land disturbance of less than one (1) acre.

Sec. 15. (a) Except as provided in subsection (b), an MS4 community may not require erosion and sediment control measures that are more stringent than the erosion and sediment control measures required by 327 IAC 15-5 or the general permit.

(b) An MS4 community may require erosion and sediment control measures at a very small construction activity site even if requiring erosion and sediment control measures at a very small construction activity site is not required by 327 IAC 15-5 or by the general permit. However, the erosion and sediment control measures required by an MS4 community at a very small construction activity site may not be more stringent than the erosion and sediment control measures required by 327 IAC 15-5 or by the general permit at a small construction activity site.

Sec. 16. (a) A review authority to which a construction plan is submitted must make a preliminary determination whether the construction plan is substantially complete before the end of:

- (1) the tenth working day after the day on which the construction plan is submitted to the review authority, in the case of a small construction activity site; or
- (2) the fourteenth working day after the day on which the construction plan is submitted to the review authority, in the case of a large construction activity site.

(b) If a review authority to which a construction plan is submitted under subsection (a):

- (1) makes a preliminary determination that the construction plan is substantially complete; and
- (2) notifies the project site owner of its favorable preliminary determination;

before the end of the tenth working day after the day on which the construction plan is submitted to the review authority, in the case of a small construction activity site, or the fourteenth working day after the day on which the construction plan is submitted to the review authority, in the case of a large construction activity site, the project site owner may submit a notice of intent letter including the information required by 327 IAC 15-5-5 or the general permit and, forty-eight (48) hours after submission of the notice of intent letter, may begin the construction project, including the land disturbing activities of the construction project.

(c) If a review authority to which a construction plan for a small construction activity site or a large construction activity site is submitted under subsection (a) does not notify the project site owner before the end of the tenth working day after the day on which the construction plan is submitted to the review authority, in the case of a small construction activity site, or the fourteenth working day after the day on which the construction plan is submitted to the review authority, in the case of a large construction activity site, of its preliminary determination as to whether the construction plan is substantially complete, the project site owner may submit a notice of intent letter including the information required by 327 IAC 15-5-5 or the general permit and,

forty-eight (48) hours after submission of the notice of intent letter, may begin the construction project, including the land disturbing activities of the construction project.

(d) If a review authority to which a construction plan is submitted under subsection (a) notifies the project site owner before the end of the tenth working day after the day on which the construction plan is submitted to the review authority, in the case of a small construction activity site, or the fourteenth working day after the day on which the construction plan is submitted to the review authority, in the case of a large construction activity site, of its preliminary determination that the construction plan is not substantially complete, the project site owner may not submit a notice of intent letter until the review authority makes a conclusive favorable determination concerning the construction plan under 327 IAC 15-5, the general permit, or the applicable ordinance of the MS4 community.

(e) If a review authority to which a construction plan is submitted under subsection (a):

- (1) makes a preliminary determination that the construction plan is substantially complete; and
- (2) makes a conclusive unfavorable determination concerning the construction plan under 327 IAC 15-5, the general permit, or the applicable ordinance of the MS4 community;

the land disturbing activities of the construction project must stop when the review authority notifies the project site owner of the review authority's conclusive unfavorable determination concerning the construction plan.

Sec. 17. (a) This section does not apply to an individual employed on July 1, 2019, to review and make conclusive determinations concerning construction plans submitted to an MS4 community.

(b) An individual who reviews and makes a conclusive determination concerning a construction plan submitted to an MS4 community must be:

- (1) a trained individual; or
- (2) an individual working under the direct supervision of a trained individual.

Sec. 18. (a) If:

- (1) an MS4 community has made a conclusive favorable determination concerning a construction plan; and
- (2) work on the construction project has begun;

the MS4 community may not order work on the construction project to stop on the grounds that the erosion and sediment control measures included in the construction plan are not adequate unless the project site owner is notified in writing of the inadequacies that the MS4 community perceives in the erosion and sediment control measures and the perceived inadequacies are not resolved within seventy-two (72) hours after the project site owner receives the written notice.

(b) This section does not prohibit an MS4 community from ordering work on a construction project to stop if the project site owner is creating a public health hazard or a safety hazard.

Sec. 19. The general permit, to the extent allowed under federal law, must recognize and be consistent with the provisions of this chapter, including:

(1) the prohibition in section 15 of this chapter against an MS4 community imposing erosion and sediment control measures on a construction project within the boundaries of the MS4 community that are more stringent than the erosion and sediment control measures established by the general permit;

(2) the provisions of section 16 of this chapter under which a project site owner may begin a construction project:

(A) if the review authority, under section 16(b) of this chapter, makes and notifies the project site owner of its preliminary determination that the construction plan is substantially complete; or

(B) if the review authority does not make a preliminary determination whether the construction plan is substantially complete within the period allowed by section 16(c) of this chapter;

(3) the qualifications established by section 17 of this chapter for an individual who reviews and makes a conclusive determination concerning a construction plan submitted to an MS4 community; and

(4) the limitation in section 18 of this chapter on the authority of an MS4 community to order the stoppage of work on a construction project after the MS4 community has made a conclusive favorable determination concerning the construction plan for the construction project.

(Reference is to HB 1266 as printed February 1, 2019.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 7, Nays 4.

MESSMER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Engrossed House Bill 1278, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 4. IC 13-14-8-7, AS AMENDED BY P.L.133-2012, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Without limiting the generality of the regulatory authority of the board under this title, the board may adopt rules under IC 4-22-2 and IC 13-14-9 prescribing the following:

(1) Standards or requirements for discharge or emission specifying the maximum permissible short term and long term concentrations of various contaminants of the air, water, or land.

(2) Procedures for the administration of a system of permits for:

(A) the discharge of any contaminants;



(B) the construction, installation, or modification of any:

- (i) facility;
- (ii) equipment; or
- (iii) device;

that may be designed to control or prevent pollution; or  
(C) the operation of any:

- (i) facility;
- (ii) equipment; or
- (iii) device;

to control or to prevent pollution.

(3) Standards and conditions for the use of any fuel or vehicle determined to constitute an air pollution hazard.

(4) Standards for the filling or sealing of abandoned:

- (A) water wells;
- (B) water holes; and
- (C) drainage holes;

to protect ground water against contamination.

(5) Alert criteria and abatement standards for pollution episodes or emergencies constituting an acute danger to health or to the environment, including priority lists for terminating activities that contribute to the hazard, whether or not the activities would meet all discharge requirements of the board under normal conditions.

(6) Requirements and procedures for the inspection of any equipment, facility, vehicle, vessel, or aircraft that may cause or contribute to pollution.

(7) Requirements and standards for equipment and procedures for:

- (A) monitoring contaminant discharges at their sources;
- (B) the collection of samples; and
- (C) the collection, reporting, and retention, in accordance with record retention schedules adopted under IC 5-15-5.1, of data resulting from that monitoring.

(8) Standards or requirements to control:

- (A) the discharge; or
- (B) the pretreatment;

of contaminants introduced or discharged into publicly owned treatment works.

**(9) Fees, in accordance with IC 13-16-1.**

(b) If the board is required to adopt new rules or amend existing rules to implement an amendment to the federal Resource Conservation and Recovery Act or an amendment to or addition of a National Emission Standard for Hazardous Air Pollutants under the federal Clean Air Act, the board shall adopt the new rules or amend the existing rules not more than nine (9) months after the date the federal law becomes effective. This subsection does not limit the board's authority to amend at any time the rules adopted under this subsection.

SECTION 5. IC 13-15-10-3, AS AMENDED BY P.L.133-2012, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The waste facility operator trust fund is established. The **board department** shall deposit fees collected under this chapter in the fund.

(b) Money in the fund shall be used for paying the expenses

of the training and certification program described in this chapter.

