Journal of the House

State of Indiana

121st General Assembly *First Regular Session*

Forty-first Day **Thursday Morning** **April 4, 2019**

The invocation was offered by Rabbi Yisrael Gettinger of Congressional B'nai Torah in Indianapolis, a guest of Speaker Bosma.

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

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

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

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

Roll Call 404: 91 present; 9 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, April 8, 2019, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Resolution 54

Representative Pryor introduced House Resolution 54:

A HOUSE RESOLUTION urging Congress to study the regulation of duck boats and the duck boat tourism industry.

Whereas, Duck boats are amphibious vehicles allowing passengers to enjoy sight-seeing tours on land and water while remaining in the same vehicle;

Whereas, General Motors produced the first DUKW "duck" boats during World War II for easy transport of weapons, ammunition, troops, and supplies from ship to shore and across other bodies of water;

Whereas, More than 20,000 duck boats were produced by the end of World War II, and the vehicles were destroyed or later modified by entrepreneurs to provide water-based tours for tourism across the United States;

Whereas, The National Transportation Safety Board reports that multiple incidents involving duck boats have resulted in death and has published recommendations for consideration by the United States government and commercial duck boat operators;

Whereas, Seventeen people between the ages of 1 and 76, including nine passengers from one Hoosier family, died on July 19, 2018, when a duck boat capsized in rough waters during a tour in Branson, Missouri;

Whereas, Safety regulation and oversight provided by the federal government helps to protect Hoosiers and other tourists across the United States; and

Whereas, A review of existing government oversight and regulation of the duck boat tour industry is necessary to maintain the safety and well-being of Hoosiers and all Americans for years to come: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges Congress to study the regulation of duck boats and the duck boat tourism industry.

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

House Resolution 55

Representatives GiaQuinta and Pryor introduced House Resolution 55:

A HOUSE RESOLUTION congratulating Pastor Hue Guy for 50 years of service.

Whereas, Pastor Hue Guy was born in Byhalia, Mississippi, on April 23, 1945, to sharecroppers Clarence and Virginia Guy;

Whereas, Pastor Guy graduated from Carver High School in 1963 and moved to Indiana in April 1967;

Whereas, Pastor Guy was called to the ministry and confessed his calling in May 1968;

Whereas, Pastor Guy served at Mount Olive Baptist Ministry Church and started Star of Bethel Baptist Church in April 1969;

Whereas, Pastor Guy received a doctoral degree in divinity in 1974 and served as the president of the Baptist Ministers Conference for 15 years;

Whereas, Pastor Guy led his congregation in purchasing land for a new church that was completed in 1980 and paid for in 1985; and

Whereas, Pastor Guy continues to serve at Star of Bethel Baptist Church and celebrates 50 years in the service of his Lord and Savior, Jesus Christ: Therefore,

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

SECTION 1. That the House of Representatives congratulates Pastor Hue Guy for 50 years of service to his community at Star of Bethel Baptist Church.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Star of Bethel Baptist Church in Fort Wayne, Indiana.

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

House Resolution 56

Representative Beck introduced House Resolution 56:

A HOUSE RESOLUTION recognizing the Robert A. Taft Middle School Dance Team state champions.

Whereas, The Robert A. Taft Middle School Dance Team of Crown Point, Indiana, won three state championships on March 10, 2019, during state finals in New Castle, Indiana;

Whereas, The Taft Dance Team won the Junior High AA Pom title;

Whereas, Alyssa Androff won the Junior High Solo title;

Whereas, A small ensemble consisting of Alyssa Androff, Avery Teibel, and Molly Tully won the Junior High Ensemble title;

Whereas, The team consisted of Alyssa Androff, Emily Brooks, Madeline Degenhart, Ellie Depta, Marianne Gerona, Riley Grill, Sarah Hill, Colleen Kozlowski, Kalliopi Sakaleros, Mia Targett, Avery Teibel, Maddie Thunberg, and Molly Tully;

Whereas, The team is led by coaches Nicolle Fischer and Annie Vassar; and

Whereas, The Taft Dance Team continues a history of excellence by adding to a growing list of state and regional titles that it has won over the past 10 years: Therefore,

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

SECTION 1. That the House of Representatives recognizes the Robert A. Taft Middle School Dance Team state champions.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the members of the Robert A. Taft Middle School Dance Team and their coaches.

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

House Resolution 57

Representatives Pressel and Gutwein introduced House Resolution 57:

A HOUSE RESOLUTION congratulating the North Judson-San Pierre High School girls volleyball team.

Whereas, The North Judson-San Pierre High School girls volleyball team defeated the Christian Academy Warriors 3-0 to win the 2018 IHSAA Class 2A volleyball state championship;

Whereas, The 2018 state championship is the first state title in school history;

Whereas, The Bluejays went undefeated in conference play and dethroned the defending state champion;

Whereas, The Bluejays' Macy Reimbold and Lauren Cox led the way to victory with 17 kills and 13 digs and 21 kills and 19 digs, respectively;

Whereas, First-year coach Madison Fingerhut led the team to a season record of 27-7; and

Whereas, Senior Lauren Cox was awarded the Class 2A Mental Attitude Award, is the first female North Judson-San Pierre student to receive an IHSAA Mental Attitude Award, is an active member of the National Honor Society, and is ranked third in her senior class academically: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates the North Judson-San Pierre girls volleyball team on its first IHSAA state championship.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to North Judson-San Pierre High School and each member of the 2018 IHSAA Class 2A state champion volleyball team.

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

House Resolution 58

Representatives Karickhoff and VanNatter introduced House Resolution 58:

A HOUSE RESOLUTION honoring Mr. Craig Severns as the president of Coca-Cola Kokomo.

Whereas, Mr. Craig Severns was named president of Coca-Cola Kokomo on January 1, 2019;

Whereas, Severns is a 1970 Kokomo High School alumnus who graduated from Indiana University before beginning his career with Coca-Cola Kokomo on a truck and in the warehouse;

Whereas, Severns has served as General Manager and Vice President of Operations since 1982 and has worked with and learned from his father, E.P. Severns, who led the company for 60 years;

Whereas, Craig Severns carries the family business into the third generation of Severns leadership and brings to the position over 35 years of experience working with Coca-Cola and the local community;

Whereas, The family business began in 1935 after Severns' grandfather and great uncles bought the Kokomo, Logansport, and Peru franchise;

Whereas, Coca-Cola Kokomo continues a tradition of retaining and supporting an estimated 85 full-time employees between the Kokomo and Plymouth distribution centers today; and

Whereas, Severns leads a company that has been a hallmark of central Indiana supporting Hoosiers and their families for over 80 years: Therefore,

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

SECTION 1. That the Indiana House of Representatives honors Mr. Craig Severns as the new president of Coca-Cola Kokomo.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Coca-Cola Kokomo president Craig Severns.

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

House Resolution 59

Representative Eberhart introduced House Resolution 59:

A HOUSE RESOLUTION urging Governor Holcomb to recognize September as Brain Aneurysm Awareness Month.

Whereas, A brain aneurysm, also referred to as a cerebral aneurysm or an intracranial aneurysm, is a weak bulging spot on the wall of a brain artery;

Whereas, Although relatively uncommon, ruptured aneurysms are very serious and usually associated with a high rate of mortality and disability;

Whereas, The blood flow within the artery pounds against the thinned portion of the wall, and bulging spots form that begin to swell outward;

Whereas, Pressure may cause this aneurysm to rupture, allowing blood to escape into the space around the brain, which usually requires advanced surgical treatment;

Whereas, Survivors of brain aneurysms face many challenges on their road to recovery, including physical challenges, emotional challenges, depression, and potential deficits;

Whereas, Ruptured brain aneurysms are fatal in nearly 40 percent of all cases, with four out of seven brain aneurysm survivors having a disability and 66 percent suffering some permanent neurological deficit;

Whereas, Only through knowledge and understanding will we be better able to help survivors and ensure that all of their rights are protected; and

Whereas, It is critical that we help raise awareness of brain aneurysms, including methods of early detection and treatment: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges Governor Holcomb to recognize September as Brain Aneurysm Awareness Month to raise awareness and better help survivors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Governor Eric Holcomb, the Brain Aneurysm Foundation, and Raymond Morefield.

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

House Resolution 60

Representative Mayfield introduced House Resolution 60:

A HOUSE RESOLUTION honoring the centennial celebration of the Martinsville Candy Kitchen.

Whereas, The Martinsville Candy Kitchen was founded in April 1919;

Whereas, The Martinsville Candy Kitchen has been located on Main Street in downtown Martinsville since its founding;

Whereas, The Martinsville Candy Kitchen has always been independently owned and operated;

Whereas, The Martinsville Candy Kitchen is world renowned for their homemade candy canes;

Whereas, The Martinsville Candy Kitchen brings joy, sweetness, and entertainment with front row demonstrations of candy making and candy cane pours throughout the year;

Whereas, The Martinsville Candy Kitchen was a regular stop for NCAA basketball coach John Wooden throughout his life, and customers can still request some of his favorite childhood candies today; and

Whereas, The Martinsville Candy Kitchen is a Hoosier tradition and a successful small business that remains a model of local community and Hoosier values: Therefore,

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

SECTION 1. That the Indiana House of Representatives honors the centennial celebration of the Martinsville Candy Kitchen.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Martinsville Candy Kitchen owners John and Pam Badger.

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

House Concurrent Resolution 47

Representatives Young, Burton, Frizzell and Macer introduced House Concurrent Resolution 47:

A CONCURRENT RESOLUTION recognizing the success of Franklin Community High School Choirs.

Whereas, The choir program at Franklin Community High School has grown from 130 to 250 students in the past seven years;

Whereas, A strong history of choral performance at Franklin Community has grown into an award-winning and nationally recognized program operating seven choirs, private voice programs, summer camps, and an annual show choir competition;

Whereas, Advanced vocal students audition for Franklin Community's Signature Sound program, which offers highly challenging choral literature in a range of styles;

Whereas, Signature Sound has won 20 Grand Champion titles at multiple competitions throughout the Midwest, performed at Carnegie Hall in 2016, and won the Indiana State School Music Association's 2017 State Championship;

Whereas, Bella Voce is Franklin Community's premier advanced women's vocal ensemble, offering students in grades 9-12 an opportunity to perform and study with university choirs and collegiate professors, and has been named Grand Champion 10 times at multiple competitions throughout the Midwest;

Whereas, Franklin Community's advanced women's show choir, Sensations, is comprised of 62 singer/dancers;

Whereas, Sensations won the 2018 State Championship for the first time in the school's history in the small school division, and won the title again in 2019 in the large school division;

Whereas, Sensations is the first show choir in Indiana history to win state championships in different divisions, and is accompanied by an award-winning show band and tech crew;

Whereas, Franklin Community's advanced level mixed show choir, The Heritage Singers, offers students the opportunity to represent, in performance, the Franklin Community School Corporation throughout central Indiana;

Whereas, The Heritage Singers grew from 16 to 62 performers in six years, winning the 2018 state championship title for the first time in the school's history, and are accompanied by an award-winning show band and tech crew;

Whereas, Michael Hummel is the director of all seven choirs at Franklin Community with the support of assistant directors Johnnie Taylor and Lauren Atwood;

Whereas, Mr. Hummel has taught Franklin Community High School students for seven years and has been instrumental in building a successful choral program, providing students with unique and challenging world class experiences to promote life-long learning in music and the performing arts; and

Whereas, The success of Franklin Community's choral program is a result of the hard work, talent, skill, and devotion given by individual students to music and the performing arts: 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 success of Franklin Community High School Choirs.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Head Choir and Musical Theater Director Michael Hummel.

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

House Concurrent Resolution 51

Representatives Klinker and Campbell introduced House Concurrent Resolution 51:

A CONCURRENT RESOLUTION celebrating the 100th anniversary of Purdue University's "All-American" Marching Band at the Indianapolis Motor Speedway's Indianapolis 500.

Whereas, The Purdue University "All-American" Marching Band's first director, Paul Spotts Emrick, forged the initial relationship with the Indianapolis Motor Speedway for the band's performance in 1919;

Whereas, The Purdue University "All-American" Marching Band's current director, Jay S. Gephart, a professor of music, the director of bands and orchestras, and the Al G. Wright Chair of Purdue University Bands & Orchestras, leads the band in its continued participation in one of the most storied traditions of the "Racing Capital of the World";

Whereas, The Purdue University "All-American" Marching Band thrills race fans each year by building the sound, color, and emotion leading to the "World's fastest flying start" of the Indy 500;

Whereas, Through the last century, the Purdue University "All-American" Marching Band's participation in the Indy 500 opening ceremonies has become part of the "Greatest Spectacle in Racing";

Whereas, The Purdue University "All-American" Marching Band invites high school bands from across the Midwest to participate in the Parade of Bands that has marched around the "World's Greatest Race Course" before the start of the Indy 500 since 1922;

Whereas, Nearly 300 members of the Purdue University "All-American" Marching Band pay their own way each year to return to the Indy 500 from around the United States to perform on the track and under the pagoda;

Whereas, The Purdue University "All-American" Marching Band has appeared in every nationally televised IPL 500 Festival Parade since its debut in 1957; and

Whereas, The 103rd running of the Indy 500 in 2019 will mark the Purdue University "All-American" Marching Band's 100th anniversary of performing pop tunes, patriotic songs, and Indy 500 ceremonial music, including "God Bless America" and "Back Home Again in Indiana": Therefore,

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

SECTION 1. That the Indiana General Assembly celebrates the Purdue University "All-American" Marching Band's 100th anniversary at the Indianapolis 500, "The Greatest Spectacle in Racing".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Jay S. Gephart, director of the Purdue University "All-American" Marching Band.

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

House Concurrent Resolution 52

Representatives Moed and Burton introduced House Concurrent Resolution 52:

A CONCURRENT RESOLUTION recognizing the Indianapolis Homeschool Wildcats for winning state, regional, and national titles in 2019.

Whereas, The Indianapolis Homeschool Wildcats won state, regional and national titles in 2019 building on a tradition of excellence in basketball;

Whereas, The Wildcats won the Indiana Christian Basketball Alliance varsity state basketball tournament on February 16, 2019, in Indianapolis, Indiana;

Whereas, The Wildcats defeated the Northwest Warriors 73-54, becoming the first team in ICBA tournament history to win five consecutive state championships;

Whereas, Senior captain Myles Johnson scored a team high 27 points and secured 17 rebounds in the state championship game;

Whereas, The Wildcats are the first Indiana homeschool team to win multiple National Christian Homeschool Basketball Championships Midwest Regional Tournament titles after defeating the Illinois Homeschool Cru 78-64 on February 23, 2019, in Westfield, Indiana;

Whereas, Junior co-captains Noah Shook and Luke Ruddle led the Wildcats with 19 and 18 points, respectively, in the regional championship game;

Whereas, The Wildcats won the 2019 Homeschool Basketball Varsity Boys National Championship by defeating the defending national champion Oklahoma City Storm 51-50 on Saturday, March 16, 2019, at Evangel University in Springfield, Missouri;

Whereas, The Wildcats are the first Indiana team in the 28 year history of the tournament to win a Homeschool Basketball Varsity National Championship;

Whereas, Senior captain Myles Johnson scored a game high 18 points in the national championship game, including the game winning basket with 13 seconds remaining;

Whereas, The CBS high school sports website MaxPreps ranked the Indianapolis Homeschool Wildcats as high as No.10 among all high school basketball teams in the state of Indiana, making it the highest ranking Indiana homeschool basketball team ever;

Whereas, Coaches Jeremy Bialek, Scot Rosko, Paul Settle, Pat Shook, and team manager Ian Gourley devoted their time, talent, and passion for basketball to build a historic team and lead the Wildcats to victory;

Whereas, The state, regional, and national championship team consists of: Mike Floyd, Elijah Foster, Myles Johnson, Robert Jones, Kyle Marks, Joel Owen, AJ Rogers, Jake Rosko, Luke Ruddle, Noah Shook, Luke Smith, Seth Southerland, Kendon Winslow, Mitchell Wirts, and Samuel Wirts;

Whereas, The Wildcats' state, regional, and national wins indicate the hard work, talent, skill, and commitment given by each player to high school basketball and the team; and

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

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

SECTION 1. That the Indiana General Assembly recognizes the Indianapolis Homeschool Wildcats varsity team for winning the 2019 Indiana Christian Basketball Alliance State Championship.

SECTION 2. That the Indiana General Assembly recognizes the Indianapolis Homeschool Wildcats varsity team for winning the 2019 NCHBC Midwest Regional Tournament Championship.

SECTION 3. That the Indiana General Assembly recognizes the Indianapolis Homeschool Wildcats varsity team for winning the 2019 Homeschool Basketball Varsity Boys National Championship.

SECTION 4. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Indianapolis Homeschool Wildcats coach Jeremy Bialek.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 79, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, after "department." insert "**This chapter does not apply to a member of the state police department.**".

Page 1, line 7, delete "chapter" and insert "**chapter,**".

Page 1, line 11, delete "by a county, city, or town." and insert "**by:**

(1) a county;

(2) a city;

(3) a town;

(4) the state;

(5) a school corporation (as described under IC 20-26-16); or

(6) a postsecondary educational institution (as described under IC 21-17-5-2 or IC 21-39-4-2).".