SECTION 6. IC 13-15-10-5, AS AMENDED BY P.L.133-2012, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for certification.
- (2) Issuance, renewal, or transfer of a certificate.
- (3) Restoration of an expired certificate when that action is authorized by law.
- (4) Issuance of certificates by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for resident practitioners who apply to another state for a certificate.

(b) A fee may not be less than fifty dollars (\$50) unless the fee is collected under a rule adopted by the board that sets a fee for miscellaneous expenses incurred by the department on behalf of the operators ~~the board regulates~~ **regulated under rules adopted by the board**. The fees may not be less than are required to pay all of the costs, both direct and indirect, of the operation of the department under this chapter, **and are payable to the department in accordance with section 6 of this chapter**.

(c) A fee may not be charged to an operator employed by a solid waste facility that is wholly owned and operated by a unit of local government.

SECTION 7. IC 13-15-10-6, AS AMENDED BY P.L.133-2012, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) For the payment of fees under this chapter, the ~~board~~ **department** shall accept **any of the following**:

- (1) Cash.
- (2) A draft.
- (3) A money order.
- (4) A cashier's, ~~check, and a~~ certified, or ~~other~~ personal check.
- (5) **An electronic fund transfer, if the department makes payment by this means available.**

(b) If:

- (1) the ~~board~~ **department** receives an uncertified personal check for the payment of a fee; and
- (2) the check does not clear the bank;

the ~~board~~ **department** may void the license, registration, or certificate for which the check was received.

(c) Unless designated by rule, a fee is not refundable or transferable.

SECTION 8. IC 13-15-11-1, AS AMENDED BY P.L.133-2012, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The environmental management permit operation fund is established for the purpose of providing money for permitting and directly associated activities of the following programs of the department and the board:

- (1) **The National Pollutant Discharge Elimination System program.**

- (2) The solid waste program.
- (3) The hazardous waste program.
- (4) The safe drinking water program.

**(b) Money in the fund may be used only to pay the direct and indirect reasonable costs of the activities referred to in subsection (a), including the following:**

**(1) The preparation of rules and guidance regarding implementation and enforcement of the programs listed in subsection (a)(1) through (a)(4).**

**(2) The review of and action on:**

- (A) permit applications;**
- (B) permit modifications;**
- (C) permit renewals; and**
- (D) permit revocations;**

**under the programs listed in subsection (a)(1) through (a)(4).**

**(3) Implementing and enforcing the terms of a permit granted under any of the programs listed in subsection (a)(1) through (a)(4), except for court costs of enforcement actions.**

**(4) General administrative costs of operating the programs listed in subsection (a)(1) through (a)(4).**

SECTION 9. IC 13-15-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The department shall administer the fund. **Revenue that accrues to the fund is continuously appropriated to the department for the purpose set forth in subsection (c).**

(b) Expenses of administering the fund shall be paid from money in the fund.

**(c) Money in the fund may be used only to pay the costs incurred by the department in operating the permit programs conducted under:**

- (1) IC 13-18-10;**
- (2) IC 13-18-20;**
- (3) IC 13-18-20.5;**
- (4) IC 13-20-21; and**
- (5) IC 13-22-12.**

SECTION 10. IC 13-15-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~The fund consists of sources of money for the fund are the following:~~

**(1) The fees and delinquent charges collected under the following:**

- (A) IC 13-18-10;**
- ~~(B) IC 13-18-20.~~
- ~~(C) IC 13-18-20.5.~~
- ~~(D) IC 13-20-21.~~
- ~~(E) IC 13-22-12.~~

**(2) Appropriations from the general assembly.**

SECTION 11. IC 13-16-1-1, AS AMENDED BY P.L.133-2012, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to **all** fees established under this title. ~~by the board.~~

SECTION 12. IC 13-16-1-2, AS AMENDED BY P.L.113-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. To establish fees or change the amount of a fee, the board shall:

- (1) follow the procedure required for the adoption of rules;

and

(2) take into account:

(A) the cost **to the department** of the issuance of a permit, ~~or~~ license, **or approval;**

(B) the cost **to the department** of the performance of services in connection with the supervision, review, and other necessary activities related to the ~~area involved;~~ **permit, license, or approval;**

(C) the cost **to the department** of the surveillance of the activity or property covered by the license, ~~or~~ permit, **or approval; and**

**(D) the cost to the department of amendments, modifications, and renewals of a permit, license, or approval; and**

~~(E)~~ **(E) fees charged for equivalent permits or licenses activities in other states.**

SECTION 13. IC 13-16-1-3, AS AMENDED BY P.L.133-2012, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A fee established ~~by the board~~ under this chapter title for a type or class of permit:

(1) may be based on the average of the costs specified in section 2 of this chapter for all permits of that type or class;

**(2) may be set at a particular amount in consideration of the type and amount of discharge or emission to which the permit relates; and**

**(3) may not be different in amount for public sector permit holders than for private sector permit holders, unless the difference is specifically authorized by the Indiana Code.**

SECTION 14. IC 13-16-1-4, AS AMENDED BY P.L.133-2012, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a)** The board shall periodically review the fees established under this ~~chapter.~~ **title.** The board may **set or change the amount of** a fee if the board determines, based upon the ~~factors set forth in section 2~~ **information provided under subsections (b) and (c) and the provisions of section 3** of this chapter, that **a fee is necessary or that the amount of the a fee is not appropriate.**

**(b) To assist the board in the periodic review of fees required by this section, the department shall:**

**(1) arrange for an independent study of the costs referred to in section 2(2)(A) through 2(2)(D) of this chapter;**

**(2) develop information on fees charged for equivalent activities in other states, as applicable, as provided in section 2(2)(E) of this chapter; and**

**(3) periodically develop information on activities, functions, and permits that have been added or eliminated since the previous fee structure was adopted.**

**(c) The department shall:**

**(1) present the information described in subsection (b) to the board for consideration; and**

**(2) if so directed by the board, initiate a rulemaking under IC 13-14-9 to address fees.**

SECTION 15. IC 13-16-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a) Except as provided in subsection (b), a fee established by the**

**board** under this chapter shall be deposited in the environmental management ~~special permit operation~~ fund under ~~IC 13-14-12~~ **IC 13-15-11** when the fee is collected.

**(b) The fee established under IC 13-17-8-3 shall be deposited in the Title V operating permit program trust fund established by IC 13-17-8-1 when the fee is collected.**

SECTION 16. IC 13-16-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.5. (a) All fee amounts set forth numerically in this title are minimum amounts. Even if the amount of a fee is set forth numerically in this title, the board, under sections 2 through 4 of this chapter and subject to section 6 of this chapter, may increase the fee to an amount greater than the minimum fee amount set forth numerically in this title.**

**(b) After the board, under subsection (a), increases the amount of a fee to an amount greater than the minimum fee amount set forth numerically in this title, the legislative services agency shall prepare legislation for introduction in the regular session of the general assembly immediately following the board's fee increase to remove the fee amount set forth numerically in this title.**

SECTION 17. IC 13-16-1-6, AS AMENDED BY P.L.113-2014, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a) Notwithstanding sections 1 through 5 of this chapter or any other law, The board or the department may not: do any of the following:**

**(1) Except as provided in section 7 of this chapter, set or change the amount of a fee established by (A) IC 13-18-20; (B) IC 13-20-21; or (C) IC 13-22-12; under this title more than one (1) time in five (5) years; or**

**(2) Establish an additional fee that was not in effect on January 1, 1994, concerning the following:**

**(A) National Pollutant Discharge Elimination System programs;**

**(B) Solid waste programs;**

**(C) Hazardous waste programs;**

**(3) (2) require payment of a fee for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.**

**(b) A change in a fee established under this title may not increase the amount of the fee by more ten percent (10%).**

SECTION 18. IC 13-17-8-3, AS AMENDED BY P.L.133-2012, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. In accordance with IC 13-16-1, the board shall adopt fees to be collected under the operating permit program. The annual aggregate amount of fees collected under the operating permit program from all sources subject to the operating permit program must be sufficient to cover only the direct and indirect reasonable costs of the following permit program activities:**

**(1) Preparing rules, regulations, and guidance regarding implementation and enforcement of the program.**

**(2) Reviewing and acting on the following:**

**(A) An application for an operating permit.**

**(B) An operating permit revision.**

**(C) An operating permit renewal.**

**(3) The general administrative cost of running the operating permit program.**

**(4) Implementing and enforcing the terms of a permit granted under the operating permit program. However, court costs for enforcement actions are not included under this subdivision.**

**(5) Emissions and ambient monitoring.**

**(6) Modeling analyses and demonstrations.**

**(7) Preparing inventories and tracking emissions.**

**(8) Developing and administering a small business stationary source technical and environmental compliance assistance program."**

Page 3, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 20. IC 13-18-12-2.5, AS AMENDED BY P.L.133-2012, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) The department and the board may allow a person to use industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute to be land applied if:**

**(1) the industrial waste products are not hazardous wastes;**

**(2) the industrial waste products:**

**(A) have a beneficial use (as defined in 327 IAC 6.1-2-6); or**

**(B) otherwise provide a benefit to the process of creating the soil amendments or soil substitute or to the final soil amendment, soil substitute, or material to be land applied, such as bulking;**

**(3) the finished soil amendment, soil substitute, or material to be land applied satisfies the applicable criteria in 327 IAC 6.1;**

**(4) the finished soil amendment, soil substitute, or material to be land applied has a beneficial use;**

**(5) the requirements of subsection (b) are satisfied; and**

**(6) the person pays a permit fee in an amount determined by the department under rules adopted by the board that does not exceed the costs incurred by the department to issue the permit.**

**(b) The department:**

**(1) may allow the use of industrial waste products:**

**(A) in a land application operation; or**

**(B) as ingredients in a soil amendment or soil substitute to be land applied;**

**on the same basis as other materials under the rules concerning land application and marketing and distribution permits;**

**(2) may not:**

**(A) discriminate against the use of industrial waste products on the basis that the industrial waste products lack biological carbon;**

**(B) impose requirements beyond applicable criteria in 327 IAC 6.1, unless additional requirements are necessary for the protection of human health and the environment;**

**(C) require that the finished soil amendment, soil substitute, or material to be land applied must be of a particular economic value; or**

(D) for any pollutant that has a pollutant limit or concentration in 327 IAC 6.1, require that an industrial waste product or the finished soil amendment, soil substitute, or material to be land applied satisfies:

- (i) the department's ~~risk integrated system of closures nonrule policy document~~; **remediation closure guidance**; or
- (ii) any other standards other than criteria in 327 IAC 6.1;

(3) for any pollutant present in the industrial waste products that does not have a pollutant limit or concentration in 327 IAC 6.1, shall consider the benefits of the finished soil amendment, soil substitute, or material to be land applied as compared to the measurable risks to human health and the environment based on the anticipated use of the finished soil amendment, soil substitute, or material to be land applied; and

(4) shall require an application for a permit for the land application of industrial waste products to include characterization of individual industrial waste products at the point of waste generation before mixing the waste streams.

(c) The board may adopt rules for pollutant limits or concentrations for pollutants for which limits or concentrations do not exist in 327 IAC 6.1 as of July 1, 2011.

SECTION 21. IC 13-18-12-5, AS AMENDED BY P.L.37-2012, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~Subject to subsections (b) and (c)~~; The board may adopt a fee schedule for the issuance of:

- (1) septage management permits; and
- (2) land application site approvals;

under this chapter **in accordance with IC 13-16-1.**

~~(b) A permit fee may not exceed one hundred dollars (\$100) per year.~~

~~(c) A land application approval fee may not exceed thirty dollars (\$30) per year per site.~~

~~(d) (b) Whenever the board designates a county or city health agency as the board's agent to approve land application sites under this chapter, the county or city health agency shall collect and retain the land application approval fee."~~

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 23. IC 13-18-20-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) In addition to the fee under section 12 of this chapter, when a person files a notice of intent with the department concerning:

- ~~(1) an initial; or~~
- ~~(2) the renewal of a;~~

~~general NPDES permit for a CAFO, the person must remit a permit fee of one hundred dollars (\$100) to the department.~~

~~(b) In addition to the fee under section 12 of this chapter, when a person files an application with the department concerning:~~

- (1) an initial **NPDES permit for a CAFO**; or
- (2) the renewal of an individual NPDES permit for a CAFO;

the person must remit a permit fee of two hundred fifty dollars (\$250) to the department.

~~(c) (b) If a person is subject to a fee for a CAFO under this section, no other fee under this chapter applies to the CAFO other than the fee under section 12 of this chapter."~~

Page 5, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 13. IC 13-23-8-4, AS AMENDED BY P.L.96-2016, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The administrator shall pay ELTF claims that are:

- (1) for costs related to eligible releases;
- (2) submitted by eligible parties; and
- (3) submitted in accordance with IC 13-23-8 and IC 13-23-9.

(b) An eligible party may assign the right to receive payment of an ELTF claim to another person.

**(c) Not more than forty-five (45) business days after an ELTF claim is submitted, the administrator shall do one (1) of the following:**

- (1) Approve the ELTF claim and, under IC 13-23-9-2(c), forward the ELTF claim to the auditor of state for payment.**
- (2) Send to the claimant a written notice that:**
  - (A) states that a correction, a clarification, or additional information is needed before the ELTF claim can be approved; and**
  - (B) provides a clear explanation:**
    - (i) of the correction, clarification, or additional information that is needed; and**
    - (ii) of why it is needed.**
- (3) Deny the claim and provide the claimant with a statement of the reasons for the denial under IC 13-23-9-2(b)."**

Page 7, after line 24, begin a new paragraph and insert:

"SECTION 30. [EFFECTIVE UPON PASSAGE] (a) **The environmental rules board shall, before January 1, 2022, adopt rules under IC 4-22-2 and IC 13-14-9 to increase the amount of the fees referred to in subsections (c) and (d). The fee increase under this SECTION shall be in accordance with IC 13-16-1, as amended by this act, except as provided in subsection (e).**

**(b) The board shall increase the fees referred to in subsections (c) and (d) only one (1) time under this SECTION.**

**(c) The board shall increase the fees established by:**

- (1) IC 13-18-10;**
- (2) IC 13-18-20;**
- (3) IC 13-18-20.5;**
- (4) IC 13-20-21; and**
- (5) IC 13-22-12;**

**to the extent calculated to cause annual aggregate fee revenue after the fee increase under this subsection to be two million two hundred thousand dollars (\$2,200,000) greater than the aggregate fee revenue actually received in the year immediately preceding the fee increase under this subsection from the fees established by the statutes listed in subdivisions (1) through (5).**

(d) The board shall increase the fees established by IC 13-17-8 to the extent calculated to cause annual aggregate fee revenue after the fee increase under this subsection to be two million dollars (\$2,000,000) greater than the aggregate fee revenue actually received from the fees established by IC 13-17-8 in the year immediately preceding the fee increase under this subsection. The fee increase under this subsection shall occur in accordance with the requirements of 326 IAC 2-1.1-7(b)(1) and 326 IAC 2-7-19.

(e) Notwithstanding IC 13-16-1-6(b), as added by this act, a fee may be increased under this SECTION by more than ten percent (10%).

(f) This SECTION expires on the earlier of the following:

(1) The effective date of the rules adopted under this SECTION.

(2) January 1, 2022.

SECTION 31. An emergency is declared for this act."

Re-number all SECTIONS consecutively.