(Reference is to SB 79 as reprinted February 12, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 127, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

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

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

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

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

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

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

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is twelve million dollars ($12,000,000). In the case of an ordinance or

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

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

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

(i) the cost of that controlled project; plus

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

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

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

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

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

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

(B) The result of:

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

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

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

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

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

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

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

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

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

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

(D) The purpose of the bonds or lease.

(E) A statement that the proposed debt service or lease payments must be approved in an election on a local public question held under section 3.6 of this chapter.

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

(i) a new school facility; or

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

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

(G) The following information:

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

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

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

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

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

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

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

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

political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

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

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

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

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

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

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

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

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

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

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

(9) The county voter registration office, not more than ten (10) business days after determining that at least five hundred twenty-five (525) persons who signed the petition are registered voters or after receiving the statement from the county auditor under subdivision (8), as applicable, shall make the final determination of whether a sufficient number of persons have signed the petition. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular referendum process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, mobile home assessed as personal property, or manufactured home assessed as personal property or a combination of those types of property within the political subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

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

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

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

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

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

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

(1) a copy of the notice required by subsection (b)(2); and

(2) any other information the county auditor requires to fulfill the county auditor's duties under section 3.6 of this chapter.

(d) In addition to the procedures in subsection (b), if any capital improvement components addressed in the most recent:

(1) threat assessment of the buildings within the school corporation; or

(2) school safety plan (as described in IC 20-26-18.2-2(b));

concerning a particular school have not been completed or require additional funding to be completed, before the school corporation may impose property taxes to pay debt service on bonds or lease rentals for a lease for a controlled project, and in addition to any other components of the controlled project, the controlled project must include any capital improvements necessary to complete those components described in subdivisions (1) and (2) that have not been completed or that require additional funding to be completed.".

Delete pages 2 through 5.

Page 6, delete lines 1 through 24.

Page 7, delete lines 34 through 42.

Page 8, delete lines 1 through 31.

Page 13, delete lines 39 through 42, begin a new paragraph

and insert:

"SECTION 9. IC 20-46-1-8, AS AMENDED BY P.L.138-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) Subject to **subsection (c) and** this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot for either of the following purposes:

(1) The governing body of the school corporation determines that it cannot, in a calendar year, carry out its public educational duty unless it imposes a referendum tax levy under this chapter.

(2) The governing body of the school corporation determines that a referendum tax levy under this chapter should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the credit under IC 6-1.1-20.6.

(b) The governing body of the school corporation shall certify a copy of the resolution to the following:

(1) The department of local government finance, including the language for the question required by section 10 of this chapter, or in the case of a resolution to extend a referendum levy certified to the department of local government finance after March 15, 2016, section 10.1 of this chapter. The department shall review the language for compliance with section 10 or 10.1 of this chapter, whichever is applicable, and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval.

(2) The county fiscal body of each county in which the school corporation is located (for informational purposes only).

(3) The circuit court clerk of each county in which the school corporation is located.

(c) If a school safety referendum tax levy under IC 20-46-9 has been approved by the voters in a school corporation at any time in the previous three (3) years, the school corporation may not:

(1) adopt a resolution to place a referendum under this chapter on the ballot; or

(2) otherwise place a referendum under this chapter on the ballot.

SECTION 10. IC 20-46-1-19.5, AS ADDED BY P.L.198-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19.5. (a) **Subject to section 8(c) of this chapter,** if a referendum is approved by the voters in a school corporation under this chapter in a calendar year, another referendum may not be placed on the ballot in the school corporation under this chapter in the following calendar year.

(b) Notwithstanding any other provision of this chapter and in addition to the restriction specified in subsection (a), if a school corporation imposes in a calendar year a referendum levy approved in a referendum under this chapter, the school corporation may not simultaneously impose in that calendar year more than one (1) additional referendum levy approved in a subsequent referendum under this chapter.".

Delete page 14.

Page 16, line 28, after "purposes)?" insert "**"**.".

Page 16, delete lines 29 through 33.

Page 17, line 7, after "approved)." insert "**"**.".

Page 17, delete lines 8 through 12.

Page 17, line 25, delete "ten (10)" and insert "**eight (8)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 127 as reprinted February 12, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 131, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, after "(d)" insert "**This subsection applies to transactions occurring before July 1, 2019.**".

Page 2, line 13, delete "(e)." and insert "**(g).**

(e) This subsection applies to transactions occurring after June 30, 2019, and before July 1, 2024. Notwithstanding section 2 of this chapter, in the case of a transaction that involves a cargo trailer or recreational vehicle that:

(1) is purchased by a:

(A) resident of a nonreciprocal state; or

(B) resident of a foreign country;

(2) the purchaser intends to:

(A) transport to a destination outside Indiana within thirty (30) days after delivery; and

(B) title or register for use in the nonreciprocal state or foreign country; and

(3) will not be titled or registered for use in Indiana;

the transaction is exempt from the state gross retail tax regardless of whether the state or foreign country has a reciprocal agreement with Indiana. The seller and purchaser must certify that the requirements of this subsection are met in an affidavit satisfying the requirements of subsection (g). This subsection expires on June 30, 2024.

(f) This subsection applies to transactions occurring after June 30, 2024. Notwithstanding section 2 of this chapter, in the case of a transaction that:

(1) is not exempt from taxation under IC 6-2.5-5-39; and

(2) involves a cargo trailer or recreational vehicle that:

(A) is purchased by a:

(i) resident of a nonreciprocal state; or

(ii) resident of a foreign country;

(B) the purchaser intends to:

(i) transport to a destination outside Indiana within thirty (30) days after delivery; and

(ii) title or register for use in the nonreciprocal state or foreign country; and

(C) will not be titled or registered for use in Indiana;

the state gross retail tax rate on the cargo trailer or recreational vehicle is the rate of the nonreciprocal state or foreign country (excluding any locally imposed tax rates) in which the cargo trailer or recreational vehicle will be titled or registered, as certified by the seller and purchaser in an affidavit satisfying the requirements of subsection (g).".

Page 2, line 14, delete "(e)" and insert "**(g)**".

Page 2, line 15, strike "subsection".

Page 2, line 15, delete "(d)." and insert "**subsections (d), (e), and (f).**".

Page 2, line 15, strike "certification" and insert "**certifications**".

Page 2, line 16, strike "subsection".

Page 2, line 16, after "(c)," insert "**subsections**".

Page 2, line 16, after "(d)," insert "**(e), and (f),**".

Page 2, line 23, delete "(f)" and insert "**(h)**".

Page 2, line 27, delete "(g)" and insert "**(i)**".

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-2-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) The legislative**

services agency shall evaluate the economic and fiscal impact of exempting from the state gross retail tax the sale of cargo trailers and recreational vehicles to residents of nonreciprocal states and foreign countries under IC 6-2.5-2-4(e). The evaluation report must include the following information:

(1) The number of cargo trailers and recreational vehicles sold annually by dealerships located in Indiana from calendar year 2015 through calendar year 2018 to the following individuals:

(A) residents of Indiana;

(B) residents of states or foreign countries that had a reciprocal agreement with Indiana during calendar year 2015 through calendar year 2018; and

(C) residents of states or foreign countries that did not have a reciprocal agreement with Indiana during calendar year 2015 through calendar year 2018.

(2) The number of cargo trailers and recreational vehicles sold annually by dealerships located in Indiana from calendar year 2019 through calendar year 2022 to the following individuals:

(A) residents of Indiana;

(B) residents of states or foreign countries that had a reciprocal agreement with Indiana during calendar year 2019 through calendar year 2022; and

(C) residents of states or foreign countries that did not have a reciprocal agreement with Indiana during calendar year 2019 through calendar year 2022.

(3) The total amount of state gross retail taxes remitted annually by cargo trailer and recreational vehicle dealerships located in Indiana from calendar year 2015 through calendar year 2018.

(4) The total amount of state gross retail taxes remitted annually by cargo trailer and recreational vehicle dealerships located in Indiana from calendar year 2019 through calendar year 2022.

(5) The number of cargo trailer and recreational vehicle dealerships located in Indiana as of January 1, 2019.

(6) The number of cargo trailer and recreational vehicle dealerships located in Indiana as of January 1, 2023.

(7) Any other information deemed necessary by the legislative services agency to determine the economic and fiscal impact of exempting from the state gross retail tax the sale of cargo trailers and recreational vehicles to residents of nonreciprocal states and foreign countries.

(b) The legislative services agency shall:

(1) prepare the report described in subsection (a); and

(2) deliver the report to the legislative council and the interim study committee on fiscal policy in an electronic format under IC 5-14-6;

before November 1, 2023.".

Renumber all SECTIONS consecutively.

(Reference is to SB 131 as printed February 20, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 4.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 144, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 9-20-6-2.1, AS ADDED BY P.L.54-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.1. **(a) As used in this section, "electric cooperative" means an entity that is organized under IC 8-1-13.**

~~(a)~~ **(b)** As used in this section, "equivalent single axle load" means the known quantifiable and standardized amount of damage to highway pavement structures equivalent to one (1) pass of a single eighteen thousand (18,000) pound dual tire axle, with all four (4) tires on the axle inflated to one hundred ten (110) pounds per square inch.

~~(b)~~ **(c)** The Indiana department of transportation or local authority that:

(1) has jurisdiction over a highway or street; and

(2) is responsible for the repair and maintenance of the highway or street;

may, upon proper application in writing and upon good cause shown, grant a permit for transporting bulk milk ~~in~~ **or material, products, or equipment belonging to an electric cooperative that are necessary for the installation or maintenance of facilities owned or operated by the electric cooperative which allows for transportation of** loads of up to one hundred thousand (100,000) pounds.

~~(c)~~ **(d)** If the department of transportation grants a permit under subsection ~~(b)~~ **(c)** to an applicant whose total equivalent single axle load calculation is equal to or less than 2.40 equivalent single axle load credit, the department of transportation shall issue the permit annually.

~~(d)~~ **(e)** If the department of transportation grants a permit under subsection ~~(b)~~ **(c)** to an applicant whose total equivalent single axle load calculation is greater than 2.40 equivalent single axle load credit, the department of transportation may issue the permit pursuant to section 2 of this chapter.

~~(e)~~ **(f)** The fee for an annual ~~bulk milk~~ permit issued under subsection ~~(c)~~ **(d)** is twenty dollars ($20).".

Page 1, line 5, delete "masonry products." and insert "**either of the following:**

(1) Masonry products.

(2) Scrap metal products.".

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "automated traffic control system" means a photographic device, radar device, laser device, or other electrical or mechanical device or devices designed to:**

(1) record the speed of a motor vehicle; and

(2) obtain a clear photograph or other recorded image of the motor vehicle, the operator of the motor vehicle, and the license plate affixed to the motor vehicle at the time the recorded speed of the motor vehicle exceeds a speed limit established under IC 9-21-5-11(a).

(b) As used in this SECTION, "critical work zone" means an area:

(1) that is located within a worksite;

(2) in which:

(A) the normal lane path is offset;

(B) the road surface is significantly disturbed; or

(C) road machinery is located;

(3) in which workers are present; and

(4) that is designated with signage that identifies the beginning and end of the area.

(c) As used in this SECTION, "work zone" means any part of a road or bridge on which the Indiana department of transportation has established a speed limit under IC 9-21-5-11(a).

(d) The legislative council is urged to assign to an appropriate interim study committee the task of studying the following:

(1) The use of automated traffic control systems in

work zones.

(2) The use of special signaling devices on construction vehicles in critical work zones.

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

Renumber all SECTIONS consecutively.

(Reference is to SB 144 as printed February 13, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SULLIVAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 6, delete "June 30, 2019," and insert "**December 31, 2017,**".

Page 6, line 25, delete "June 30, 2019," and insert "**December 31, 2017,**".

Page 6, after line 37, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-31-1, AS AMENDED BY P.L.146-2008, SECTION 269, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The department of local government finance shall do the following:

(1) Prescribe the property tax forms and returns which taxpayers are to complete and on which the taxpayers' assessments will be based.

(2) Prescribe the forms to be used to give taxpayers notice of assessment actions.

(3) Adopt rules concerning the assessment of tangible property.

(4) Develop specifications that prescribe state requirements for computer software and hardware to be used by counties for assessment purposes. The specifications developed under this subdivision apply only to computer software and hardware systems purchased for assessment purposes after July 1, 1993. The specifications, including specifications in a rule or other standard adopted under IC 6-1.1-31.5, must provide for:

(A) maintenance of data in a form that formats the information in the file with the standard data, field, and record coding jointly required and approved by the department of local government finance and the legislative services agency;

(B) data export and transmission that is compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and jointly approved by the department of local government finance and legislative services agency; and

(C) maintenance of data in a manner that ensures prompt and accurate transfer of data to the department of local government finance and the legislative services agency, as jointly approved by the department of local government **finance** and legislative services agency.

(5) Adopt rules establishing criteria for the revocation of a certification under IC 6-1.1-35.5-6.

(6) Prescribe the state address confidentiality form to be used by a covered person (as defined in IC 36-1-8.5-2) under IC 36-1-8.5 to restrict access to the person's address maintained in a public property data base.

(b) The department of local government finance may adopt rules that are related to property taxation or the duties or the procedures of the department.

(c) Rules of the state board of tax commissioners are for all purposes rules of the department of local government finance and the Indiana board until the department and the Indiana board adopt rules to repeal or supersede the rules of the state board of tax commissioners.

SECTION 4. IC 36-1-8.5-2, AS AMENDED BY P.L.191-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. As used in this chapter, "covered person" means:

(1) a judge;

(2) a law enforcement officer;

(3) a victim of domestic violence; ~~or~~

(4) a public official; **or**

(5) the surviving spouse of a person described in subdivision (2), if the person was killed in the line of duty.

SECTION 5. IC 36-1-8.5-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.5. As used in this chapter, "state address confidentiality form" means the form prescribed by the department of local government finance under IC 6-1.1-31-1(a)(6).**

SECTION 6. IC 36-1-8.5-7, AS AMENDED BY P.L.191-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) A covered person who wants to restrict access to the covered person's home address by means of a public property data base web site must submit a ~~written request~~ **state address confidentiality form** to the unit that operates the public property data base web site. **However, the unit may accept a written request from a covered person as an alternative to the state address confidentiality form.**

(b) A unit that operates a public property data base web site, directly or through a third party, shall establish a process to prevent a member of the general public from gaining access to the home address of a covered person by means of the public property data base web site.

(c) In establishing a process under subsection (b), a unit shall do all of the following:

~~(1) Determine the forms of the written request to restrict and allow public access.~~

~~(2) Specify any information or verification required by the unit to process the written request.~~

~~(3)~~ **(1)** Determine which person or department of the unit will receive and process the request.

~~(4)~~ **(2)** Provide a method under which a covered person is notified of the procedure to be used to restrict or allow disclosure of the home address of the covered person under this chapter.

(d) A unit may charge a covered person a reasonable fee to make a written request under this section.

SECTION 7. IC 36-1-8.5-9, AS AMENDED BY P.L.191-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) This section applies to a covered person who has ~~submitted a written request~~ **applied for address confidentiality** under section 7(a) of this chapter.

(b) A unit shall restrict access to the home address of a covered person until the covered person submits a written request to the unit to allow public access to the person's home address on the public property data base web site. **The unit shall take reasonable steps to verify the authenticity of the written request, including requiring the covered person to provide appropriate identification.**

SECTION 8. IC 36-1-8.5-11, AS ADDED BY P.L.106-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. A **state address confidentiality form,** written request, notification of name change, or any other information submitted to the unit by a covered person under this chapter is confidential under IC 5-14-3-4(a).".

Renumber all SECTIONS consecutively.

(Reference is to SB 172 as printed January 30, 2019.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 280, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, after "(2)" insert "**for assessment dates before January 1, 2020,**".

Page 2, between lines 1 and 2, begin a new line block indented and insert:

"**(3) for assessment dates after December 31, 2019:**

(A) the individual had, in the case of an individual who filed a single return, adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding thirty thousand dollars ($30,000);

(B) the individual had, in the case of an individual who filed a joint income tax return with the individual's spouse, combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding forty thousand dollars ($40,000); or

(C) the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of the individual and all other individuals with whom:

(i) the individual shares ownership; or

(ii) the individual is purchasing the property under a contract;

as joint tenants or tenants in common did not exceed forty thousand dollars ($40,000);

for the calendar year preceding by two (2) years the calendar year in which the property taxes are first due and payable;".

Page 2, line 2, strike "(3)" and insert "**(4)**".

Page 2, line 11, strike "(4)" and insert "**(5) for assessment dates:**

(A) before January 1, 2020,".

Page 2, line 13, after "home;" insert "**or**

(B) after December 31, 2019, the individual and any individuals covered by subdivision (3)(C) reside on the real property, mobile home, or manufactured home;".

Page 2, line 14, strike "(5)" and insert "**(6) except as provided in subsection (i),**".

Page 2, line 15, delete "exceed:" and insert "exceed".

Page 2, delete lines 16 through 40.

Page 2, line 41, delete "due and payable in the following calendar year;".