(Reference is to HB 1278 as reprinted February 15, 2019.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MESSMER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Engrossed House Bill 1279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 14-8-2-169.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 169.6. "Motorized watercraft", as used in IC 14-33-24, has the meaning set forth in IC 14-33-24-1.**

SECTION 2. IC 14-8-2-212.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 212.5. "Primary water recreation facility", as used in IC 14-33-24, has the meaning set forth in IC 14-33-24-2.**

SECTION 3. IC 14-8-2-240 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 240. (a) "Reservoir", for purposes of IC 14-33-24, has the meaning set forth in IC 14-33-24-3.**

(b) "Reservoir", for purposes of IC 14-37, means an underground geological formation that contains oil or natural gas.

SECTION 4. IC 14-8-2-240.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 240.2. "Reservoir conservancy district", as used in IC 14-33-24, has the meaning set forth in IC 14-33-24-4.**

SECTION 5. IC 14-8-2-294.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 294.6. "Utility**

**owner", as used in IC 14-33-24, has the meaning set forth in IC 14-33-24-5."**

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

"SECTION 7. IC 14-33-6-13, AS AMENDED BY P.L.52-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 13. (a)** The board shall place the district plan in operation by constructing all works and maintaining the works in accordance with the district plan.

(b) If necessary to discharge these responsibilities, the board may do the following:

(1) **Except as provided in IC 14-33-24-8(d)**, levy taxes on the real property in the district.

(2) **Except as provided in IC 14-33-24-8(d)**, make assessments on the real property in the district, except the property that is exempt under IC 14-33-7-4, for exceptional benefits to the property and further assessments pro rata for maintenance and operation of the works of improvement.

(3) Issue bonds and short and long term notes.

(4) Incur other debts and liabilities.

(5) **Except as provided in IC 14-33-24-8(c)**, exercise the power of eminent domain, both inside and outside the boundaries of the district, in accordance with this article or another eminent domain statute. In the exercise of this power, due care shall be taken to minimize interference with other public interests involved.

(6) Make payments for the fair value of all property taken under eminent domain proceedings, and in cases that are appealed, make the payments into court and proceed promptly in placing the district plan in operation.

(7) Institute any type of civil legal proceedings in a court having jurisdiction over the person or property in question.

(8) Purchase or rent property.

(9) Sell services or property that are produced incident to the district plan at a fair and reasonable price.

(10) Make contracts or otherwise enter into agreements with persons or federal, state, or local governmental agencies for construction, maintenance, operation, or security of any part of the district.

(11) Receive and disburse money.

(12) Lease land and other assets to municipalities, counties, and park boards of municipalities or counties, with the term and annual rental adequate to meet the district's repayment schedule for financing, if any, of the land and other assets leased. Municipalities, counties, and park boards of municipalities or counties may enter into leases without limitations of other statutes regarding the receipt of petitions, the duration of the term of the lease, or the distance of the land and other assets from the corporate boundaries. The municipalities, counties, and park boards may enter into leases:

(A) for terms as long as fifty (50) years;

(B) at locations that the municipalities, counties, and park boards determine would benefit the municipalities or counties; and

(C) upon terms, conditions, and covenants that are fair and reasonable.

The board may pledge the rental income from the lease as revenue for services or property produced incident to the operation of the district.

(13) Perform necessary construction and maintenance work as follows:

(A) Outside the district.

(B) Outside Indiana if:

(i) there is voluntary agreement on the part of persons outside Indiana; and

(ii) the work will confer benefits to the real property in the district in excess of costs and damages to be paid by the district.

SECTION 8. IC 14-33-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) **This section does not apply to a reservoir conservancy district established under IC 14-33-24.**

(b) In all districts described in IC 14-33-9-4, the special benefits tax rate may not exceed six and sixty-seven hundredths cents (\$0.0667) on each one hundred dollars (\$100) of assessed valuation of property in the taxing district.

SECTION 9. IC 14-33-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

**Chapter 24. Reservoir Conservancy Districts**

Sec. 1. (a) As used in this chapter, "motorized watercraft" means any instrumentality or device in or by means of which a person may be transported upon a body of water that is:

(1) equipped with an internal combustion, steam, or electrical motor or engine that is inboard or outboard; or

(2) propelled by any mechanical means.

(b) The term includes the following:

(1) A motorboat, as defined in IC 14-8-2-169(a).

(2) A personal watercraft, as defined in IC 14-8-2-202.5.

(3) A flat bottomed boat supported by floats, commonly called a pontoon boat, that is equipped with a motor or engine described in subsection (a)(1).

(4) A sailboat that is equipped with a motor or engine described in subsection (a)(1).

Sec. 2. As used in this chapter, "primary water recreation facility" means the part or parts of the reservoir located within the boundaries of a reservoir conservancy district that are suitable for recreational use by motorized watercraft.

Sec. 3. As used in this chapter, "reservoir" means a body of water created by the construction of a dam, embankment, or other structure.

Sec. 4. As used in this chapter, "reservoir conservancy district" refers to a conservancy district established under this chapter.

Sec. 5. (a) As used in this chapter, "utility owner" refers to a utility that:

(1) owns at least twenty-five percent (25%) of the surface of the reservoir located within the boundaries of a reservoir conservancy district; and

(2) is governed by a board of directors for utilities

under IC 8-1-11.1-3.

(b) For purposes of this chapter, the utility owner of the reservoir located within the boundaries of a reservoir conservancy district is the utility owner that owns at least twenty-five percent (25%) of the surface of the reservoir located within the boundaries of the reservoir conservancy district.

Sec. 6. A proposed conservancy district may be established as a reservoir conservancy district under this chapter if:

(1) the proposed conservancy district will be established for the purposes of:

(A) developing forests, wildlife areas, parks, and recreational facilities if feasible in connection with beneficial water management, as provided in IC 14-33-1-1(a)(6);

(B) the operation, maintenance, and improvement of:

(i) a work of improvement for water based recreational purposes; or

(ii) another work of improvement that could have been built for any other purpose authorized by IC 14-33-1-1;

as provided in IC 14-33-1-1(a)(9); or

(C) both of the purposes set forth in clauses (A) and (B);

(2) the boundaries of the proposed conservancy district will encompass part or all of a reservoir located partly within a consolidated city; and

(3) at least twenty-five percent (25%) of the surface of the reservoir located within the boundaries of the proposed conservancy district is owned by a utility governed by a board of directors for utilities under IC 8-1-11.1-3.

Sec. 7. (a) After the court issues an order establishing a reservoir conservancy district under IC 14-33-2-17 and the initial board of directors of the reservoir conservancy district is appointed under IC 14-33-5-1, the board of directors and the utility owner of the reservoir located within the boundaries of the reservoir conservancy district shall enter into an operating agreement.

(b) The operating agreement entered into under this section shall include an operating plan that describes all:

(1) works of improvement; and

(2) modifications and maintenance of improvements; relating to access to and use of the reservoir located within the boundaries of the reservoir conservancy district that are proposed to be performed by the reservoir conservancy district. Any proposed work by the reservoir conservancy district pursuant to the operating plan or the district plan that involves the reservoir must be approved by the utility owner of the reservoir located within the boundaries of the reservoir conservancy district before the work begins. The process and procedures for the utility owner's approval of the reservoir conservancy district's proposed work shall be established pursuant to the operating agreement.

(c) An operating agreement shall be entered into under this section before the district plan of the reservoir

conservancy district is submitted to or approved by the natural resources commission and the court under IC 14-33-6.

Sec. 8. (a) Except as provided in subsections (b) through (e) or another provision of this chapter, a reservoir conservancy district has all of the powers granted to other conservancy districts by this article.

(b) The district plan of a reservoir conservancy district shall be provided to the utility owner of the reservoir located within the boundaries of the reservoir conservancy district at least thirty (30) days before it is presented to the natural resources commission under IC 14-33-6-3.

(c) A reservoir conservancy district does not have the power of eminent domain with respect to property of:

- (1) the utility owner of the reservoir located within the boundaries of the reservoir conservancy district; or
- (2) a person that manages the reservoir pursuant to a contract between the person and the utility owner of the reservoir located within the boundaries of the reservoir conservancy district.