Page 2, run in lines 15 through 41.

Page 3, line 1, after "($182,340);" insert "**two hundred thousand dollars ($200,000).**".

Page 3, line 2, strike "(6)" and insert "**(7)**".

Page 3, line 6, strike "(7)" and insert "**(8)**".

Page 3, line 16, strike "twelve thousand four hundred eighty dollars ($12,480)." and insert "**fourteen thousand dollars ($14,000).**".

Page 3, line 24, strike "twelve thousand four hundred eighty dollars ($12,480)." and insert "**fourteen thousand dollars ($14,000).**".

Page 4, line 4, strike "(a)(7)." and insert "**(a)(8).**".

Page 4, line 9, delete "," and insert "**or (a)(3)(C),**".

Page 4, delete lines 15 through 18, begin a new paragraph and insert:

(i) For purposes of determining the assessed value of the real property, mobile home, or manufactured home under subsection (a)(6) for an individual who has received a deduction under this section in a particular year, increases in assessed value due solely to an annual adjustment of the assessed value under IC 6-1.1-4-4.5 that occur after the later of:

(1) December 31, 2019; or

(2) the first year that the individual has received the deduction;

are not considered.

SECTION 2. IC 6-1.1-12-14, AS AMENDED BY P.L.100-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) Except as provided in subsection (c) and except as provided in section 40.5 of this chapter, an individual may have the sum of ~~twelve thousand four hundred eighty dollars ($12,480)~~ **fourteen thousand dollars ($14,000)** deducted from the assessed value of the ~~tangible~~ **real** property, **mobile home not assessed as real property, or manufactured home not assessed as real property** that the individual owns (or the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home if the contract or a memorandum of the contract is recorded in the county recorder's office) if:

(1) the individual served in the military or naval forces of the United States for at least ninety (90) days;

(2) the individual received an honorable discharge;

(3) the individual either:

(A) has a total disability; or

(B) is at least sixty-two (62) years old and has a disability of at least ten percent (10%);

(4) the individual's disability is evidenced by:

(A) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs; or

(B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section; and

(5) the individual:

(A) owns the real property, mobile home, or manufactured home; or

(B) is buying the real property, mobile home, or manufactured home under contract;

on the date the statement required by section 15 of this chapter is filed.

(b) Except as provided in subsections (c) and (d), the surviving spouse of an individual may receive the deduction provided by this section if: ~~the individual:~~

(1) the individual satisfied the requirements of subsection (a)(1) through (a)(4) at the time of death; **or**

(2) the individual:

(A) was killed in action;

(B) died while serving on active duty in the military or naval forces of the United States; or

(C) died while performing inactive duty training in the military or naval forces of the United States; and the surviving spouse satisfies the requirement of subsection (a)(5) at the time the deduction statement is filed. The surviving spouse is entitled to the deduction regardless of whether the property for which the deduction is claimed was owned by the deceased veteran or the surviving spouse before the deceased veteran's death.

(c) **Except as provided in subsection (f),** no one is entitled to the deduction provided by this section if the assessed value of the individual's Indiana real property, Indiana mobile home not assessed as real property, and Indiana manufactured home not assessed as real property, as shown by the tax duplicate, exceeds the assessed value limit specified in subsection (d).

(d) **Except as provided in subsection (f),** for the:

(1) January 1, 2017, **January 1, 2018, and January 1,**

2019, assessment ~~date and for each assessment date thereafter,~~ **dates,** the assessed value limit for purposes of subsection (c) is one hundred seventy-five thousand dollars ($175,000); **and**

(2) January 1, 2020, assessment date and for each assessment date thereafter, the assessed value limit for purposes of subsection (c) is two hundred thousand dollars ($200,000).

(e) An individual who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section against that real property, mobile home, or manufactured home.

(f) For purposes of determining the assessed value of the real property, mobile home, or manufactured home under subsection (d) for an individual who has received a deduction under this section in a particular year, increases in assessed value due solely to an annual adjustment of the assessed value under IC 6-1.1-4-4.5 that occur after the later of:

(1) December 31, 2019; or

(2) the first year that the individual has received the deduction;

are not considered.

SECTION 3. IC 6-1.1-12-15, AS AMENDED BY P.L.183-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by section 13 or 14 of this chapter must file a statement with the auditor of the county in which the individual resides. With respect to real property, the statement must be completed and dated in the calendar year for which the individual wishes to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

(1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 13 of this chapter;

(2) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 14 of this chapter; or

(3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section. If a deceased veteran's surviving spouse is claiming the deduction, the surviving spouse shall provide the documentation necessary to establish that at the time of death the deceased veteran satisfied the requirements of section 13(a)(1) through 13(a)(4) of this chapter, ~~or~~ section 14(a)(1) through 14(a)(4) of this chapter, **or section 14(b)(2) of this chapter,** whichever applies.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under a contract that provides that the individual is to pay property taxes for the real estate, mobile home, or manufactured home, the statement required by this section must contain the record number and page where the contract or memorandum of the contract is recorded.

SECTION 4. IC 6-1.1-20.6-8.5, AS AMENDED BY P.L.113-2010, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8.5. (a) This section applies to an individual who:

(1) qualified for a standard deduction granted under IC 6-1.1-12-37 for the individual's homestead property in the immediately preceding calendar year (or was married at the time of death to a deceased spouse who qualified for a standard deduction granted under IC 6-1.1-12-37 for the individual's homestead property in the immediately preceding calendar year);

(2) qualifies for a standard deduction granted under IC 6-1.1-12-37 for the same homestead property in the current calendar year;

(3) is or will be at least sixty-five (65) years of age on or before December 31 of the calendar year immediately preceding the current calendar year; and

(4) had:

(A) in the case of an individual who filed a single return, adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding thirty thousand dollars ($30,000); or

(B) in the case of an individual who filed a joint income tax return with the individual's spouse, combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) not exceeding forty thousand dollars ($40,000);

for the calendar year preceding by two (2) years the calendar year in which property taxes are first due and payable.

(b) **Except as provided in subsection (g),** this section does not apply if:

(1) for an individual who received a credit under this section before January 1, 2020, the gross assessed value of the homestead on the assessment date for which property taxes are imposed is at least ~~one hundred sixty thousand dollars ($160,000).~~ **two hundred thousand dollars ($200,000); or**

(2) for an individual who initially applies for a credit under this section after December 31, 2019, the assessed value of the individual's Indiana real property is at least two hundred thousand dollars ($200,000).

(c) An individual is entitled to an additional credit under this section for property taxes first due and payable for a calendar year on a homestead if:

(1) the individual and the homestead qualify for the credit under subsection (a) for the calendar year;

(2) the homestead is not disqualified for the credit under subsection (b) for the calendar year; and

(3) the filing requirements under subsection (e) are met.

(d) The amount of the credit is equal to the greater of zero (0) or the result of:

(1) the property tax liability first due and payable on the homestead property for the calendar year; minus

(2) the result of:

(A) the property tax liability first due and payable on the qualified homestead property for the immediately preceding year after the application of the credit granted under this section for that year; multiplied by

(B) one and two hundredths (1.02).

However, property tax liability imposed on any improvements to or expansion of the homestead property after the assessment date for which property tax liability described in subdivision (2) was imposed shall not be considered in determining the credit granted under this section in the current calendar year.

(e) Applications for a credit under this section shall be filed in the manner provided for an application for a deduction under

IC 6-1.1-12-9. However, an individual who remains eligible for the credit in the following year is not required to file a statement to apply for the credit in the following year. An individual who receives a credit under this section in a particular year and who becomes ineligible for the credit in the following year shall notify the auditor of the county in which the homestead is located of the individual's ineligibility not later than sixty (60) days after the individual becomes ineligible.

(f) The auditor of each county shall, in a particular year, apply a credit provided under this section to each individual who received the credit in the preceding year unless the auditor determines that the individual is no longer eligible for the credit.

(g) For purposes of determining the:

(1) assessed value of the homestead on the assessment date for which property taxes are imposed under subsection (b)(1); or

(2) assessed value of the individual's Indiana real property under subsection (b)(2);

for an individual who has received a credit under this section in a particular year, increases in assessed value due solely to an annual adjustment of the assessed value under IC 6-1.1-4-4.5 that occur after the later of December 31, 2019, or the first year that the individual has received the credit are not considered.

SECTION 5. [EFFECTIVE JULY 1, 2019] **(a) IC 6-1.1-12-9, IC 6-1.1-12-14, IC 6-1.1-12-15, and IC 6-1.1-20.6-8.5, all as amended by this act, apply to assessment dates after December 31, 2019.**

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

Renumber all SECTIONS consecutively.

(Reference is to SB 280 as printed February 20, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 485, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, strike line 42.

Page 3, strike lines 1 through 9.

Page 3, line 10, strike "(c)" and insert "**(b)**".

Page 3, line 11, strike "most recent edition, including addenda, of the".

Page 3, line 11, after "codes" insert "**or their equivalent**".

Page 3, between lines 22 and 23, begin a new line block indented and insert:

"**(7) ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard).**

(8) ASME A17.6 (Standard for Elevator Suspension, Compensation, and Governor Systems).".

Page 3, line 23, strike "(d)".

Page 3, line 23, delete "The".

Page 3, line 23, strike "commission shall adopt the most".

Page 3, strike lines 24 through 26.

Page 3, line 27, strike "(e)" and insert "**(c)**".

Page 3, line 27, strike "adopt" and insert "**review**".

Page 3, line 28, strike "national".

Page 3, line 28, delete "code," and insert "code".

Page 3, line 28, strike "including addenda, to be".

Page 3, line 28, strike "as provided".

Page 3, line 29, strike "subsections (c) and (d)" and insert "**subsection (b)**".

Page 3, delete lines 31 through 33.

Page 3, line 34, delete "(g)" and insert "**(d)**".

Page 3, line 34, delete "(h)," and insert "**(e),**".

Page 3, line 36, strike "(c)," and insert "**(b)**".

Page 3, line 36, strike "(d),".

Page 3, line 36, strike "(e)," and insert "**and (c).**".

Page 3, line 36, delete "and (f).".

Page 3, line 37, delete "(h)" and insert "**(e)**".

Page 3, line 37, delete "(g)" and insert "**(d)**".

Page 5, delete lines 14 through 42.

Delete page 6.

Page 7, delete lines 1 through 32.

Page 9, line 2, delete "as certified by".

Page 9, delete lines 3 through 4.

Page 9, line 5, delete "the commission".

Renumber all SECTIONS consecutively.

(Reference is to SB 485 as printed February 13, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 498, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to ESB 498 as printed March 29, 2019.)

Committee Vote: Yeas 17, Nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 518, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to ESB 518 as printed April 2, 2019.)

Committee Vote: Yeas 16, Nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 565, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 5 with "[EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]".

Replace the effective date in SECTION 7 with "[EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]".

Replace the effective date in SECTION 12 with "[EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]".

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

"SECTION 1. IC 6-2.3-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. **(a)** The receipt of taxable gross receipts from transactions is subject to a tax rate of:

(1) for taxable years beginning before January 1, 2020, one and four-tenths percent (1.4%); **and**

(2) for taxable years beginning after December 31, 2019, a rate determined by the department under subsection (b).

(b) Before September 1, 2019, and before September 1 of each year thereafter, the department shall determine the tax rate that applies in taxable years beginning in the following calendar year and shall publish the tax rate in the Indiana Register. The department shall determine the tax rate by calculating a tax rate that if applied to the taxable gross receipts for the immediately preceding state fiscal year would have resulted in two hundred two million one

hundred forty-nine thousand one hundred seventy-two dollars ($202,149,172) of utility receipts and utility services use taxes being owed for the immediately preceding state fiscal year.".

Page 10, line 34, strike "twenty-five thousand".

Page 10, line 35, strike "dollars ($25,000)." and insert "**the sum of:**

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.".

Page 12, line 39, strike "twenty-five thousand".

Page 12, line 40, strike "dollars ($25,000)." and insert "**the sum of:**

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.".

Page 17, line 4, strike "twenty-five thousand".

Page 17, line 5, strike "dollars ($25,000)." and insert "**the sum of:**

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.".

Page 19, line 18, strike "twenty-five thousand".

Page 19, line 19, strike "dollars ($25,000)." and insert "**the sum of:**

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.".

Page 21, line 26, strike "twenty-five thousand".

Page 21, line 27, strike "dollars ($25,000)." and insert "**the sum of:**

(A) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in clause (B); and

(B) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if:

(i) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(ii) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(iii) the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service.

The amount of deductions allowable for an item of

property under this clause may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.".

Page 22, line 13, delete "(B)" and insert "**(B)**".

Page 23, line 14, after "of the" insert "**earnings and**".

Page 25, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 7. IC 6-3-1-33, AS AMENDED BY P.L.246-2005, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 33. As used in this article, "bonus depreciation" means an amount equal to that part of any depreciation allowance allowed in computing the taxpayer's federal adjusted gross income or federal taxable income that is attributable to the additional first-year special depreciation allowance (bonus depreciation) for qualified property allowed under Section 168(k) of the Internal Revenue Code, including the special depreciation allowance for 50-percent bonus depreciation property. **For taxable years beginning after December 31, 2017, the term does not include any amount of additional first-year special depreciation allowance under Section 168(k) of the Internal Revenue Code in the amount of adjusted gross income realized on the exchange of property that otherwise would have been deferred under Section 1031 of the Internal Revenue Code in effect on January 1, 2017, if:**

(1) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(2) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(3) the taxpayer claimed a deduction for the additional first-year special depreciation allowance under Section 168(k) of the Internal Revenue Code with regard to the acquired property.

For purposes of this section, if the taxpayer elected to claim a deduction under Section 179 of the Internal Revenue Code with regard to an item of acquired property, the adjusted gross income realized on the exchange must be reduced (but not below zero dollars ($0)) by the amount of the deduction under Section 179 of the Internal Revenue Code elected to be claimed on the acquired property.".

Page 33, line 26, after "equals" insert ":

(1)".

Page 33, line 29, delete "(d)(1). For taxable years" and insert "(d)(1); **plus**".

Page 33, delete lines 30 through 33, begin a new line block indented and insert:

"**(2) for taxable years beginning after December 31, 2017, a loss for a taxable year disallowed because of Section 461(l) of the Internal Revenue Code, without any modifications under subsection (d).**".

Page 35, line 1, after "equals" insert ":

(1)".

Page 35, line 5, delete "(d)(1). For taxable years beginning after December 31," and insert "(d)(1); **plus**".

Page 35, delete lines 6 through 8, begin a new line block indented and insert:

"**(2) for taxable years beginning after December 31, 2017, the portion of the loss for a taxable year disallowed because of Section 461(l) of the Internal Revenue Code and incurred from Indiana sources, without any modifications under subsection (d). Any net operating loss under this subdivision shall be computed in a manner consistent with the computation of adjusted gross income under IC 6-3.**".

Page 36, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 10. IC 6-3-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 9. (a) The credit provided by this section shall be known as the unified tax credit for the elderly.

(b) As used in this section, unless the context clearly indicates otherwise:

(1) "Household federal adjusted gross income" means the total adjusted gross income, as defined in Section 62 of the Internal Revenue Code, of an individual, or of an individual and his spouse if they reside together for the taxable year for which the credit provided by this section is claimed.

(2) "Household" means a claimant or, if applicable, a claimant and his or her spouse if the spouse resides with the claimant and "household income" means the income of the claimant or, if applicable, the combined income of the claimant and his or her spouse if the spouse resides with the claimant.

(3) "Claimant" means an individual, other than an individual described in subsection (c) of this section, who:

(A) has filed a claim under this section;

(B) was a resident of this state for at least six (6) months during the taxable year for which he or she has filed a claim under this section; and

(C) was sixty-five (65) years of age during some portion of the taxable year for which he has filed a claim under this section or whose spouse was either sixty-five (65) years of age or over during the taxable year.

(c) The credit provided under this section shall not apply to an individual who, for a period of at least one hundred eighty (180) days during the taxable year for which he has filed a claim under this section, was incarcerated in a local, state, or federal correctional institution.

(d) The right to file a claim under this section shall be personal to the claimant and shall not survive his death, except that a surviving spouse of a claimant is entitled to claim the credit provided by this section. For purposes of determining the amount of the credit a surviving spouse is entitled to claim under this section, the deceased spouse shall be treated as having been alive on the last day of the taxable year in which the deceased spouse died. When a claimant dies after having filed a timely claim, the amount thereof shall be disbursed to another member of the household as determined by the commissioner. If the claimant was the only member of his household, the claim may be paid to his executor or administrator, but if neither is appointed and qualified within two (2) years of the filing of the claim, the amount of the claim shall escheat to the state.

(e) For each taxable year, subject to the limitations provided in this section, one (1) claimant per household may claim, as a credit against Indiana adjusted gross income taxes otherwise due, the credit provided by this section. If the allowable amount of the claim exceeds the income taxes otherwise due on the claimant's household income or if there are no Indiana income taxes due on such income, the amount of the claim not used as an offset against income taxes after audit by the department, at the taxpayer's option, shall be refunded to the claimant or taken as a credit against such taxpayer's income tax liability subsequently due.