(d) The utility owner of the reservoir located within the boundaries of the reservoir conservancy district is exempt from all assessments, taxes, and fees imposed under this article by the reservoir conservancy district.

(e) A reservoir conservancy district has authority to:

- (1) establish, through the action of the board of directors; and
- (2) enforce;

reasonable rules concerning safety, welfare, and the maintenance of resources within the boundaries of the reservoir conservancy district. However, the rules established under this subsection may not interfere with the use of the reservoir for water supply purposes by the utility owner of the reservoir located within the boundaries of the reservoir conservancy district.

Sec. 9. (a) A reservoir conservancy district may impose and collect recreation fees for the recreational use of motorized watercraft on the primary water recreation facility of the reservoir located within the boundaries of the reservoir conservancy district.

(b) The recreation fees imposed under this section must include:

- (1) a fee charged to every owner of real property within the reservoir conservancy district who uses a motorized watercraft on the primary water recreation facility for recreational purposes; and
- (2) a fee charged to every person who does not own real property within the reservoir conservancy district but uses a motorized watercraft on the primary water recreation facility for recreational purposes.

(c) The reservoir conservancy district may establish different types of recreation fees under this section based on:

- (1) the type of motorized watercraft used;
- (2) whether the person using the motorized watercraft owns real property within the boundaries of the reservoir conservancy district;
- (3) the length of time during which the person using the motorized watercraft would be authorized to use the

motorized watercraft on the primary water recreation facility; and

(4) any other reasonable factors that the board of directors of the reservoir conservancy district may decide to use.

(d) The recreation fee charged under this section for the recreational use of a motorized watercraft by a person who does not own real property within the reservoir conservancy district may not be more than twenty-five percent (25%) higher than the recreation fee that would be charged under the same conditions if the person was an owner of real property within the reservoir conservancy district.

(e) A reservoir conservancy district that imposes recreation fees under this section:

(1) is authorized to take reasonable actions to administer and enforce the requirement that a recreation fee be paid for the recreational use of motorized watercraft on the primary water recreation facility of the reservoir conservancy district, including:

(A) issuing and requiring the display of an emblem or other device on a motorized watercraft to signify that the fee has been paid; and

(B) monitoring the use of motorized watercraft on the primary water recreation facility of the reservoir conservancy district to ensure compliance with the recreation fee requirement; and

(2) shall use the revenue derived from the recreation fees collected under this section for:

(A) the preservation and maintenance of the primary water recreation facility; and

(B) the administration of the reservoir conservancy district.

Sec. 10. (a) A reservoir conservancy district, subject to sections 7 and 11 of this chapter and the district plan of the reservoir conservancy district, is authorized to do the following:

(1) Install:

(A) catch basins;

(B) vegetative or constructed filtration systems; or

(C) both catch basins and vegetative or constructed filtration systems;

on or near the tributaries of the primary water recreation facility of the reservoir located within the boundaries of the reservoir conservancy district.

(2) Implement streambank remediation and erosion control measures:

(A) on the tributaries of the reservoir; and

(B) in the watershed of the reservoir;

within the boundaries of the reservoir conservancy district.

(3) Take action to control or remove algae and undesirable aquatic vegetation throughout the primary water recreation facility of the reservoir located within the boundaries of the reservoir conservancy district.

(4) Dredge throughout the primary water recreation facility of the reservoir located within the boundaries of the reservoir conservancy district to maintain sufficient depths for water recreation purposes.

(5) Perform any other acts of remediation, rehabilitation, or improvement that are necessary or useful to maintain the primary water recreation facility of the reservoir located within the boundaries of the reservoir conservancy district.

(b) Any chemicals used by the reservoir conservancy district under subsection (a)(3) must be approved for use by:

- (1) the governing federal and state agencies; and
- (2) the utility owner of the reservoir located within the boundaries of the reservoir conservancy district.

(c) Any dredging by the reservoir conservancy district under subsection (a)(4) may be conducted only with the necessary authorization from the governing state and federal agencies.

**Sec. 11.** The utility owner of the reservoir located within the boundaries of the reservoir conservancy district has sole authority and control over all activities to control:

- (1) the water level of;
- (2) the water quality of; and
- (3) the availability of water from;

the reservoir located within the boundaries of the reservoir conservancy district.

SECTION 10. IC 34-30-32 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

**Chapter 32. Immunity of Reservoir Conservancy District and Utility Owner**

**Sec. 1.** As used in this chapter, "reservoir conservancy district" means a reservoir conservancy district established under IC 14-33-24.

**Sec. 2.** As used in this chapter, "utility owner of the reservoir located within the boundaries of the reservoir conservancy district" has the meaning described in IC 14-33-24-5.

**Sec. 3.** As used in this chapter, "watercraft" means any instrumentality or device in or by means of which a person may be transported upon a body of water, including:

- (1) a motorboat, sailboat, rowboat, personal watercraft (as defined in IC 14-8-2-202.5), kayak, canoe, pontoon boat, stand up paddle board, or jon boat of any length or size; and
- (2) a floating object, whether or not connected to a watercraft described in subdivision (1).

**Sec. 4. (a)** Except as provided in subsection (b):

- (1) a reservoir conservancy district;
- (2) the members of the board of directors of a reservoir conservancy district;
- (3) the owners of real property located within the boundaries of a reservoir conservancy district; and
- (4) the utility owner of the reservoir located within the boundaries of the reservoir conservancy district;

are not liable for any personal injury, death, property damage, or other loss of any nature that an individual incurs while present on or in the reservoir of a reservoir conservancy district, regardless of whether the individual is in a watercraft at the time of the incident causing the personal injury, death, property damage, or other loss, and regardless of whether the individual or any other person

with whom the individual was associated paid a recreation fee as described in IC 14-33-24-9 to the reservoir conservancy district for the privilege of using the reservoir of the reservoir conservancy district for recreational purposes.

(b) Subsection (a) does not apply to personal injury, death, property damage, or other loss caused by the intentional or willful and wanton misconduct of:

- (1) the reservoir conservancy district;
- (2) the members of the board of directors of a reservoir conservancy district;
- (3) an owner of real property located within the boundaries of a reservoir conservancy district; or
- (4) the utility owner of the reservoir located within the boundaries of the reservoir conservancy district."

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed February 1, 2019.) and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MESSMER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Engrossed House Bill 1374, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

CRIDER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Engrossed House Bill 1482, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 22 with "[EFFECTIVE JULY 1, 2020]".

Replace the effective date in SECTION 24 with "[EFFECTIVE JULY 1, 2020]".

Replace the effective date in SECTION 27 with "[EFFECTIVE JULY 1, 2020]".

Page 9, line 23, strike "A person" and insert "An automotive salvage recycler".

Page 9, line 24, strike "person" and insert "automotive salvage recycler".

Page 9, line 26, strike "Sell" and insert "Acquire, sell, or advertise for sale".

Page 9, line 30, strike "wrecked or dismantled" and insert "salvage".

Page 9, line 39, strike "A person" and insert "An automotive salvage recycler".

Page 10, delete lines 40 through 42, begin a new paragraph and insert:



"SECTION 19. IC 9-32-9-3.5, AS AMENDED BY P.L.174-2016, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.5. **(a) This section applies to a motor vehicle that is purchased for scrap, sale of parts, shredding, compacting, or any other type of dismantling or destruction.**

**(b)** An automotive salvage recycler ~~that buys motor vehicles~~ must:

(1) report the purchase of a motor vehicle to the National Motor Vehicle Title Information System not later than ~~thirty (30) days~~ **seventy-two (72) hours** after the motor vehicle is purchased; and

(2) provide to the seller a valid National Motor Vehicle Title Information System report identification number."

Page 11, delete lines 1 through 6.

Page 15, delete lines 8 through 11.

Page 20, line 21, delete "(d)(1), (d)(2)," and insert "**(d)(1) or (d)(2)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1482 as printed February 1, 2019.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

CRIDER, Chair

Report adopted.