~~(f) No claim filed pursuant to this section shall be allowed unless filed within six (6) months following the close of claimant's taxable year or within the extension period if an extension of time for filing the return has been granted under IC 6-8.1-6-1, whichever is later.~~

~~(g)~~ **(f)** The amount of any claim otherwise payable under this section may be applied by the department against any liability outstanding on the books of the department against the claimant, or against any other individual who was a member of his household in the taxable year to which the claim relates.

~~(h)~~ **(g)** The amount of a claim filed pursuant to this section by a claimant that either (i) does not reside with his spouse during

the taxable year, or (ii) resides with his spouse during the taxable year and only one (1) of them is sixty-five (65) years of age or older at the end of the taxable year, shall be determined in accordance with the following schedule:

HOUSEHOLD FEDERAL ADJUSTED GROSS INCOME FOR TAXABLE YEAR	CREDIT
less than $1,000	$100
at least $1,000, but less than $3,000	$ 50
at least $3,000, but less than $10,000	$ 40

~~(i)~~ **(h)** The amount of a claim filed pursuant to this section by a claimant that resides with his spouse during his taxable year shall be determined in accordance with the following schedule if both the claimant and spouse are sixty-five (65) years of age or older at the end of the taxable year:

HOUSEHOLD FEDERAL ADJUSTED GROSS INCOME FOR TAXABLE YEAR	CREDIT
less than $1,000	$ 140
at least $1,000, but less than $3,000	$ 90
at least $3,000, but less than $10,000	$ 80

~~(j)~~ **(i)** The department may promulgate reasonable rules under IC 4-22-2 for the administration of this section.

~~(k)~~ **(j)** Every claimant under this section shall supply to the department on forms provided under IC 6-8.1-3-4, in support of his claim, reasonable proof of household income and age.

~~(l)~~ **(k)** Whenever on the audit of any claim filed under this section the department finds that the amount of the claim has been incorrectly determined, the department shall redetermine the claim and notify the claimant of the redetermination and the reasons therefor. The redetermination shall be final.

~~(m)~~ **(l)** In any case in which it is determined that a claim is or was excessive and was filed with fraudulent intent, the claim shall be disallowed in full, and, if the claim has been paid or a credit has been allowed against income taxes otherwise payable, the credit shall be canceled and the amount paid shall be recovered by assessment as income taxes are assessed and such assessment shall bear interest from the date of payment or credit of the claim, until refunded or paid at the rate determined under IC 6-8.1-10-1. The claimant in such a case commits a Class A misdemeanor. In any case in which it is determined that a claim is or was excessive and was negligently prepared, ten percent (10%) of the corrected claim shall be disallowed and, if the claim has been paid or credited against income taxes otherwise payable, the credit shall be reduced or canceled, and the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed, and such assessment shall bear interest at the rate determined under IC 6-8.1-10-1 from the date of payment until refunded or paid.".

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

"SECTION 12. IC 6-3.6-2-2, AS AMENDED BY P.L.239-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. "Adjusted gross income" has the meaning set forth in IC 6-3-1-3.5. However:

(1) except as provided in subdivision (3), in the case of a local taxpayer who is not treated as a resident local taxpayer of a county **(or a municipality in the case of a local income tax imposed under IC 6-3.6-7-24),** the term includes only adjusted gross income derived from the taxpayer's principal place of business or employment;

(2) in the case of a resident local taxpayer of Perry County, the term does not include adjusted gross income described in IC 6-3.6-8-7; and

(3) in the case of a local taxpayer described in section 13(3) of this chapter, the term includes only that part of the individual's total income that:

(A) is apportioned to Indiana under IC 6-3-2-2.7 or IC 6-3-2-3.2; and

(B) is paid to the individual as compensation for services rendered in the county **(and municipality in the case of a local income tax imposed under IC 6-3.6-7-24)** as a team member or race team member.

SECTION 13. IC 6-3.6-2-13, AS AMENDED BY P.L.239-2017, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. "Local taxpayer", as it relates to a particular county **(or municipality in the case of a local income tax imposed under IC 6-3.6-7-24)** means any of the following:

(1) An individual who resides in that county **(or municipality in the case of a local income tax imposed under IC 6-3.6-7-24)** on the date specified in IC 6-3.6-8-3.

(2) An individual who maintains the taxpayer's principal place of business or employment in that county **(or municipality in the case of a local income tax imposed under IC 6-3.6-7-24)** on the date specified in IC 6-3.6-8-3 and who does not reside on that same date in another county **(or municipality in the case of a local income tax imposed under IC 6-3.6-7-24)** in Indiana in which a tax under this article is in effect.

(3) An individual who:

(A) has income apportioned to Indiana as:

(i) a team member under IC 6-3-2-2.7; or

(ii) a race team member under IC 6-3-2-3.2;

for services rendered in the county; and

(B) is not described in subdivision (1) or (2).

SECTION 14. IC 6-3.6-2-13.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 13.1. "Municipality" means a qualified city (as defined in IC 36-7.6-1-12.5), third class city, or town that:**

(1) is a member of a regional development authority under IC 36-7.6 that is established after June 30, 2019; or

(2) imposed a local income tax under IC 6-3.6-7-24;

unless the context clearly indicates another or different meaning.

SECTION 15. IC 6-3.6-2-15, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. "Resident local taxpayer", as it relates to a particular county **(or a municipality in the case of a local income tax imposed under IC 6-3.6-7-24),** means any local taxpayer who resides in that county **(or municipality in the case of a local income tax imposed under IC 6-3.6-7-24)** on the date specified in IC 6-3.6-8-3.

SECTION 16. IC 6-3.6-3-5, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The auditor of a county **(or the fiscal officer of a municipality in the case of a local income tax imposed under IC 6-3.6-7-24)** shall record all votes taken on ordinances presented for a vote under this article and not more than ten (10) days after the vote, send a certified copy of the results to:

(1) the commissioner of the department of state revenue; and

(2) the commissioner of the department of local government finance;

in an electronic format approved by the commissioner of the department of local government finance.

(b) This subsection applies only to a county that has a local income tax council. The county auditor may cease sending certified copies after the county auditor sends a certified copy of results showing that members of the local income tax council have cast a majority of the votes on the local income tax council for or against the proposed ordinance.

SECTION 17. IC 6-3.6-4-1, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) **Except as otherwise provided in IC 6-3.6-7-24,** a tax is imposed on the adjusted gross income of local taxpayers at a tax rate that is a sum of the tax rates imposed by the county's adopting body and in effect in

the county.

(b) **Except as otherwise provided in IC 6-3.6-7-24,** the combined tax rates imposed under IC 6-3.6-5, IC 6-3.6-6, and IC 6-3.6-7 constitute the tax imposed on the adjusted gross income of local taxpayers in the county.

(c) In addition to the tax imposed in a county under subsection (a), a tax is imposed on the adjusted gross income of local taxpayers in a municipality at a tax rate that is imposed by the municipality under IC 6-3.6-7-24 and in effect in the municipality.

SECTION 18. IC 6-3.6-4-2, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. **(a)** Subject to section 3 of this chapter, a tax rate authorized under IC 6-3.6-5, IC 6-3.6-6, or IC 6-3.6-7 may be adopted, increased, decreased, or rescinded without adopting, increasing, decreasing, or rescinding a tax rate authorized by either of the two (2) other chapters. However, an adopting body may:

(1) adopt, increase, decrease, or rescind a tax authorized under a particular chapter of this article; and

(2) adopt, increase, decrease, or rescind a tax authorized under another chapter of this article;

in the same ordinance.

(b) This section does not apply to a municipality.

SECTION 19. IC 6-3.6-7-24, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24. (a) This section applies only to ~~a county that is~~ a member of a regional development authority under IC 36-7.6.

(b) **After June 30, 2021,** the ~~adopting~~ **fiscal** body ~~for the county~~ **of a member** may impose a tax rate on the adjusted gross income tax of local taxpayers that is not **less than five-tenths percent (0.5%) and not** greater than

~~(1) in the case of a county described in IC 36-7.6-4-2(c)(2), twenty-five thousandths of one percent (0.025%); or~~

~~(2) in the case of any other county to which this section applies, five-hundredths of one percent (0.05%).~~

one percent (1%).

(c) This subsection applies to both counties and municipalities that impose a local income tax rate under this section. If:

(1) a member elects to impose a tax rate under this section; and

(2) the member has adopted a development authority plan (as defined in IC 36-7.6-1-8.1);

the member must impose the tax rate authorized by this section at the local income tax rate specified in the development authority plan.

(d) The following apply if a county imposes a local income tax rate under this section:

(1) A local income tax rate imposed by a county under this section applies only to local taxpayers within the unincorporated territory of the county.

(2) For local taxpayers in the unincorporated territory of the county, a local income tax rate imposed under this section is in addition to any other tax rates imposed under this article.

(e) The following apply if a municipality imposes a local income tax rate under this section:

(1) A local income tax rate imposed by a municipality under this section applies only to local taxpayers within territory of the municipality.

(2) The local income tax is imposed in addition to a tax imposed by the county in which the municipality is located in accordance with IC 6-3.6-4-1(c).

(3) The following provisions of this article apply to a local income tax rate imposed by a municipality under subsection (b):

(A) IC 6-3.6-3 (adoption of the tax).

(B) IC 6-3.6-4 (imposition of the tax), except that IC 6-3.6-4-2 and IC 6-3.6-4-3 do not apply.

(C) IC 6-3.6-8 (administration of the tax).

(4) The following provisions of this article do not apply to a local income tax rate imposed by a municipality under subsection (b):

(A) IC 6-3.6-5 (property tax relief credits).

(B) IC 6-3.6-6 (expenditure rate).

(C) IC 6-3.6-10 (permitted expenditures).

(D) IC 6-3.6-11 (supplemental allocation and distribution requirements).

(f) The amount of the tax revenue that is from the local income tax rate imposed under subsection (b) and that is collected for a calendar year shall be distributed to the fiscal officer of the member that imposed the tax before July 1 of the next calendar year.

~~(c)~~ **(g)** The revenue from a tax under this section ~~may~~ **must** be used only for the ~~purpose of transferring~~ **following purposes:**

(1) Fifty percent (50%) of the revenue ~~in~~ **shall be transferred to** the regional development authority under IC 36-7.6.

(2) Fifty percent (50%) of the revenue shall be transferred to the member that imposed the tax rate for deposit in the member's general fund and may be used for any lawful purpose.

(h) If a member of a regional development authority imposes a tax rate under this section, the regional development authority, in cooperation with the department and the Indiana office of technology, shall develop geographic information system (GIS) codes for the properties in the applicable geographic territory of the member, in accordance with guidelines issued by the department. The regional development authority shall provide the department with any information necessary for the department to use GIS codes and data to collect the local income tax imposed by the member under this section in the applicable geographic territory of the member. The regional development authority shall update the information provided to the department and the Indiana office of technology before July 1 of each year.

SECTION 20. IC 6-3.6-8-3, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) For purposes of this article, an individual shall be treated as a resident of the county **(or the municipality in the case of a local income tax imposed under IC 6-3.6-7-24)** in which the individual:

(1) maintains a home, if the individual maintains only one (1) home in Indiana;

(2) if subdivision (1) does not apply, is registered to vote;

(3) if subdivision (1) or (2) does not apply, registers the individual's personal automobile; or

(4) spent the majority of the individual's time in Indiana during the taxable year in question, if subdivision (1), (2), or (3) does not apply.

(b) The residence or principal place of business or employment of an individual is to be determined on January 1 of the calendar year in which the individual's taxable year commences. If an individual changes the location of the individual's residence or principal place of employment or business to another county **(or municipality in the case of a local income tax imposed under IC 6-3.6-7-24)** in Indiana during a calendar year, the individual's liability for tax is not affected.

(c) Notwithstanding subsection (b), if an individual becomes a local taxpayer for purposes of IC 36-7-27 during a calendar year because the individual:

(1) changes the location of the individual's residence to a county **or municipality** in which the individual begins employment or business at a qualified economic development tax project (as defined in IC 36-7-27-9); or

(2) changes the location of the individual's principal place of employment or business to a qualified economic

development tax project and does not reside in another county **or municipality** in which a tax is in effect;

the individual's adjusted gross income attributable to employment or business at the qualified economic development tax project is taxable only by the county **or municipality** containing the qualified economic development tax project.

SECTION 21. IC 6-3.6-8-4, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Using procedures provided under this chapter, the adopting body of any adopting county **or municipality** may pass an ordinance to enter into reciprocity agreements with the taxing authority of any city, town, municipality, county, or other similar local governmental entity of any other state. The reciprocity agreements must provide that the income of resident local taxpayers is exempt from income taxation by the other local governmental entity to the extent income of the residents of the other local governmental entity is exempt from the tax in the adopting county.

(b) A reciprocity agreement adopted under this section may not become effective until it is also made effective in the other local governmental entity that is a party to the agreement.

(c) The form and effective date of any reciprocity agreement described in this section must be approved by the department.

SECTION 22. IC 6-3.6-8-5, AS AMENDED BY P.L.197-2016, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as otherwise provided in subsection (b) and the other provisions of this article, all provisions of the adjusted gross income tax law (IC 6-3) concerning:

(1) definitions;

(2) declarations of estimated tax;

(3) filing of returns;

(4) deductions or exemptions from adjusted gross income;

(5) remittances;

(6) incorporation of the provisions of the Internal Revenue Code;

(7) penalties and interest; and

(8) exclusion of military pay credits for withholding;

apply to the imposition, collection, and administration of the tax imposed by this article.

(b) IC 6-3-3-3, IC 6-3-3-5, and IC 6-3-5-1 do not apply to the tax imposed by this article.

(c) Notwithstanding subsections (a) and (b), each employer shall report to the department of state revenue the amount of withholdings attributable to each county **(or each municipality in the case of a local income tax imposed under IC 6-3.6-7-24).** This report shall be submitted to the department of state revenue:

(1) each time the employer remits to the department the tax that is withheld; and

(2) annually along with the employer's annual withholding report.".

Page 38, line 42, strike "twenty-five thousand dollars ($25,000)." and insert "**the sum of:**

(i) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in item (ii); and

(ii) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017, the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code, and the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service. The amount of deductions allowable for an item of property under this item may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.".

Page 40, line 5, strike "twenty-five".

Page 40, line 6, strike "thousand dollars ($25,000)." and insert "**the sum of:**

(i) twenty-five thousand dollars ($25,000) to the extent deductions under Section 179 of the Internal Revenue Code were not elected as provided in item (ii); and

(ii) for taxable years beginning after December 31, 2017, the deductions elected under Section 179 of the Internal Revenue Code on property acquired in an exchange if the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017, the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code, and the taxpayer made an election to take deductions under Section 179 of the Internal Revenue Code with regard to the acquired property in the year that the property was placed into service. The amount of deductions allowable for an item of property under this item may not exceed the amount of adjusted gross income realized on the property that would have been deferred under the Internal Revenue Code in effect on January 1, 2017.".

Page 42, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 14. IC 6-5.5-1-20, AS AMENDED BY P.L.246-2005, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 20. As used in this article, "bonus depreciation" means an amount equal to that part of any depreciation allowance allowed in computing the taxpayer's federal taxable income that is attributable to the additional first-year special depreciation allowance (bonus depreciation) for qualified property allowed under Section 168(k) of the Internal Revenue Code, including the special depreciation allowance for 50-percent bonus depreciation property. **For taxable years beginning after December 31, 2017, the term does not include any amount of additional first-year special depreciation allowance under Section 168(k) of the Internal Revenue Code in the amount of adjusted gross income realized on the exchange of property that otherwise would have been deferred under Section 1031 of the Internal Revenue Code in effect on January 1, 2017, if:**

(1) the exchange would have been eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code in effect on January 1, 2017;

(2) the exchange is not eligible for nonrecognition of gain or loss under Section 1031 of the Internal Revenue Code; and

(3) the taxpayer claimed a deduction for the additional first-year special depreciation allowance under Section 168(k) of the Internal Revenue Code with regard to the acquired property.

For purposes of this section, if the taxpayer elected to claim a deduction under Section 179 of the Internal Revenue Code with regard to an item of acquired property, the adjusted gross income realized on the exchange must be reduced (but not below zero dollars ($0)) by the amount of the deduction under Section 179 of the Internal Revenue Code elected to be claimed on the acquired property.".

Page 48, between lines 6 and 7, begin a new paragraph and insert:

"**(c) For a taxable period beginning after December 31, 2019, whenever a taxpayer makes a partial payment on the taxpayer's tax liability, the department shall apply the partial payment in the following order:**

(1) To any registration or transfer fee owed by the taxpayer.

(2) To any excise tax owed by the taxpayer.

(3) To any late penalty first and then toward interest on the excise tax owed by the taxpayer.

(4) To any gross retail or use tax owed by the taxpayer.

(5) To any late penalty first and then toward interest on gross retail or use tax owed by the taxpayer.".

Page 48, line 7, strike "(c)".

Page 48, line 7, delete "When" and insert "**(d) For a taxable period beginning before January 1, 2020,** when".

Page 48, reset in roman lines 11 through 12.

Page 48, line 13, reset in roman "(3)".

Page 48, line 13, delete "(2)".

Page 48, line 14, reset in roman "(4)".

Page 48, line 14, delete "(3)".

Page 48, line 14, delete "first".

Page 48, line 14, delete "then toward".

Page 48, line 14, reset in roman "gross".

Page 48, line 15, reset in roman "retail or use".

Page 48, line 15, delete "the excise".

Page 48, line 16, reset in roman "(5)".

Page 48, line 16, delete "(4)".

Page 48, delete lines 17 through 18.

Page 57, line 11, after "1.5." delete "Whenever" and insert "**(a) For a taxable period beginning after December 31, 2019, whenever a taxpayer makes a partial payment on the taxpayer's tax liability, the department shall apply the partial payment in the following order:**

(1) To the tax liability of the taxpayer.

(2) To any penalty owed by the taxpayer.

(3) To any interest owed by the taxpayer.

(b) For a taxable period beginning before January 1, 2020, whenever".

Page 57, line 14, reset in roman "any penalty owed by".

Page 57, line 14, delete "tax liability of the".

Page 57, line 15, reset in roman "interest".

Page 57, line 15, delete "penalty".

Page 57, line 16, reset in roman "the tax liability of".

Page 57, line 16, delete "any interest owed by".

Page 68, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 41. IC 6-9-54 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 54. Regional Development Food and Beverage Tax

Sec. 1. This chapter applies to a member of a development authority that has adopted a development authority plan.

Sec. 2. The following definitions apply throughout this chapter:

(1) The definitions in IC 6-9-12-1.

(2) "Development authority" has the meaning set forth in IC 36-7.6-1-8.

(3) "Development authority plan" has the meaning set forth in IC 36-7.6-1-8.1.

(4) "Fiscal body" has the meaning set forth in IC 36-1-2-6.

(5) "Fiscal officer" has the meaning set forth in IC 36-1-2-7.

(6) "Food and beverage tax territory" of a member means:

(A) for a member that is a county, the unincorporated territory of the county; or

(B) for a member that is a city or town, the territory of the city or town.

(7) "Member" means a county, city, or town that is a member of a development authority.

Sec. 3. (a) After June 30, 2021, the fiscal body of a member may adopt an ordinance to impose an excise tax, known as the regional development food and beverage tax, on transactions described in section 4 of this chapter. The fiscal body of the member may adopt an ordinance under this subsection only after the fiscal body has previously held at least one (1) separate public hearing in which a discussion of the proposed ordinance to impose the regional development food and beverage tax is the only substantive issue on the agenda for the public hearing.

(b) If the fiscal body of a member elects to impose the regional development food and beverage tax, the regional development food and beverage tax must be imposed at the food and beverage tax rate that is specified in the development authority plan adopted by the member on the gross retail income received by the merchant from a food or beverage transaction described in section 4 of this chapter. If a member adopts a revised development plan, the food and beverage tax rate specified in the development is changed, and the member continues to impose the regional development food and beverage tax, the fiscal body of the member shall adopt an ordinance in the manner described in subsection (a) to increase or decrease the tax rate at which the regional development food and beverage tax is imposed to match the food and beverage tax rate specified in the revised development plan.

(c) Except as otherwise provided in subsection (f), if an ordinance imposing the regional development food and beverage tax is in effect in the food and beverage tax territory of the member, the fiscal body of the member may rescind the ordinance imposing the regional development food and beverage tax. However, except as otherwise provided in subsection (f), if the fiscal body of a member has imposed the regional development food and beverage tax and the member terminates the member's participation in a development authority, the fiscal body of the member shall rescind the ordinance imposing the regional development food and beverage tax.

(d) If the fiscal body of a member adopts an ordinance under this section, the fiscal body of the member shall immediately send a certified copy of the ordinance to the department of state revenue and the applicable regional development authority.

(e) If the fiscal body of a member adopts an ordinance under this section, the regional development food and beverage tax applies to transactions that occur after the later of the following:

(1) The day specified in the ordinance.

(2) The last day of the month that succeeds the month in which the ordinance is adopted.

(f) If the member's regional development food and beverage tax revenue was pledged for the payment of principal and interest on bonds issued or leases entered into under IC 36-7.6, the fiscal body of the member may not rescind an ordinance imposing the regional development food and beverage tax until the obligations are paid in full.

Sec. 4. (a) Except as provided in subsection (c), a tax imposed under section 3 of this chapter by a member applies to a transaction in which a food or beverage is furnished, prepared, or served:

(1) by a retail merchant for consideration;

(2) for consumption at a location or on equipment provided by the retail merchant; and

(3) in the food and beverage tax territory of the member.

(b) Transactions described in subsection (a)(1) include transactions in which food or beverage is:

(1) served by a retail merchant off the merchant's premises;

(2) food sold in a heated state or heated by a retail merchant;

(3) made of two (2) or more food ingredients, mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or

(4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or package used to transport the food).

(c) The regional development food and beverage tax does not apply to the furnishing, preparing, or serving of a food or beverage in a transaction that is exempt, or to the extent the transaction is exempt, from the state gross retail tax imposed by IC 6-2.5.

Sec. 5. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

Sec. 6. (a) A tax imposed under this chapter shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed with the payment of the tax imposed under this chapter may be made on a separate return or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

(b) If a member of a regional development authority imposes the regional development food and beverage tax, the regional development authority, in cooperation with the department and the Indiana office of technology, shall develop geographic information system (GIS) codes for the properties in the food and beverage tax territory of the member, in accordance with guidelines issued by the department. The regional development authority shall provide the department with any information necessary for the department to use GIS codes and data to collect the regional development food and beverage tax in the food and beverage tax territory of the member. The regional development authority shall update the information provided to the department and the Indiana office of technology before July 1 of each year.

Sec. 7. The amounts received from the tax imposed under this chapter shall be paid monthly by the treasurer of state to the fiscal officer of the member upon warrants issued by the auditor of state.

Sec. 8. (a) If a tax is imposed under section 3 of this chapter by a member, the fiscal officer of the member shall establish a regional development food and beverage tax receipts fund.

(b) The fiscal officer of the member shall deposit in the fund all amounts received under this chapter.

(c) Money earned from the investment of money in the fund becomes a part of the fund.

Sec. 9. Money in the regional development food and beverage tax receipts fund must be used by the member only for the following purposes:

(1) Fifty percent (50%) shall be transferred to the regional development authority and must be used to satisfy a member's required contribution to the development authority under IC 36-7.6-4-2.

(2) Fifty percent (50%) shall be transferred to the member that imposed the tax for deposit in the member's general fund and may be used by the member for any lawful purpose.

Revenue derived from the imposition of a tax under this chapter may be treated by the member as additional revenue for the purpose of fixing its budget for the budget year during which the revenues are to be distributed to the city.

Sec. 10. With respect to obligations for which a pledge has been made under section 9 of this chapter, the general assembly covenants with the holders of the obligations that this chapter will not be repealed or amended in a manner that will adversely affect the imposition or collection of the tax imposed under this chapter if the payment of any of the obligations is outstanding.".

Page 69, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 43. IC 36-7.6-1-8.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 8.1. "Development authority plan" refers to the plan adopted by the fiscal body of each member of a development authority under IC 36-7.6-2-11.5.**

SECTION 44. IC 36-7.6-1-11.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 11.1. "Food and beverage tax" refers to the regional development food and beverage tax under IC 6-9-54.**

SECTION 45. IC 36-7.6-2-3, AS AMENDED BY P.L.178-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A development authority may be established by any of the following:

~~(1) One (1) or more counties and one (1) or more adjacent counties.~~

~~(2) One (1) or more counties and one (1) or more qualified cities in adjacent counties.~~

~~(3) One (1) or more qualified cities and one (1) or more qualified cities in adjacent counties.~~

(1) Any combination of two (2) or more:

(A) counties;

(B) qualified cities;

(C) third class cities; or

(D) towns;

if the total combined population equals or exceeds one hundred thousand (100,000).

(2) Any combination of five (5) or more:

(A) counties;

(B) qualified cities;

(C) third class cities; or

(D) towns;

if the total combined population does not exceed one hundred thousand (100,000).

For the purposes of determining the population of a county under this subsection, the population of the county does not include the populations of any qualified cities, third class cities, or towns in the county that are seeking to establish a development authority with the county. A development authority established under this section before July 1, 2019, continues in existence after June 30, 2019, unless otherwise terminated under this article.

(b) A county, ~~or~~ qualified city, **third class city, or town** may participate in the establishment of a development authority under this section and become a member of the development authority only if the fiscal body of the county, ~~or~~ qualified city, **third class city, or town** adopts an ordinance authorizing the county, ~~or~~ qualified city, **third class city, or town** to participate in the establishment of the development authority.

(c) **This subsection does not apply to the members of a development authority that is formed after June 30, 2019.** When a county establishes a development authority with another unit as provided in this chapter, each qualified city and third class city in the county also becomes a member of the development authority, without further action by the qualified city, **the** third class city, or the development authority.

(d) Notwithstanding any other provision of this article, a county or municipality may be a member of only one (1) development authority.

(e) Notwithstanding any other provision of this article, a

county or municipality that is a member of the northwest Indiana regional development authority under IC 36-7.5 may not be a member of a development authority under this article.

(f) A development authority shall notify the Indiana economic development corporation in writing promptly after the development authority is established.

SECTION 46. IC 36-7.6-2-4, AS AMENDED BY P.L.178-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A county that:

(1) is not a member of a development authority; and

(2) is adjacent to a county that:

(A) is a member of a development authority; or

(B) contains a member of a development authority;

may join that development authority under this article.

(b) A qualified city or a third class city that:

(1) is not a member of a development authority; and

(2) is located in a county that:

(A) is adjacent to a county that is a member of a development authority; or

(B) is adjacent to a county containing a member of a development authority;

may join that development authority under this article.

(c) A town that:

(1) is not a member of a development authority; and

(2) is located in a county that:

(A) is a member of a development authority;

(B) is adjacent to a county that is a member of a development authority; or

(C) is adjacent to a county containing a member of a development authority;

may join that development authority under this article.

(d) A county or qualified city described in subsection (a), (b), or (c) may join a development authority under this article only if:

(1) the fiscal body of the county, qualified city, third class city, or town adopts an ordinance authorizing the county, qualified city, third class city, or town to become a member of the development authority; and

(2) the development board of the development authority adopts a resolution authorizing the county, qualified city, third class city, or town to become a member of the development authority.

(e) A county, qualified city, third class city, or town becomes a member of a development authority upon passage of a resolution under subsection (d)(2) authorizing the county, qualified city, third class city, or town to become a member of the development authority.

(f) **This subsection does not apply to the members of a development authority that is formed after June 30, 2019.** Notwithstanding subsection (e), if a county joins a development authority under this section, each qualified city and third class city in the county also becomes a member of the development authority, without further action by the qualified city, **the** third class city, or the development authority.

(g) A development authority shall notify the Indiana economic development corporation promptly in writing when a new member joins the development authority.

SECTION 47. IC 36-7.6-2-5, AS AMENDED BY P.L.178-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) This section applies to a county, qualified city, third class city, or town authorized to establish or join a development authority under this article.

(b) A county, qualified city, third class city, or town described in subsection (a) shall be a member of the development authority for at least ~~eight (8)~~ **twelve (12)** years **and not more than twenty-two (22) years** after the date the county, qualified city, third class city, or town becomes a member of the development authority.

(c) At least twelve (12) months and not more than eighteen (18) months before the end of a county's, qualified city's, third class city's, or town's membership period under subsection (b) or this subsection, the county, qualified city, third class city, or town described in subsection (a) must adopt an ordinance that:

(1) commits the county, qualified city, third class city, or town to **at least** an additional ~~eight (8)~~ **twelve (12)** years **and not more than twenty-two (22) years** as a member of the development authority, beginning at the end of the current membership period; or

(2) withdraws the county, qualified city, third class city, or town from membership in the development authority not earlier than the end of the current membership period.

(d) A county, qualified city, third class city, or town described in subsection (a) may withdraw from a development authority as provided in this section without the approval of the development board. However, the withdrawal of a county does not affect the membership of a qualified city or third class city that became a member of the development authority as a result of the county's membership.

(e) If at the end of a county's membership period a county described in subsection (a) does not withdraw from the development authority under this section and remains a member of the development authority, the qualified cities and third class cities in the county may not withdraw from the development authority and remain members of the development authority.

(f) A development authority shall notify the Indiana economic development corporation promptly in writing when a member withdraws from the development authority.

SECTION 48. IC 36-7.6-2-7, AS AMENDED BY P.L.178-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) A development authority is governed by a development board appointed under this section.

(b) A development board is composed of five (5) members appointed by written agreement of the executives of the members of the development authority. **However, for a development authority:**

(1) established after June 30, 2019; or

(2) whose members have adopted a resolution to be covered by section 11.5 of this chapter;

the development board is composed of the executives of the members of the development authority.

(c) **This subsection applies to a development authority established before July 1, 2019, and that is not covered by subsection (b)(2).** A member appointed to the development board:

(1) may not be an elected official or an employee of a member county or municipality; and

(2) must have knowledge of and at least five (5) years professional work experience in at least one (1) of the following:

(A) Transportation.

(B) Regional economic development.

(C) Business or finance.

(D) Private, nonprofit sector, or academia.

SECTION 49. IC 36-7.6-2-9, AS AMENDED BY P.L.178-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) **This subsection applies to a development authority established before July 1, 2019, and that is not covered by section 7(b)(2) of this chapter.** A member appointed to a development board serves a four (4) year term. A member may be reappointed to subsequent terms.

(b) **This subsection applies to a development authority established before July 1, 2019, and that is not covered by section 7(b)(2) of this chapter.** A member of a development board may only be removed from the development board before the expiration of the four (4) year term by written agreement of at least three-fourths (3/4) of the executives of the members of the development authority.

(c) **This subsection applies to a development authority established before July 1, 2019, and that is not covered by section 7(b)(2) of this chapter.** If a vacancy occurs on a

development board, the executives of the members of the development authority at the time of the vacancy shall fill the vacancy by appointing a new member for the remainder of the vacated term and as otherwise provided in subsection (a).

(d) This subsection applies to a development authority established after June 30, 2019, or that is covered by section 7(b)(2) of this chapter. A member of a development board who ceases to be an executive of a member of the development authority simultaneously ceases to be a member of the development board. The vacancy shall be filled by the next executive of the member of the development authority.

~~(d)~~ **(e)** Each member ~~appointed to~~ **of** a development board, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the development board.

~~(e)~~ **(f)** A member ~~appointed to~~ **of** a development board is not entitled to receive any compensation for performance of the member's duties. However, a member is entitled to a per diem from the development authority for the member's participation in development board meetings. The amount of the per diem is equal to the amount of the per diem provided under IC 4-10-11-2.1(b).

SECTION 50. IC 36-7.6-2-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 11.5. (a) This section applies to the members of a development authority that is:**

(1) established after June 30, 2019; or

(2) established before July 1, 2019, if the fiscal body of each member adopts a substantially similar resolution to be covered by this section.

(b) The fiscal bodies of counties or municipalities that are members of a development authority shall each adopt by substantially similar resolutions a development authority plan for the development authority.

(c) A development authority plan must include the following:

(1) The tax rates that each member must adopt under:

(A) IC 6-3.6-7-24; or

(B) IC 6-9-54.

(2) A description of the method to be used in determining the weight of each member's vote in the development authority, which may include factors such as population, anticipated annual revenue contribution to the development authority, or other factors that the development authority considers relevant for establishing the weight of each member's vote for purposes of conducting development authority business.

(d) The following apply to the revenue sources described in subsection (c)(1) that are to be pledged to the development authority:

(1) After June 30, 2021, each member shall impose either:

(A) the local income tax rate under IC 6-3.6-7-24; or

(B) the regional development food and beverage tax under IC 6-9-54;

while the member continues its membership in the regional development authority.

(2) Each member may independently elect whether to impose:

(A) the local income tax rate under IC 6-3.6-7-24; or

(B) the regional development food and beverage tax under IC 6-9-54.

(3) If a member elects to impose the local income tax rate under IC 6-3.6-7-24, the member must impose the local income tax under IC 6-3.6-7-24 at the local income tax rate specified in the development authority plan.

(4) If a member elects to impose the regional development food and beverage tax under IC 6-9-54, the member must impose the regional development food and beverage tax at the food and beverage tax rate specified in the development authority plan.

SECTION 51. IC 36-7.6-2-14, AS AMENDED BY P.L.237-2017, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) The office of management and budget shall contract with a certified public accountant for an annual financial audit of each development authority. The certified public accountant may not have a significant financial interest, as determined by the office of management and budget, in a project, facility, or service funded by or leased by or to any development authority.

(b) The certified public accountant shall present an audit report not later than four (4) months after the end of each calendar year and shall make recommendations to improve the efficiency of development authority operations. The certified public accountant shall also perform a study and evaluation of internal accounting controls and shall express an opinion on the controls that were in effect during the audit period.

(c) A development authority shall pay the cost of the annual financial audit under subsection (a). In addition, the state board of accounts may at any time conduct an audit of any phase of the operations of a development authority. ~~A development authority shall pay the cost of any audit by the state board of accounts.~~

(d) The office of management and budget may waive the requirement that a certified public accountant perform an annual financial audit of a development authority for a particular year if the development authority certifies to the office of management and budget that the development authority had no financial activity during that year.