#### SENATE MOTION

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

SR 62 Senator Koch

To recognize the Indiana Heritage Fellowship award.

SR 65 Senator Head

Recognizing the 40th anniversary of diplomatic relations between the U.S. and China, and celebrating the sister-state relationship between Indiana and China's Zhejiang Province.

BRAY

Motion prevailed.

### RESOLUTIONS ON FIRST READING

#### Senate Resolution 62

Senate Resolution 62, introduced by Senator Koch:

A SENATE RESOLUTION to recognize the Indiana Heritage Fellowship award and the contributions by its recipients to art and culture throughout Indiana.

*Whereas, The folk and traditional arts are central to Indiana's cultural vitality and sense of community;*

*Whereas, Traditional skills and knowledge are accumulated throughout a person's life and master artists are essential to the continuation of important traditional arts and cultural practices;*

*Whereas, Traditional Arts Indiana is a partnership established in 1998 between the Indiana Arts Commission and Indiana University, Bloomington;*

*Whereas, Traditional Arts Indiana is a statewide folk and traditional arts service organization dedicated to expanding public awareness of Indiana's traditional practices and nurturing a sense of pride among Indiana's traditional artists; and*

*Whereas, Traditional Arts Indiana selects Indiana Heritage Fellowship recipients to honor and celebrate the state's rich and diverse cultural heritage: Therefore,*

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

SECTION 1. That the Indiana Senate recognizes the Traditional Arts Indiana's Indiana Heritage Fellowship award for the folk and traditional arts in Indiana and the 2019 award recipients for their contributions to Indiana art and culture.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Dr. Jon Kay, Director of Traditional Arts Indiana, to be distributed to the 2019 Indiana Heritage Fellowship Recipients and Traditional Arts Indiana.

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

#### Senate Resolution 65

Senate Resolution 65, introduced by Senator Head:

A SENATE RESOLUTION recognizing the 40th anniversary of diplomatic relations between the United States and China, and celebrating the sister-state relationship between Indiana and China's Zhejiang Province.

*Whereas, On December 15, 1978, the United States and the People's Republic of China announced that their two governments would establish diplomatic relations on January 1, 1979;*

*Whereas, In 1987, Governor Robert Orr signed a sister-state agreement with China's Zhejiang Province, and that relationship has grown over more than 30 years;*

*Whereas, The relationship between Indiana and China is built on shared economic, cultural, and educational interests;*

*Whereas, The relationship between Indiana and Zhejiang Province has resulted in the travel of numerous delegations between both countries, including trade missions, cultural exchanges, athletic teams, and exchange students;*

*Whereas, Additionally, numerous cities in Indiana have entered sister-city agreements with cities in China, and those agreements have resulted in economic development and trade for those respective cities;*

*Whereas, Substantial economic ties have made China the United States' number one trade partner;*

*Whereas, The diplomatic relations between the United States and China and the sister-state relationship between Indiana and the Zhejiang Province will continue to result in economic, cultural, and educational gain into the future; and*

*Whereas, The State of Indiana recognizes the importance of sub-national relationships between it and China, acknowledges their impact, and seeks to strengthen those relationships: Therefore,*

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

SECTION 1. That the Indiana Senate recognizes the 40th anniversary of diplomatic relations between the United States and China, and celebrates the sister-state relationship between Indiana and China's Zhejiang Province.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Jun Lui, Deputy Consul General of the Consulate General of the People's Republic of China in Chicago.

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

#### **Senate Resolution 54**

Senate Resolution 54, introduced by Senator Freeman:

A SENATE RESOLUTION recognizing the Indiana Paralegal Association on its 40th anniversary.

*Whereas, In 1979, in response to a growing need for an organized professional association for paralegals, the Indianapolis Paralegal Association was formed and held its first meeting of the Board of Directors on June 25, 1979;*

*Whereas, In 1983, the Association changed its name to the Indiana Paralegal Association;*

*Whereas, The Indiana Paralegal Association's purpose is to establish good fellowship among association members and members of the legal community, to encourage a higher order of ethical and professional attainment, to further education and training among members of the profession, and to cooperate and foster working relationships with bar associations and other professional organizations;*

*Whereas, As a result of the Indiana Paralegal Association's focus and leadership, it has made several accomplishments in the advancement of the paralegal profession, including supporting legislation which defined a paralegal and allows for recovery of paralegal fees when attorney fees are awarded; and*

*Whereas, The Indiana Paralegal Association will celebrate its 40th anniversary on June 25, 2019: Therefore,*

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

SECTION 1. That the Indiana Senate recognizes the Indiana Paralegal Association on its 40th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Indiana Paralegal Association Board of Directors.

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

#### **House Concurrent Resolution 46**

House Concurrent Resolution 46, sponsored by Senator Charbonneau:

A CONCURRENT RESOLUTION honoring Hoosier long-term care professionals.

*Whereas, Hoosier long-term care professionals provide compassionate services that help to care for people with a chronic illness or disability;*

*Whereas, Focused on the elderly and mentally frail, long-term care professionals remain dedicated to improving Hoosiers' health and providing pathways to recovery and affordable living;*

*Whereas, Long-term care professionals not only are exceptional caregivers; they also introduce the highest quality control into home health, adult, and other community based facilities;*

*Whereas, Long-term care professionals provide patient stability and a better quality of life, leading to valued lifelong relationships; and*

*Whereas, Demonstrating high standards of professionalism, these caregivers dedicate extensive hours and promote innovative solutions for vulnerable Hoosiers: Therefore,*

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

SECTION 1. That the Indiana General Assembly recognizes the countless hours of dedicated service and the multitude of contributions made by Hoosier long-term care professionals.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to Indiana State Representative Karlee Macer for distribution.

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

#### **Senate Concurrent Resolution 63**

Senate Concurrent Resolution 63, introduced by Senator Garten:

A CONCURRENT RESOLUTION congratulating the Silver Creek High School boys basketball team on winning the 2019 Indiana High School Athletic Association ("IHSAA") Class 3A state championship title.

*Whereas, The Silver Creek High School boys basketball team held off defending state champion Culver Academy to win the 2019 IHSAA Class 3A state championship title;*

*Whereas, Silver Creek High School, with 881 students enrolled, was founded in 1925 and is located in Sellersburg, with a total population of 8,765;*

*Whereas, To get to the championship game, the Dragons defeated Brownstown Central and Corydon Central to win the sectional championship, Evansville Memorial and Princeton to win the regional championship, and Indianapolis Crispus Attucks to win the semi-state championship;*

*Whereas, Both Silver Creek and Culver Academy entered the game with 24-3 records, and each team got off to a slow start in the championship game, with Silver Creek holding a 16-12 lead at halftime, but the Dragons shot 89% during the third quarter, and held on to the lead in a tight final quarter to win the championship;*

*Whereas, Zane Gross led the way with 15 points, Kooper Jacobi finished with 11 points, and Trey Kaufman contributed six assists to the Dragons' championship effort;*

*Whereas, Zane Gross, Trey Kaufman, and Kooper Jacobi were each named 1st team all-conference players, and Ty Kessinger and Jack Hawkins received all conference honorable mentions;*

*Whereas, All-state players for Silver Creek included Zane Gross, Trey Kaufman (Super 15 Underclassmen), and Kooper Jacobi (honorable mention underclassmen);*

*Whereas, Zane Gross was named 1st team academic all-state and Ty Kessinger earned honorable mention academic all-state honors; and*

*Whereas, Led by head coach Brandon Hoffman, Silver Creek finished the season with a 25-3 record to win the first state championship in school history: Therefore,*

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

SECTION 1. That the Indiana General Assembly congratulates the Silver Creek High School boys basketball team on winning the 2019 IHSAA Class 3A state championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Silver Creek High School boys basketball team.