SECTION 52. IC 36-7.6-3-2, AS AMENDED BY P.L.86-2018, SECTION 351, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A development authority may do any of the following:

(1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and projects that are of regional importance.

(2) Lease land or a project to an eligible political subdivision.

(3) Finance and construct additional improvements to projects or other capital improvements owned by the development authority and lease them to or for the benefit of an eligible political subdivision.

(4) Construct or reconstruct highways, roads, and bridges.

(5) Acquire land or all or a part of one (1) or more projects from an eligible political subdivision by purchase or lease and lease the land or projects back to the eligible political subdivision, with any additional improvements that may be made to the land or projects.

(6) Acquire all or a part of one (1) or more projects from an eligible political subdivision by purchase or lease to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome.

(7) Make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of the following:

(A) A commuter transportation district.

(B) An airport authority.

(C) A regional transportation authority. A loan, a loan guarantee, a grant, or other financial assistance under this clause may be used by a regional transportation authority for acquiring, improving, operating, maintaining, financing, and supporting the following:

(i) Bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system.

(ii) Bus terminals, stations, or facilities or other

regional bus authority projects.

(D) A county.

(E) A municipality.

(8) Provide funding to assist a railroad that is providing commuter transportation services in a county containing territory included in the development authority.

(9) Provide funding to assist an airport authority located in a county containing territory included in the development authority in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(10) Provide funding for intermodal transportation projects and facilities.

(11) Provide funding for regional trails and greenways.

(12) Provide funding for economic development projects.

(13) Provide funding for regional transportation infrastructure projects under IC 36-9-43.

(14) Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation (subject to subsection (d)), lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property.

(15) After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project.

(16) Make or enter into all contracts and agreements necessary or incidental to the performance of the development authority's duties and the execution of the development authority's powers under this article.

(17) Sue, be sued, plead, and be impleaded.

(18) Design, order, contract for, construct, reconstruct, and renovate a project or improvements to a project.

(19) Appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees that are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.

(20) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source.

(21) Use the development authority's funds to match federal grants or make loans, loan guarantees, or grants to carry out the development authority's powers and duties under this article.

(22) Issue bonds under IC 36-7.6-4-3.

~~(22)~~ **(23)** Except as prohibited by law, take any action necessary to carry out this article.

(b) Projects funded by a development authority must be of regional importance.

(c) If a development authority is unable to agree with the owners, lessees, or occupants of any real property selected for the purposes of this article, the development authority may (subject to subsection (d)) proceed under IC 32-24-1 to procure the condemnation of the property. The development authority may not institute a proceeding until it has adopted a resolution that:

(1) describes the real property sought to be acquired and the purpose for which the real property is to be used;

(2) declares that the public interest and necessity require the acquisition by the development authority of the property involved; and

(3) sets out any other facts that the development authority considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the proposed acquisition.

(d) A development authority may exercise the power of eminent domain as provided in subsections (a)(14) and (c) concerning a particular property only if that exercise of the power of eminent domain is approved by:

(1) the legislative body of the municipality in which the property is located; or

(2) the legislative body of the county in which the property is located, if the property is not located within a municipality.

SECTION 53. IC 36-7.6-3-5, AS AMENDED BY P.L.237-2017, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. ~~(a)~~ A development authority **that applies for a grant or loan under IC 5-28-38** shall prepare a comprehensive strategic development plan that includes detailed information concerning the following:

(1) The proposed projects ~~to be undertaken or financed~~ **for which the grant or loan is sought** by the development authority.

(2) The following information for each project included under subdivision (1):

(A) Timeline and budget.

(B) The return on investment.

(C) The projected or expected need for an ongoing subsidy.

(D) Any projected or expected federal matching funds.

~~(b) The development authority shall, not later than January 1 of the second year following the year in which the development authority is established, submit the comprehensive strategic development plan for review by the budget committee and approval by the director of the office of management and budget and the Indiana economic development corporation. However, a development authority that has already submitted its comprehensive strategic development plan as part of an application for a grant or a loan under IC 5-28-37 (before its repeal) or IC 5-28-38 is not required to resubmit its comprehensive strategic development plan under this subsection.~~

SECTION 54. IC 36-7.6-4-1, AS AMENDED BY P.L.178-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A development board shall establish and administer a development authority fund.

(b) A development authority fund consists of the following:

(1) Amounts transferred under section 2 of this chapter by each county and municipality that is a member of the development authority.

(2) Amounts transferred to the fund by each county or municipality that is a member of the development authority, including any payments required under an interlocal agreement ~~entered into under section 3(h) of this chapter.~~ **for a project that specifically states:**

(A) the amount for which each member is responsible; and

(B) the term of the agreement.

The transfers allowed by this subdivision may be made from any local revenue of the county or municipality, including property tax revenue, **food and beverage tax revenue,** distributions, incentive payments, money deposited in the county's or municipality's local major moves construction fund under IC 8-14-16, money received by the county or municipality under a development agreement (as defined by IC 36-1-8-9.5), or any other local revenue that is not otherwise restricted by law or committed for the payment of other obligations.

(3) Appropriations, grants, or other distributions made to the fund by the state.

(4) Money received from the federal government.

(5) Gifts, contributions, donations, and private grants made to the fund.

(6) Money transferred to the redevelopment authority under an interlocal agreement entered into under section 6(b)(3) of this chapter.

(c) On the date a development authority issues bonds for any purpose under this article, which are secured in whole or in part by the development authority fund, the development board

shall, **in addition to the general account,** establish and administer ~~two (2) accounts within the development authority fund. The accounts must be the general account and the lease rental~~ **a debt service** account. After the ~~accounts are~~ **debt service account is** established, ~~all~~ **an amount of** money **that is sufficient to meet the requirements specified in the agreements governing the development authority's outstanding debt obligations shall be** transferred to the development authority fund under subsection (b)(1) **and** shall be deposited in the ~~lease rental~~ **debt service** account and used only for the payment of or to secure the payment of **outstanding debt** obligations of ~~an eligible political subdivision under a lease entered into by the eligible political subdivision and~~ the development authority. ~~under this chapter. However, any money deposited in the lease rental account and not used for the purposes of this subsection shall be returned by the secretary-treasurer of the development authority to the unit that contributed the money to the development authority.~~

~~(d) Notwithstanding subsection (c), if the amount of all money transferred to a development authority fund under subsection (b)(1) for deposit in the lease rental account in any one (1) calendar year is greater than an amount equal to the product of:~~

~~(1) one and twenty-five hundredths (1.25); multiplied by~~

~~(2) the total of the highest annual debt service on any bonds then outstanding to their final maturity date, which have been issued under this article and are not secured by a lease, plus the highest annual lease payments on any leases to their final maturity, which are then in effect under this article;~~

~~then all or a part of the excess may instead be deposited in the general account.~~

~~(e)~~ **(d)** All other money and revenue of a development authority may be deposited in the general account or the ~~lease rental~~ **debt service** account at the discretion of the development board. Money on deposit in the ~~lease rental~~ **debt service** account may be used only to make **payments of principal and interest on debt obligations issued or** rental payments on leases entered into by the development authority under this article. Money on deposit in the general account may be used for any purpose authorized by this article.

~~(f)~~ **(e)** A development authority fund shall be administered by the development authority that established the development authority fund.

~~(g)~~ **(f)** Money in a development authority fund shall be used by the development authority to carry out this article and does not revert to any other fund.

SECTION 55. IC 36-7.6-4-2, AS AMENDED BY P.L.197-2016, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. ~~(a) This section applies only to a development authority and its member counties and municipalities to the extent necessary to make required payments and maintain a required reserve for debt obligations or leases that were issued or entered into by the development authority before May 1, 2015.~~

~~(b)~~ **(a)** Beginning January 1 of the year following the year in which a development authority is established, the fiscal officer of each county and each municipality that is a member of the development authority shall transfer the amount determined under subsection ~~(c)~~ **(b)** to the development authority for deposit in the development authority fund.

~~(c)~~ **(b)** The amount of the transfer required each year by subsection ~~(b)~~ **(a)** from each county and each municipality is equal to the following:

(1) Except as provided in subdivision (2), **(3), or (4),** the amount that would be distributed to the county or the municipality as certified distributions of local income tax revenue raised from a local income tax rate of five-hundredths of one percent (0.05%) in the county that is dedicated to economic development purposes under IC 6-3.6-6.

(2) In the case of a county or municipality that becomes a member of a development authority after June 30, 2011, and before July 1, 2013, the amount that would be distributed to the county or municipality as certified distributions of local income tax revenue raised from a local income tax rate of twenty-five thousandths of one percent (0.025%) in the county that is dedicated to economic development purposes under IC 6-3.6-6.

(3) In the case of a county or municipality that becomes a member of a development authority after June 30, 2019, fifty percent (50%) of the revenue that would be distributed to the county or municipality from the imposition of either of the following, as applicable:

(A) The local income tax revenue raised under IC 6-3.6-7-24.

(B) The regional development food and beverage tax revenue raised under IC 6-9-54.

(4) In the case of a development authority formed before July 1, 2019, that elects to be governed under this subdivision, fifty percent (50%) of the amount that would be distributed to the county or municipality from the imposition of either of the following, as applicable:

(A) The local income tax revenue raised under IC 6-3.6-7-24.

(B) The regional development food and beverage tax revenue raised under IC 6-9-54.

(c) A development authority is not eligible to operate under subsection (b)(4) until the fiscal body of each county and each municipality that is a member of the development authority adopts an ordinance:

(1) imposing a local income tax under IC 6-3.6-7-24 at the local income tax rate specified in the development authority plan; or

(2) imposing the regional development food and beverage tax under IC 6-9-54 at the food and beverage tax rate specified in the development authority plan.

(d) Notwithstanding subsection ~~(c),~~ **(b),** if the additional local income tax rate permitted under IC 6-3.6-7-24 **or the regional development food and beverage tax permitted under IC 6-9-54** is in effect in a county, the obligations of the county and each municipality in the county under this section are satisfied by the transfer to the development fund of ~~all local income tax revenue derived from the additional tax and deposited in the county regional development authority fund.~~ **fifty percent (50%) of revenue derived from:**

(1) the additional local income tax imposed under IC 6-3.6-7-24; or

(2) the regional development food and beverage tax imposed under IC 6-9-54;

and deposited in the county regional development authority fund.

(e) The following apply to the transfers required by this section:

(1) The transfers shall be made without appropriation by the fiscal body of the county or the fiscal body of the municipality.

(2) Except as provided in subdivision (3), the fiscal officer of each county and each municipality that is a member of the development authority shall transfer twenty-five percent (25%) of the total transfers due for the year before the last business day of January, April, July, and October of each year.

(3) Local income tax revenue derived from the additional local income tax rate permitted under IC 6-3.6-7-24 **or the regional development food and beverage tax under IC 6-9-54** must be transferred to the development fund not more than thirty (30) days after being deposited in the county regional development fund.

(4) This subdivision does not apply to a county in which the additional local income tax rate permitted under IC 6-3.6-7-24 has been imposed or to any municipality in

the county. The transfers required by this section may be made from any local revenue (other than property tax revenue) of the county or municipality, including excise tax revenue, local income tax revenue, **food and beverage tax revenue,** riverboat tax revenue, distributions, incentive payments, or money deposited in the county's or municipality's local major moves construction fund under IC 8-14-16.

SECTION 56. IC 36-7.6-4-3, AS AMENDED BY P.L.178-2015, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A development authority may issue bonds for the purpose of obtaining money to pay the cost of:

(1) acquiring real or personal property, including existing capital improvements;

(2) acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects; or

(3) funding or refunding bonds issued under this chapter, IC 8-5-15, IC 8-22-3, IC 36-9-3, or prior law.

(b) The bonds are payable solely from:

(1) the lease rentals from the lease of the projects for which the bonds were issued, insurance proceeds, and any other funds pledged or available; and

(2) except as otherwise provided by law, revenue received by the development authority and amounts deposited in the development authority fund.

(c) The bonds must be authorized by a resolution of the development board of the development authority that issues the bonds.

(d) The terms and form of the bonds must either be set out in the resolution or in a form of trust indenture approved by the resolution.

(e) The bonds must mature within forty (40) years.

~~(f) A development board shall sell the bonds only to the Indiana bond bank established by IC 5-1.5-2-1 upon the terms determined by the development board and the Indiana bond bank.~~

~~(g)~~ **(f)** All money received from any bonds issued under this chapter shall be applied solely to the payment of the cost of acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects, or the cost of refunding or refinancing outstanding bonds, for which the bonds are issued. The cost may include:

(1) planning and development of equipment or a facility and all buildings, facilities, structures, equipment, and improvements related to the facility;

(2) acquisition of a site and clearing and preparing the site for construction;

(3) equipment, facilities, structures, and improvements that are necessary or desirable to make the project suitable for use and operations;

(4) architectural, engineering, consultant, and attorney's fees;

(5) incidental expenses in connection with the issuance and sale of bonds;

(6) reserves for principal and interest;

(7) interest during construction;

(8) financial advisory fees;

(9) insurance during construction;

(10) municipal bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement; and

(11) in the case of refunding or refinancing, payment of the principal of, redemption premiums (if any) for, and interest on the bonds being refunded or refinanced.

~~(h) A development authority may not issue bonds under this article or otherwise finance debt unless:~~

~~(1) the development authority enters into an interlocal agreement with each member that is committing funds to a project to be supported by the bonds; and~~

~~(2) the fiscal body of each member that is committing funds to the project to be supported by the bonds approves the agreement described in subdivision (1) by ordinance.~~

SECTION 57. IC 36-7.6-4-5, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A development authority may secure bonds issued under this chapter by a trust indenture between the development authority and a corporate trustee, which may be any trust company or national or state bank in Indiana that has trust powers.

(b) The trust indenture may:

(1) pledge or assign revenue received by the development authority, amounts deposited in the development authority fund **and the debt service fund,** and lease rentals, receipts, and income from leased projects, but may not mortgage land or projects;

(2) contain reasonable and proper provisions for protecting and enforcing the rights and remedies of the bondholders, including covenants setting forth the duties of the development authority and development board;

(3) set forth the rights and remedies of bondholders and trustees; and

(4) restrict the individual right of action of bondholders.

(c) Any pledge or assignment made by the development authority under this section is valid and binding in accordance with IC 5-1-14-4 from the time that the pledge or assignment is made, against all persons whether they have notice of the lien or not. Any trust indenture by which a pledge is created or an assignment made need not be filed or recorded. The lien is perfected against third parties in accordance with IC 5-1-14-4.

SECTION 58. IC 36-7.6-4-6, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Bonds issued under IC 8-5-15, IC 8-22-3, IC 36-9-3, or prior law may be refunded as provided in this section.

(b) An eligible political subdivision may **do any of the following:**

(1) Lease all or a part of land or a project or projects to a development authority, which may be at a nominal lease rental with a lease back to the eligible political subdivision, conditioned upon the development authority assuming bonds issued under IC 8-5-15, IC 8-22-3, IC 36-9-3, or prior law and issuing its bonds to refund those bonds. ~~and~~

(2) Sell all or a part of land or a project or projects to a development authority for a price sufficient to provide for the refunding of those bonds and lease back the land or project or projects from the development authority.

(3) Enter into an interlocal agreement with the redevelopment authority.

SECTION 59. IC 36-7.6-4-7, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) Before a lease may be entered into by an eligible political subdivision under this chapter, the eligible political subdivision must find that the lease rental provided for is fair and reasonable.

(b) A lease of land or a project from a development authority to an eligible political subdivision:

(1) may not have a term exceeding forty (40) years;

(2) may not require payment of lease rentals for a newly constructed project or for improvements to an existing project until the project or improvements to the project have been completed and are ready for occupancy or use;

(3) may contain provisions:

(A) allowing the eligible political subdivision to continue to operate an existing project until completion of the acquisition, improvements, reconstruction, or renovation of that project or any other project; and

(B) requiring payment of lease rentals for land, for an existing project being used, reconstructed, or renovated, or for any other existing project;

(4) may contain an option to renew the lease for the same or a shorter term on the conditions provided in the lease;

(5) must contain an option for the eligible political

subdivision to purchase the project upon the terms stated in the lease during the term of the lease for a price equal to the amount required to pay all indebtedness incurred on account of the project, including indebtedness incurred for the refunding of that indebtedness;

(6) may be entered into before acquisition or construction of a project;

(7) may provide that the eligible political subdivision shall agree to:

(A) pay any taxes and assessments on the project;

(B) maintain insurance on the project for the benefit of the development authority;

(C) assume responsibility for utilities, repairs, alterations, and any costs of operation; and

(D) pay a deposit or series of deposits to the development authority from any funds available to the eligible political subdivision before the commencement of the lease to secure the performance of the eligible political subdivision's obligations under the lease; and

(8) ~~must~~ **may** provide that the lease rental payments by the eligible political subdivision shall be made from **any combination of:**

(A) the development authority fund established under section 1 of this chapter; ~~and may provide that the lease rental payments by the eligible political subdivision shall be made from:~~

~~(A)~~ **(B) the** net revenues of the project; **or**

~~(B)~~ **(C)** any other funds available to the eligible political subdivision. ~~or~~

~~(C) both sources described in clauses (A) and (B).~~

SECTION 60. IC 36-7.6-4-16, AS AMENDED BY P.L.178-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) This section applies if the county or municipality fails to make a transfer or part of a transfer required by:

(1) section 2 of this chapter; or

(2) an interlocal agreement executed under section ~~3(h)~~ **1(b)(2) or 6(b)(3)** of this chapter that is required to satisfy the county's or municipality's obligation to contribute to the satisfaction of outstanding bonds or other debt of the development authority.

(b) The treasurer of state shall do the following:

(1) Withhold an amount equal to the amount of the transfer or part of the transfer under section 2 of this chapter that the county or municipality failed to make from money in the possession of the state that would otherwise be available for distribution to the county or municipality under any other law.

(2) Pay the amount withheld under subdivision (1) to the development authority to satisfy the county's or municipality's obligations to the development authority.

SECTION 61. IC 36-7.6-4-17, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) If there are bonds outstanding that have been issued under this article by a development authority, ~~and are not secured by a lease,~~ or if there are leases in effect under this article, the general assembly covenants that it will not reduce the amount required to be transferred under section 2 of this chapter from a county or municipality that is a member of a development authority to the development authority below an amount that would produce one and twenty-five hundredths (1.25) multiplied by the total of the highest annual debt service on the bonds to their final maturity plus the highest annual lease payments on the leases to their final termination date.

(b) The general assembly also covenants that it will not:

(1) repeal or amend this article in a manner that would adversely affect owners of outstanding bonds, or the payment of lease rentals, secured by the amounts pledged under this chapter; or

(2) in any way impair the rights of owners of bonds of a development authority, or the owners of bonds secured by lease rentals, secured by a pledge of revenues under this chapter;

except as otherwise set forth in subsection (a).".

Page 69, delete lines 13 through 16, begin a new paragraph and insert:

"SECTION 62. [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)] **(a) IC 6-3-1-3.5, IC 6-3-1-33, IC 6-3-2-2, IC 6-3-3-9, IC 6-5.5-1-2, and IC 6-5.5-1-20, all as amended by this act, apply to taxable years beginning after December 31, 2018.**

(b) IC 6-3-2-2.5 and IC 6-3-2-2.6, both as amended by this act apply to taxable years beginning after December 31, 2017.

(c) However, if a different taxable year is specified for the application of any of the provisions referred to in subsection (a) or (b), the specified taxable year applies.

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

Renumber all SECTIONS consecutively.

(Reference is to SB 565 as reprinted February 26, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 6.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 34, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to HC 34 as printed March 19, 2019.)

Committee Vote: Yeas 10, Nays 0.

SULLIVAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Concurrent Resolution 40, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to SC 40 as printed March 19, 2019.)

Committee Vote: Yeas 10, Nays 0.

SULLIVAN, Chair

Report adopted.

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

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1063.

FRYE

Roll Call 405: yeas 89, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1087.

PRESSEL

Roll Call 406: yeas 91, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1245.

SULLIVAN

Roll Call 407: yeas 90, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1342.

BACON

Roll Call 408: yeas 90, nays 0. Motion prevailed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 12:15 p.m. with the Speaker in the Chair.

CONFEREES AND ADVISORS APPOINTED

ESB 119 Conferees: Lucas and DeLaney
Advisors :Smaltz, Torr, Hamilton and Hatcher

Representative Candelaria Reardon and Aylesworth, who had been excused, are now present.

ENGROSSED SENATE BILLS ON SECOND READING

Pursuant to House Rule 143.1 , the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 206, 265, 323, 365 and 558.

Engrossed Senate Bill 394

Representative Bacon called down Engrossed Senate Bill 394 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 394–3)

Mr. Speaker: I move that Engrossed Senate Bill 394 be amended to read as follows:

Page 5, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 8. IC 25-23-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) There is established the Indiana state board of nursing consisting of nine (9) members appointed by the governor, each to serve a term of four (4) years subject to death, resignation, or removal by the governor.

(b) Six (6) of the board members must be registered nurses who are committed to advancing and safeguarding the nursing profession as a whole, **at least two (2) of whom are advanced practice registered nurses and at least one (1) of the advanced practice registered nurse members having prescriptive authority.** Two (2) of the board's members must be licensed practical nurses. One (1) member of the board, to represent the general public, must be a resident of this state and not be associated with nursing in any way other than as a consumer.

(c) Each appointed board member may serve until the member's successor has been appointed and qualified. Any vacancy occurring in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term. Members of the board may be appointed for more than one (1) term. However, no person who has served as a member of the board for more than six (6) consecutive years may be reappointed. Reappointments of persons who have served six (6) consecutive years as a member of the board may be made after three (3) years have elapsed.

SECTION 9. IC 25-23-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Each registered nurse member of the board required by section 2 of this chapter must:

(1) be a citizen of the United States;
(2) be a resident of Indiana; **and**
(3) have:
(A) graduated from an accredited educational program for the preparation of practitioners of professional nursing;
(B) been licensed as a registered nurse in Indiana;
(C) had at least five (5) years successful experience since graduation in administering, teaching, or practicing in an educational program to prepare practitioners of nursing or in administering or practicing in nursing service; and
(D) been actively engaged in the activities described in clause (C) ~~for at least three (3) years~~ **at any time during the five (5) years** immediately preceding **the initial** appointment. ~~or reappointment; and~~

~~(4) be actively engaged in the activities described in subdivision (3)(C) throughout the member's term of office.~~

(b) Each licensed practical nurse member of the board required by section 2 of this chapter must:

(1) be a citizen of the United States;
(2) be a resident of Indiana; **and**
(3) have:
(A) graduated from an accredited educational program for the preparation of practitioners of practical nursing;
(B) been licensed as a licensed practical nurse in Indiana;
(C) had at least five (5) years successful experience as a practitioner of practical nursing since graduation; and
(D) been actively engaged in practical nursing ~~for at least three (3) years~~ **at any time during the five (5) years** immediately preceding **the initial** appointment to the board. ~~and~~

~~(4) be actively engaged in practice throughout the member's term of office.~~

(c) Before entering upon the discharge of official duties, each member of the board shall file the constitutional oath of office in the office of the secretary of state.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 394 as printed March 29, 2019.)

MAYFIELD

Motion prevailed.

HOUSE MOTION
(Amendment 394–4)

Mr. Speaker: I move that Engrossed Senate Bill 394 be amended to read as follows:

Page 6, line 8, delete "three (3)" and insert "**five (5)**".

Page 6, line 17, delete "three (3)" and insert "**five (5)**".

Page 7, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 11. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate interim study committee the task of studying the education requirements of advanced practice registered nurses as it relates to the advanced practice registered nurses practicing in different settings.**

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

Renumber all SECTIONS consecutively.

(Reference is to ESB 394 as printed March 29, 2019.)

BACON

Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 480

Representative Pressel called down Engrossed Senate Bill 480 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 480–1)

Mr. Speaker: I move that Engrossed Senate Bill 480 be amended to read as follows:

Page 2, line 25, delete "Post weekly" and insert "**Submit**

monthly".

Page 2, line 25, delete "on the broker's" and insert "**to the office of the secretary for the office of the secretary to post on the office of the secretary's**".

Page 2, delete lines 27 through 34, begin a new line double block indented and insert:

"**(A) A list and map by county of the number of vehicles, by vehicle type, that are contracted, credentialed, and available to provide nonemergency medical transportation in that county.**

(B) Based upon a comparison of trip-leg identification numbers issued by the broker to the corresponding claim submitted with that trip-leg identification number, the number of instances in which a requested nonemergency medical transportation for an eligible Medicaid recipient was not provided, including whether:".

Page 2, line 35, delete "failure" and insert "**instance**".

Page 2, line 37, delete "failure" and insert "**instance**".

Page 2, line 39, after "(iii)" insert "**the instance related to a Medicaid recipient or transportation provider not being available;**

(iv)".

Page 3, line 1, delete "(iv) the failure" and insert "**(v) the instance**".

Page 3, line 15, delete "Post monthly on the broker's" and insert "**Submit monthly to the office of the secretary for the office of the secretary to post on the office of the secretary's**".

Page 3, line 19, delete "county;" and insert "**county, that are available to provide nonemergency medical transportation in a county;**".

Page 3, line 22, after "office" insert "**of the secretary**".

Page 3, line 24, delete "." and insert "**and scheduled trip-leg identification numbers issued.**".

Page 3, line 26, delete "payments." and insert "**payments, including claim denial reason codes.**".

Page 3, line 35, delete "Notify" and insert "**Take steps to notify**".

Page 3, line 42, delete "." and insert "**and immediately notify the recipient described in subdivision (1)(A) and, if applicable, the health facility described in subdivision (1)(B), when transportation has been assigned.**".

Page 4, delete lines 1 through 3, begin a new line block indented and insert:

"**(3) Document whether the notice required under subdivision (1) was communicated to the Medicaid recipient or a person on behalf of the Medicaid recipient, and the method of communication.**".

Page 4, line 26, delete "corrective action" and insert "**remediation**".

Page 4, line 27, delete "publish the corrective action plan on the broker's" and insert "**submit the remediation plan to the office of the secretary for the office of the secretary to post the remediation plan on the office of the secretary's**".

Page 5, line 1, delete "May 30, 2019," and insert "**May 31, 2019,**".

Page 7, delete lines 4 through 8.

Page 7, line 9, delete "(4)" and insert "**(3)**".

Page 7, line 10, delete "an incentive" and insert "**a withhold provision**".

(Reference is to ESB 480 as printed March 29, 2019.)

PRESSEL

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 527

Representative DeVon called down Engrossed Senate Bill 527 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 527–4)

Mr. Speaker: I move that Engrossed Senate Bill 527 be amended to read as follows:

Page 3, line 35, delete "process." and insert "**process for accredited and non-accredited providers.**".

(Reference is to ESB 527 as printed March 26, 2019.)

MAYFIELD

Motion prevailed. The bill was ordered engrossed.

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

Representatives Gutwein, Soliday and Ziemke, who had been excused, are now present.

Engrossed Senate Bill 603

Representative Ellington called down Engrossed Senate Bill 603 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 603–3)

Mr. Speaker: I move that Engrossed Bill 603 be amended to read as follows:

Page 3, line 1, delete "This subsection applies to a fire protection district that has".

Page 3, delete line 2.

Page 3, line 3, delete "($1,000,000,000)." and insert "**This subsection applies to an annexation for which an annexation ordinance is adopted after June 30, 2019. This subsection applies to a fire protection district that has a total net assessed value (as determined by the county auditor) of more than one billion dollars ($1,000,000,000), on the date the annexation ordinance is adopted.**".

Page 3, delete lines 13 through 24, begin a new paragraph and insert:

"SECTION 2. IC 36-8-11-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. **(a)** Any area that is part of a fire protection district and is annexed by a municipality that is not a part of the district ceases to be a part of the fire protection district when the municipality begins to provide fire protection services to the area.

(b) This subsection applies only to an annexation for which an annexation ordinance is adopted after June 30, 2019. Notwithstanding subsection (a), if a fire protection district has a net assessed value (as determined by the county auditor) of:

(1) more than one billion dollars ($1,000,000,000) on the date that the annexation ordinance is adopted, the annexed area shall remain a part of the fire protection district; or

(2) one billion dollars ($1,000,000,000) or less on the date that the annexation ordinance is adopted, the annexed area ceases to be a part of the fire protection district when the annexing municipality begins to provide fire protection services to the area.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 603 as printed April 2, 2019.)

CARBAUGH

Motion failed.

HOUSE MOTION
(Amendment 603–2)

Mr. Speaker: I move that Engrossed Senate Bill 603 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 12.

Page 3, line 14, delete "[EFFECTIVE JULY 1, 2019]:" and insert "[EFFECTIVE UPON PASSAGE]".

Page 3, line 15, delete "that is:".

Page 3, line 16, delete "(1) established after July 1, 1987;".

Page 3, line 17, delete "(2)".

Page 3, line 17, reset in roman "is".

Page 3, line 17, after "district" delete ";".

Page 3, run in lines 15 through 17.

Page 3, delete lines 20 through 24, begin a new paragraph and insert:

"**(b) The legislative council is urged to assign to an interim study committee studying annexation issues described in engrossed senate bill 94-2019 the additional tasks of studying:**

(1) the policy set forth in subsection (a); and

(2) other issues regarding the taxation of annexed territory that lies within a fire protection district for fire protection services.

This subsection expires January 1, 2020.

SECTION 2. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 603 as printed April 2, 2019.)

PIERCE

Representative Leonard rose to a point of order, citing Rule 120, stating that the motion was attempting to substitute different subject matter without the written consent of the sponsor. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that amendment 2 to Senate Bill 603 violates House Rule 120. The amendment and the bill both address fire protection districts and annexation, and are assuredly of the same single subject.

DVORAK
PIERCE

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 409: yeas 64, nays 30. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

PROTEST

Mr. Speaker: We protest the ruling of the Chair on April 4, 2019 that House Rule 120 applies to any amendment that removes the content of a bill and inserts provisions addressing the same subject matter and request that this protest be entered on the Journal of the House pursuant to Article 4, Section 26 of the Indiana Constitution.

House Rule 120 plainly states that an amendment "substituting therein the contents of a different bill or a different subject matter" may not be accepted "unless it is accompanied by the written consent of the author, coauthors, sponsor and cosponsors". House Rule 120 is designed to ensure a member's bill cannot be hijacked and essentially used as a vehicle bill to address an unrelated issue.

The majority continues to mischaracterize Rule 120 as a prohibition on "strip and insert" amendments. We contend this is an incorrect interpretation of the Rules, and further, that the offered amendment did not violate Rule 120.

First, Amendment 2 to Engrossed Senate Bill 603 did not substitute the contents of the bill. The majority argued that the amendment deleted everything in the bill but for one semicolon. This is inaccurate. However, even if the amendment did delete the entire contents of the bill, we contend that Rule 120 only prohibits this if the contents of the bill are replaced by the amendment with another subject matter. That was not the case with the offered amendment.

According to current law, IC 36-8-11-22 is applicable statewide. Engrossed Senate Bill 603 amended IC 36-8-11-22 to make the statute applicable to any area of a fire protection district that is established after July 1, 1987. Amendment 2 to Engrossed Senate Bill 603 deleted "established after July 1, 1987", making application of IC 36-8-11-22 statewide as in current law. Amendment 2 to Engrossed Senate Bill 603 intended to keep IC 36-8-11-22 applicable statewide preventing Engrossed Senate Bill 603 from violating the special legislation prohibition in Article 4, Section 24 of the Indiana Constitution.

Second, the subject matter of Engrossed Senate Bill 603 is fire protection districts and annexation. Amendment 2 to Engrossed Senate Bill 603 urged legislative council to assign to an interim study committee issues regarding the taxation of annexed territory that lie within a fire protection district for fire protection services.

Both the bill and amendment address the same subject matter, fire protection districts and annexation.

DVORAK
PIERCE

HOUSE MOTION
(Amendment 603–1)

Mr. Speaker: I move that Engrossed Senate Bill 603 be amended to read as follows:

Page 3, line 1, delete "This subsection applies to a fire protection district that has".

Page 3, delete line 2.

Page 3, line 3, delete "($1,000,000,000).".

Page 3, line 14, delete "(a)".

Page 3, delete lines 20 through 24.

(Reference is to ESB 603 as printed April 2, 2019.)

PIERCE

Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 631

Representative McNamara called down Engrossed Senate Bill 631 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 631–2)

Mr. Speaker: I move that Engrossed Senate Bill 631 be amended to read as follows:

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

"SECTION 1. IC 2-5-45 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 45. Regulatory Agency Advisory Committee

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

(1) "Advisory committee" means the regulatory agency advisory committee established by section 2 of this chapter.

(2) "Regulatory agency" means the regulatory agency established by IC 7.1-9-2-1.

Sec. 2. The regulatory agency advisory committee is established.

Sec. 3. (a) The advisory committee consists of the following four (4) voting members and five (5) nonvoting members:

(1) One (1) legislative member appointed by the speaker of the house of representatives.

(2) One (1) legislative member appointed by the minority leader of the house of representatives.

(3) One (1) legislative member appointed by the president pro tempore of the senate.

(4) One (1) legislative member appointed by the minority leader of the senate.

(5) One (1) representative of law enforcement, appointed as a nonvoting member by the speaker of

the house of representatives.

(6) One (1) individual having experience in the treatment of medical conditions by means of medical marijuana as a patient, physician, or caregiver, appointed as a nonvoting member by the president pro tempore of the senate.

(7) The commissioner of the department of state revenue or the commissioner's designee, who serves as a nonvoting member.

(8) The director of the department of agriculture or the director's designee, who serves as a nonvoting member.

(9) The state health commissioner or the commissioner's designee, who serves as a nonvoting member.

(b) The chairperson of the legislative council shall annually select one (1) of the voting members to serve as chairperson.

Sec. 4. (a) A legislative member of the advisory committee may be removed at any time by the appointing authority who appointed the legislative member.