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

### **Senate Concurrent Resolution 61**

Senate Concurrent Resolution 61, introduced by Senator Sandlin:

A CONCURRENT RESOLUTION honoring Indiana University-Purdue University Indianapolis ("IUPUI") in celebration of its 50th anniversary.

*Whereas, In 1969, the Indiana University and Purdue University campuses at Indianapolis were merged by the Indiana General Assembly creating Indiana University-Purdue University Indianapolis;*

*Whereas, In the ensuing 50 years, IUPUI has graduated 203,423 students prepared for careers in health and life sciences, social work, information technology, teaching, engineering, law, public policy, business, the arts, and more;*

*Whereas, IUPUI has the third largest undergraduate population of any campus in Indiana and 95% of its undergraduate students are Indiana residents;*

*Whereas, Degree programs and experiences in and outside the classroom prepare IUPUI students for in-demand careers in nursing, information technology, health care, and business, with 92% of graduates reporting positive career outcomes;*

*Whereas, IUPUI has attracted more than \$7.7 billion in research and external funding to support advancements in pressing challenges facing the Indianapolis community, state, nation, and the world, including collaborative research initiatives like the Indiana Clinical and Translational Sciences Institute and Grand Challenges in precision health, environmental change, and addiction;*

*Whereas, Over 50 years, IUPUI has disclosed 2,704 inventions resulting in 750 licenses and 796 patents issued;*

*Whereas, 90.6% of IUPUI's full-time employed graduates are working in Indiana, 61.9% of them in Indianapolis; and*

*Whereas, The contributions made by IUPUI's students, alumni, faculty, and staff play an integral role in the advancement of Indiana, the United States, and the world: 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 honors Indiana University-Purdue University Indianapolis in celebration of its 50th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Michael McRobbie, President of Indiana University, Mitch Daniels, President of Purdue University, and Nasser Paydar, Chancellor of IUPUI.

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

**MESSAGE FROM THE  
PRESIDENT PRO TEMPORE**

Madam President and Members of the Senate: I have on Monday, April 1, 2019, signed Senate Enrolled Acts: 416 and 621.

RODRIC D. BRAY  
President Pro Tempore

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 45 and 46 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 192, 513 and 533 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed, with amendments, Engrossed Senate Bills 57, 230, 350 and 570 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 59 and 60 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**RESOLUTIONS ON SECOND READING**

**Senate Resolution 35**

Senator Crane called up Senate Resolution 35 for second reading. The resolution was read a second time and adopted by voice vote.

**ENGROSSED HOUSE BILLS  
ON SECOND READING**

**Engrossed House Bill 1125**

Senator Koch called up Engrossed House Bill 1125 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Engrossed House Bill 1209**

Senator Head called up Engrossed House Bill 1209 for second reading. The bill was read a second time by title.

**SENATE MOTION  
(Amendment 1209-1)**

Madam President: I move that Engrossed House Bill 1209 be amended to read as follows:

Page 1, line 15, delete "IC 20-28-5-7;" and insert "**IC 20-28-5-7(1) or IC 20-28-5-7(2);**".

Page 2, line 6, delete "rule" and insert "**rule, as soon as practicable,**".

Page 2, line 9, delete "IC 20-28-5-7." and insert "**IC 20-28-5-7(1) or IC 20-28-5-7(2).**".

Page 2, line 19, delete "IC 20-28-5-7" and insert "**IC 20-28-5-7(1), IC 20-28-5-7(2),**".

Page 3, line 3, after "whether the" insert "**individual's accreditation has ever been suspended or revoked.**".

Page 3, delete line 4.

(Reference is to EHB 1209 as printed March 29, 2019.)

HEAD

Motion prevailed.

**SENATE MOTION  
(Amendment 1209-2)**

Madam President: I move that Engrossed House Bill 1209 be amended to read as follows:

Page 3, delete lines 9 through 11, begin a new paragraph and insert:

**"(c) Without conferring the rights of an employee on a volunteer coach, a school corporation, charter high school, or nonpublic high school with at least one (1) employee is subject to IC 22-5-3-1 regarding a volunteer coach, including the provisions for civil immunity regarding disclosures made about a volunteer coach."**

(Reference is to EHB 1209 as printed March 29, 2019.)

HEAD

Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1248**

Senator Becker called up Engrossed House Bill 1248 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Engrossed House Bill 1284**

Senator Tomes called up Engrossed House Bill 1284 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1284-3)

Madam President: I move that Engrossed House Bill 1284 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 5, after line 27, begin a new paragraph and insert: "SECTION 3. **An emergency is declared for this act.**". (Reference is to EHB 1284 as printed March 22, 2019.)

TOMES

Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1347**

Senator Sandlin called up Engrossed House Bill 1347 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1347-1)

Madam President: I move that Engrossed House Bill 1347 be amended to read as follows:

Page 3, line 9, after "IC 36-9-25." insert "**This subsection also does not apply to services rendered by a department of public utilities created by IC 8-1-11.1 or to services rendered by a utility company owned, operated, or held in trust by a consolidated city.**".

(Reference is to EHB 1347 as printed March 26, 2019.)

SANDLIN

Motion prevailed.

SENATE MOTION  
(Amendment 1347-3)

Madam President: I move that Engrossed House Bill 1347 be amended to read as follows:

Page 3, line 12, after "property." insert "**Upon applying for utility service from a municipally owned utility for property subject to this subsection, the person occupying the property shall provide the municipally owned utility with the name and contact information of the owner or manager of the property.**".

(Reference is to EHB 1347 as printed March 26, 2019.)

SANDLIN

Motion prevailed.

SENATE MOTION  
(Amendment 1347-5)

Madam President: I move that Engrossed House Bill 1347 be amended to read as follows:

Page 4, delete lines 5 through 42.

Delete pages 5 through 8.

Page 9, delete lines 1 through 23.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1347 as printed March 26, 2019.)

LEISING

Motion prevailed.

SENATE MOTION  
(Amendment 1347-6)

Madam President: I move that Engrossed House Bill 1347 be amended to read as follows:

Page 3, line 31, after "(1)" insert "**subject to subsection (l),**".

Page 4, between lines 4 and 5, begin a new paragraph and insert:

**"(l) With respect to property that is served by a municipally owned utility and that is occupied by someone other than the owner of the property, any requirement imposed by a municipal legislative body under subsection (k)(1) for a deposit or to ensure the creditworthiness of the person occupying the property must be consistent with:**

- (1) 170 IAC 4-1-15, in the case of electric utility service;**
- or**
- (2) 170 IAC 6-1-15, in the case of water service;**

**regardless of whether the municipally owned utility providing the service is subject to the jurisdiction of the commission for the approval of rates and charges.**

SECTION 2. IC 36-9-23-25, AS AMENDED BY P.L.196-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) Subject to section 37 of this chapter, the municipal legislative body shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works, and provide the dates on which the fees are due.

(b) Just and equitable fees are the fees required to maintain the sewage works in the sound physical and financial condition necessary to render adequate and efficient service. The fees must be sufficient to:

- (1) pay all expenses incidental to the operation of the works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals, and interest charges on bonds or other obligations;
- (2) provide the sinking fund required by section 21 of this chapter;
- (3) provide adequate money to be used as working capital; and
- (4) provide adequate money for improving and replacing the works.

Fees established after notice and hearing under this chapter are presumed to be just and equitable.

(c) Except as otherwise provided in a provision included in an ordinance under subsection (f), the fees are payable by the owner of each lot, parcel of real property, or building that:

- (1) is connected with the sewage works by or through any part of the municipal sewer system; or
- (2) uses or is served by the works.

Unless the municipal legislative body finds otherwise, the works are considered to benefit every lot, parcel of real property, or building connected or to be connected with the municipal sewer system as a result of construction work under the contract, and the fees shall be billed and collected accordingly.

(d) The municipal legislative body may use one (1) or more of the following factors to establish the fees:

- (1) A flat charge for each sewer connection.
- (2) The amount of water used on the property.

- (3) The number and size of water outlets on the property.
- (4) The amount, strength, or character of sewage discharged into the sewers.
- (5) The size of sewer connections.
- (6) Whether the property has been or will be required to pay separately for any part of the sewage works.
- (7) Whether the property, although vacant or unimproved, is benefited by a local or lateral sewer because of the availability of that sewer. However, the owner must have been notified, by recorded covenants and restrictions or deed restrictions in the chain of title of the owner's property, that a fee or assessment for sewer availability may be charged, and the fee may reflect only the capital cost of the sewer and not the cost of operation and maintenance of the sewage works.
- (8) The cost of collecting, treating, and disposing of garbage in a sanitary manner, including equipment and wages.
- (9) The amount of money sufficient to compensate the municipality for the property taxes that would be paid on the sewage works if the sewage works were privately owned.
- (10) Any other factors the legislative body considers necessary.

Fees collected under subdivision (8) may be spent for that purpose only after compliance with all provisions of the ordinance authorizing the issuance of the revenue bonds for the sewage works. The board may transfer fees collected in lieu of taxes under subdivision (9) to the general fund of the municipality.

(e) The municipal legislative body may exercise reasonable discretion in adopting different schedules of fees, or making classifications in schedules of fees, based on variations in:

- (1) the costs, including capital expenditures, of furnishing services to various classes of users or to various locations; or
- (2) the number of users in various locations.

(f) Notwithstanding IC 14-33-5-21, this subsection does not apply to a conservancy district established under IC 14-33 for the collection, treatment, and disposal of sewage and other liquid wastes. In an ordinance adopted under this section, the municipal legislative body may include one (1) or more of the following provisions with respect to property occupied by someone other than the owner of the property:

- (1) That fees for the services rendered by the sewage works to the property are payable by the person occupying the property. At the option of the municipal legislative body, the ordinance may include any:
  - (A) requirement for a deposit to ensure payment of the fees by the person occupying the property; or
  - (B) other requirement to ensure the creditworthiness of the person occupying the property as the account holder or customer with respect to the property;

that the municipal legislative body may lawfully impose, **and that is consistent with 170 IAC 8.5-2-3, regardless of whether the sewer utility is subject to the jurisdiction of the Indiana utility regulatory commission for the approval of rates and charges.**

(2) That the fees for the services rendered by the sewage works to the property are payable by the person occupying the property if one (1) of the following conditions is satisfied:

- (A) Either the property owner or the person occupying the property gives to the general office of the utility written notice that indicates that the person occupying the property is responsible for paying the fees with respect to the property and requests that the account or other customer or billing records maintained for the property be in the name of the person occupying the property. At the option of the municipal legislative body, the ordinance may provide that a document that:
  - (i) is executed by the property owner and the person occupying the property;
  - (ii) identifies the person occupying the property by name; and
  - (iii) indicates that the person occupying the property is responsible for paying the fees assessed by the utility with respect to the property;

serves as written notice for purposes of this clause.

(B) The account or other customer or billing records maintained by the utility for the property otherwise indicate that:

- (i) the property is occupied by someone other than the owner; and
- (ii) the person occupying the property is responsible for paying the fees.

(C) The property owner or the person occupying the property satisfies any other requirements or conditions that the municipal legislative body includes in the ordinance.

(3) That fees assessed against the property for the services rendered by the sewage works to the property do not constitute a lien against the property, notwithstanding section 32 of this chapter, and subject to any requirements or conditions set forth in the ordinance.

This subsection may not be construed to prohibit a municipal legislative body from including in an ordinance adopted under this section any other provision that the municipal legislative body considers appropriate."

Page 8, line 5, delete "impose." and insert "impose, **and that is consistent with 170 IAC 8.5-2-3, regardless of whether the sewer utility is subject to the jurisdiction of the Indiana utility regulatory commission for the approval of rates and charges.**"

Re-number all SECTIONS consecutively.

(Reference is to EHB 1347 as printed March 26, 2019.)

J.D. FORD

Motion failed. The bill was ordered engrossed.

### ENGROSSED HOUSE BILLS ON THIRD READING

#### Engrossed House Bill 1100

Senator L. Brown called up Engrossed House Bill 1100 for third reading:

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

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

Roll Call 369: yeas 45, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1115**

Senator Perfect called up Engrossed House Bill 1115 for third reading:

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

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

Roll Call 370: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1128**

Senator Doriot called up Engrossed House Bill 1128 for third reading:

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

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

Roll Call 371: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1175**

Senator Charbonneau called up Engrossed House Bill 1175 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 372: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1199**

Senator Head called up Engrossed House Bill 1199 for third reading:

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

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

Roll Call 373: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1211**

Senator L. Brown called up 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 374: yeas 38, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1308**

Senator Bassler called up Engrossed House Bill 1308 for third reading:

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

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

Roll Call 375: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1341**

Senator L. Brown called up Engrossed House Bill 1341 for third reading:

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

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

Roll Call 376: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1443**

Senator Mishler called up Engrossed House Bill 1443 for third reading:

A BILL FOR AN ACT 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 377: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1545**

Senator Charbonneau called up Engrossed House Bill 1545 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 378: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1547**

Senator Leising called up Engrossed House Bill 1547 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 379: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1552**

Senator Sandlin called up Engrossed House Bill 1552 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 380: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1660**

Senator Garten called up Engrossed House Bill 1660 for third reading:

A BILL FOR AN ACT 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 381: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**MOTIONS TO DISSENT  
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 119 and that a conference committee be appointed to confer with a like committee of the House.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 604 and that a conference committee be appointed to confer with a like committee of the House.

DORIOT

Motion prevailed.

**MOTIONS TO CONCUR  
IN HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 198.

BOHACEK

Roll Call 382: yeas 34, nays 14. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 336.

M. YOUNG

Roll Call 383: yeas 46, nays 2. Motion prevailed.

**RESOLUTIONS ON SECOND READING**

**House Concurrent Resolution 19**

Senator Garten called up House Concurrent Resolution 19 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.



**REPORT OF THE  
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 119:

Conferees: Tomes, Chair and Lonnie M. Randolph  
Advisors: Sandlin, G. Taylor, Doriot

BRAY  
Date: 4/2/19  
Time: 3:37 p.m.

Report adopted.

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed, with amendments, Engrossed Senate Bill 119 and the same is herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE  
PRESIDENT PRO TEMPORE**

Madam President and Members of the Senate: I have on Tuesday, April 2, 2019, signed Senate Enrolled Acts: 22, 130, 189, 191, 324 and House Enrolled Acts 1014, 1019, 1029, 1051, 1057 and 1517.

RODRIC D. BRAY  
President Pro Tempore

**SENATE MOTION**

Madam President: I move that Senator M. Young be added as second author of Senate Concurrent Resolution 61.

SANDLIN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator M. Young be removed as third author of Senate Bill 198.

M. YOUNG

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Glick be added as third author of Senate Bill 198.

BOHACEK

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1115.

PERFECT

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Holdman be added as cosponsor of Engrossed House Bill 1211.

L. BROWN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Kruse be added as cosponsor of Engrossed House Bill 1211.

L. BROWN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator M. Young be added as cosponsor of Engrossed House Bill 1211.

L. BROWN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senators Becker, Spartz and Rogers be added as cosponsors of Engrossed House Bill 1394.

BREAUX

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Lonnie M. Randolph be added as cosponsor of Engrossed House Bill 1473.

HEAD

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Raatz be added as cosponsor of Engrossed House Bill 1630.

BUCHANAN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Raatz be added as third sponsor of Engrossed House Bill 1641.

KRUSE

Motion prevailed.

**SENATE MOTION**

Madam President: I move we adjourn until 1:30 p.m., Thursday, April 4, 2019.

BRAY

Motion prevailed.

The Senate adjourned at 5:08 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUZANNE CROUCH  
President of the Senate