(b) If a vacancy exists on the advisory committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy.

Sec. 5. Each member of the advisory committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

Sec. 6. The affirmative votes of a majority of the voting members appointed to the advisory committee are required for the advisory committee to take action on any measure, including final reports.

Sec. 7. The advisory committee shall do the following:

(1) Review rules adopted by the regulatory agency.

(2) Review legislative proposals suggested by the regulatory agency.

(3) Evaluate the medical marijuana research and development program under IC 7.1-9-5.

(4) Evaluate the operation of the medical marijuana program.

(5) Consider any other matter that has bearing on the operation of the medical marijuana program.

SECTION 2. IC 5-2-8-5, AS AMENDED BY P.L.217-2017, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) There is established the state police training fund. The fund consists of amounts collected under ~~IC 33-37-4-1(b)(4),~~ **IC 33-37-4-1(b)(3),** IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the state police department.

(b) If the state police department files a claim under IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a county user fee fund, the fiscal officer of the city or town or the county auditor shall deposit fees collected under the cause numbers submitted by the state police department into the state police training fund established under this section.

(c) Claims against the state police training fund must be submitted in accordance with IC 5-11-10.

(d) Money in excess of one hundred dollars ($100) that is unencumbered and remains in the state police training fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of the state's fiscal year, be deposited in the law enforcement academy fund established under IC 5-2-1-13.

(e) As used in this subsection, "abuse" has the meaning set forth in section 1(a) of this chapter. As a part of the state police department's in-service training, the department shall provide to each law enforcement officer employed by the department continuing education concerning the following:

(1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.

(2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.

(3) Techniques for handling incidents of abuse that:

(A) minimize the likelihood of injury to the law enforcement officer; and

(B) promote the safety of a victim.

(4) Information about the nature and extent of the abuse.

(5) Information about the legal rights of and remedies available to victims of abuse.

(6) How to document and collect evidence in an abuse case.

(7) The legal consequences of abuse.

(8) The impact on children of law enforcement intervention in abuse cases.

(9) Services and facilities available to victims of abuse and abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

The cost of providing continuing education under this subsection shall be paid from money in the state police training fund.

SECTION 3. IC 5-2-8-7, AS AMENDED BY P.L.217-2017, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) There is established the conservation officers training fund. The department of natural resources shall administer the fund. The fund consists of amounts collected under ~~IC 33-37-4-1(b)(4),~~ **IC 33-37-4-1(b)(3),** IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the department of natural resources.

(b) If the department of natural resources files a claim under IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a county user fee fund, the fiscal officer of the city or town or the county auditor shall deposit fees collected under the cause numbers submitted by the department of natural resources into the conservation officers training fund established under this section.

(c) Claims against the conservation officers training fund must be submitted in accordance with IC 5-11-10.

(d) Money in excess of one hundred dollars ($100) that is unencumbered and remains in the conservation officers' training fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of the state's fiscal year, be deposited in the law enforcement academy fund established under IC 5-2-1-13.

SECTION 4. IC 5-2-8-8, AS AMENDED BY P.L.217-2017, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) There is established the alcoholic beverage enforcement officers' training fund. The alcohol and tobacco commission shall administer the fund. The fund consists of amounts collected under ~~IC 33-37-4-1(b)(4),~~ **IC 33-37-4-1(b)(3),** IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the alcohol and tobacco commission.

(b) If the alcohol and tobacco commission files a claim under IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a county user fee fund, the fiscal officer of the city or town or the county auditor shall deposit fees collected under the cause numbers submitted by the alcohol and tobacco commission into the alcoholic beverage enforcement officers' training fund established under this section.

(c) Claims against the alcoholic beverage enforcement officers' training fund must be submitted in accordance with IC 5-11-10.

(d) Money in excess of one hundred dollars ($100) that is unencumbered and remains in the alcoholic beverage enforcement officers' training fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of the state's fiscal year, be deposited in the law enforcement academy fund established under IC 5-2-1-13.

SECTION 5. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Controlled Substance Excise Tax).

SECTION 6. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

ARTICLE 8. MEDICAL MARIJUANA

Chapter 1. Definitions

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

(1) "Adequate supply for treatment" means the amount of marijuana necessary to provide care for a treatable medical condition for a thirty (30) day period, as determined by a physician recommendation.

(2) "Regulatory agency" means the regulatory agency established by IC 7.1-9-2-1.

(3) "Regulatory agency committee" means the regulatory agency commissioners described in IC 7.1-9-2.

(4) "Marijuana" means any part of the plant genus Cannabis.

(5) "Medical marijuana card" means a valid card issued by the regulatory agency that authorizes the individual to whom the card is issued to possess marijuana.

(6) "Physician" means an individual holding an unlimited license to practice medicine in Indiana.

(7) "Physician recommendation" means a written recommendation that the use of marijuana may benefit a particular patient suffering from a treatable medical condition. A physician recommendation may specify an adequate supply for treatment.

(8) "Qualified patient" means an individual who has been issued a medical marijuana card by the regulatory agency.

(9) "Qualified primary caregiver" means the primary caregiver for a qualified patient who has been issued a medical marijuana card by the regulatory agency on behalf of the qualified patient.

(10) "Treatable medical condition" means an illness or other condition, the symptoms of which (including the side effects and symptoms caused by any other treatment for the condition) may be treated by the use of marijuana. The term includes the following:

(A) Acquired immune deficiency syndrome (AIDS) or positive status for the human immunodeficiency virus (HIV).

(B) Anorexia.

(C) Arthritis.

(D) Cachexia.

(E) Chronic cancer pain.

(F) Glaucoma.

(G) Migraine.

(H) Persistent muscle spasms, including spasms associated with multiple sclerosis, Crohn's disease, or related conditions.

(I) Seizures, including those characteristic of epilepsy.

(J) Severe nausea.

(K) Posttraumatic stress disorder.

(L) Any persistent or chronic illness or condition that, in the opinion of a physician:

(i) substantially limits the ability of an individual to conduct one (1) or more major life activities; or

(ii) may cause serious harm to a patient's safety or mental or physical health if not alleviated;

if the illness or condition may be improved by the use of marijuana.

(M) Any other illness or condition determined by the regulatory agency to be a treatable medical condition.

Chapter 2. Qualified Patients and Qualified Primary Caregivers

Sec. 1. (a) An individual may apply to the regulatory agency to be a qualified patient if the individual suffers from a treatable medical condition. An individual may apply to the regulatory agency to be a qualified primary caregiver if the individual for whom the individual provides care suffers from a treatable medical condition.

(b) To be approved as a qualified patient, an individual must submit to the regulatory agency a physician recommendation stating that the individual suffers from a treatable medical condition. To be approved as a qualified primary caregiver, an individual must submit to the regulatory agency a physician recommendation stating that the individual for whom the caregiver provides care suffers from a treatable medical condition.

(c) The regulatory agency shall issue to an individual a medical marijuana card indicating that the individual is a qualified patient or a qualified primary caregiver after:

(1) receipt of a:

(A) completed application; and

(B) physician recommendation;

(2) verification that the individual who tendered the physician recommendation is a licensed physician; and

(3) compliance with any other rule adopted by the regulatory agency.

(d) An application for a medical marijuana card may be denied for the following reasons:

(1) The application is not complete or required information is missing.

(2) The applicant submits false information.

(3) The applicant does not meet the criteria required to obtain a medical marijuana card.

(4) The individual who tendered the physician recommendation is not a licensed physician.

(e) A medical marijuana card issued under this section is valid for two (2) years, unless the physician recommendation expressly recommends a shorter period.

(f) The regulatory agency may charge a reasonable fee, not to exceed one hundred dollars ($100), to apply for a medical marijuana card. The fee shall be deposited in the state general fund.

(g) Except as provided in subsection (h), for purposes of IC 5-14-3-4(a)(1), the following information is confidential, may not be published, and is not open to public inspection:

(1) Information submitted by an individual under this section to obtain a medical marijuana card.

(2) Information obtained by a federal, state, or local government entity in the course of an investigation concerning an individual who applies to obtain a medical marijuana card.

(3) The name and address of the individual, and any other information that may be used to identify an individual, who holds a medical marijuana card.

(h) Notwithstanding subsection (g):

(1) any information concerning an individual who applies for, or an individual who holds, a medical marijuana card may be released to a federal, state, or local government entity:

(A) for law enforcement purposes; or

(B) to determine the validity of a medical marijuana card; and

(2) general information concerning the issuance of a medical marijuana card in Indiana may be released to a person conducting journalistic or academic research

(including the research described in IC 7.1-9-5), but only if all personal information that may be used to identify any individual who applies for or holds a medical marijuana card issued under this chapter has been removed from the general information.

(i) A person who knowingly or intentionally violates this section by releasing confidential information commits a disclosure of confidential medical information, a Class B misdemeanor.

(j) A person who knowingly makes a material misstatement in an application for a medical marijuana card under this section commits fraudulent application for a medical marijuana card, a Class B misdemeanor.

Sec. 2. A qualified patient or qualified primary caregiver may:

(1) possess the greater of:

(A) eight (8) ounces or less of dried marijuana; or

(B) an adequate supply for treatment as set forth in a physician recommendation; and

(2) possess, grow, or cultivate not more than twelve (12) marijuana plants.

Sec. 3. (a) A qualified primary caregiver may deliver to, or possess with intent to deliver to, a qualified patient for whom the caregiver is the primary caregiver:

(1) the greater of:

(A) eight (8) ounces or less of dried marijuana; or

(B) an adequate supply for treatment as set forth in a physician recommendation; and

(2) not more than twelve (12) marijuana plants.

(b) A qualified primary caregiver may possess, grow, or cultivate not more than twelve (12) marijuana plants for use by a qualified patient for whom the individual is the primary caregiver.

Sec. 4. The medical licensing board may not take an adverse action against a physician who makes a physician recommendation in good faith under this article if the sole basis for taking the adverse action is the physician recommendation.

SECTION 7. IC 7.1-9 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

ARTICLE 9. REGULATION OF MEDICAL MARIJUANA

Chapter 1. Definitions

Sec. 1. The definitions in IC 7.1-8-1-1 apply throughout this article.

Chapter 2. General Provisions

Sec. 1. A regulatory agency to be named later is established as an agency of the state for purposes of administering the medical marijuana program.

Sec. 2. (a) The regulatory agency consists of:

(1) the regulatory agency committee;

(2) the executive director; and

(3) other employees necessary to carry out the duties of the regulatory agency.

(b) The regulatory agency committee consists of four (4) commissioners, who shall direct and oversee the operation of the regulatory agency.

Sec. 3. (a) The regulatory agency commissioners shall be appointed by the governor.

(b) A commissioner is eligible for reappointment.

(c) Not more than two (2) commissioners may belong to the same political party.

(d) A commissioner shall be appointed to a four (4) year term.

(e) A commissioner serves the commissioner's term at the pleasure of the governor.

Sec. 4. To be eligible for appointment as a commissioner, an individual must have the following qualifications:

(1) The individual may not be employed by the state in any other capacity.

(2) The individual must have good moral character.

(3) The individual must have been a resident of Indiana for at least ten (10) years immediately preceding the appointment.

Sec. 5. The governor shall appoint one (1) commissioner to serve as chairperson of the regulatory agency committee, and one (1) commissioner to serve as vice chairperson. The vice chairperson shall act as the chairperson if the chairperson is unable to attend a meeting of the regulatory agency committee.

Sec. 6. A commissioner appointed to fill a vacancy in the membership of the regulatory agency committee shall serve only for the unexpired part of the original, vacated term. In all other respects, an appointment to fill a vacancy shall be made in the same manner that an original appointment is made.

Sec. 7. As compensation for services, each commissioner is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A commissioner is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the commissioner's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 8. Each commissioner shall execute:

(1) a surety bond in the amount of ten thousand dollars ($10,000), with surety approved by the governor; and

(2) an oath of office.

The surety bond and the oath of office shall be filed in the office of the secretary of state.

Sec. 9. The required surety bond executed and filed on behalf of a commissioner shall be made payable to the state of Indiana and conditioned upon the faithful discharge of the commissioner's duties.

Sec. 10. The regulatory agency committee shall hold meetings at the call of the chairperson. The regulatory agency committee may establish rules governing meetings.

Sec. 11. (a) Three (3) regulatory agency commissioners constitute a quorum for the transaction of business.

(b) Each commissioner has one (1) vote.

(c) Action of the regulatory agency committee may be taken only upon the affirmative votes of at least two (2) commissioners. If a vote is a tie, the position for which the chairperson voted prevails, as long as that position has received the affirmative votes of at least two (2) commissioners.

Sec. 12. A commissioner may not solicit or accept a political contribution from a qualified patient, qualified primary caregiver, or any individual or entity that has a permit or has applied for a permit issued by the regulatory agency. However, the right of a commissioner to vote as the commissioner chooses and to express the commissioner's opinions on political subjects and candidates may not be impaired.

Chapter 3. Employees and Administration

Sec. 1. (a) The regulatory agency committee shall appoint an executive director to assist the regulatory agency in the efficient administration of its powers and duties.

(b) The regulatory agency committee shall fix the salary of the executive director, subject to the approval of the budget agency.

Sec. 2. The regulatory agency has the power to employ all necessary employees, determine their duties, and, subject to the approval of the regulatory agency committee and the budget agency, fix their salaries.

Chapter 4. Powers and Duties

Sec. 1. The chairperson is the presiding officer at the meetings of the regulatory agency committee. The chairperson, together with the executive director, shall prepare, certify, and authenticate all proceedings, minutes, records, rules, and regulations of the regulatory agency committee. The chairperson shall also perform all other

duties as imposed on the chairperson by this title.

Sec. 2. The regulatory agency has the power to organize its work, to enforce and administer this article and IC 7.1-8, and to enforce and administer the rules adopted by the regulatory agency.

Sec. 3. The regulatory agency shall adopt rules under IC 4-22-2 to prescribe the forms for all applications, documents, permits, medical marijuana cards, and licenses used in the administration of this article and IC 7.1-8.

Sec. 4. The regulatory agency has the following powers:

(1) To hold hearings before the regulatory agency or its representative.

(2) To take testimony and receive evidence.

(3) To conduct inquiries with or without a hearing.

(4) To receive reports of investigators or other governmental officers and employees.

(5) To administer oaths.

(6) To subpoena witnesses and to compel them to appear and testify.

(7) To certify copies of records of the regulatory agency or any other document or record on file with the regulatory agency.

(8) To fix the form, mode, manner, time, and number of times for the posting or publication of any required notices if not otherwise provided.

(9) To adopt rules under IC 4-22-2 to carry out this article and IC 7.1-8.

Sec. 5. The regulatory agency has the following duties:

(1) To establish the medical marijuana program described in IC 7.1-8 and to adopt all necessary rules to implement the program.

(2) To implement protocols for the application and issuance of a medical marijuana card, including protocols to:

(A) prevent fraud;

(B) ensure the accuracy of information contained in the application; and

(C) protect the privacy of an applicant.

(3) To advise the general assembly concerning the establishment of a program for the:

(A) manufacture;

(B) cultivation;

(C) transportation; and

(D) dispensing;

of medical marijuana.

(4) To encourage research concerning medical marijuana and issue licenses as described in IC 7.1-9-5.

Chapter 5. Research and Development

Sec. 1. To permit and encourage research concerning medical marijuana:

(1) an accredited institution of higher education with a physical presence in Indiana; and

(2) a pharmaceutical or agricultural business having a research facility in Indiana;

may apply to the regulatory agency for a license to conduct research concerning medical marijuana.

Sec. 2. An application under this chapter must include the following:

(1) The nature of the research project.

(2) The names of the individuals who will conduct the research project.

(3) The approximate quantity of marijuana that will be used in the research project.

(4) The security protocol to be implemented to ensure that marijuana is not diverted for uses other than the research project.

(5) Any other information required by the regulatory agency.

Sec. 3. Upon receipt of a completed application, the regulatory agency may issue a research license to the accredited institution of higher education or pharmaceutical or agricultural business. The research license must specifically list the names of each individual participating in the research project who will have custody or control of marijuana for research purposes and the approximate quantity of the marijuana that will be used in the research project.

Sec. 4. The regulatory agency may charge a reasonable fee for issuance of a research license.

SECTION 8. IC 15-16-7-8 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 8. In addition to the weed control board's powers and duties under section 7 of this chapter, the weed control board may establish a marijuana eradication program to eliminate and destroy wild marijuana plants within the county. The program is funded by amounts appropriated by the county:~~

~~(1) under IC 33-37-8; and~~

~~(2) from the county general fund.~~

SECTION 9. IC 33-37-4-1, AS AMENDED BY P.L.24-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars ($120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~

~~(3)~~ **(2)** An alcohol and drug services program fee (IC 33-37-5-8(b)).

~~(4)~~ **(3)** A law enforcement continuing education program fee (IC 33-37-5-8(c)).

~~(5)~~ **(4)** A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).

~~(6)~~ **(5)** An alcohol and drug countermeasures fee (IC 33-37-5-10).

~~(7)~~ **(6)** A child abuse prevention fee (IC 33-37-5-12).

~~(8)~~ **(7)** A domestic violence prevention and treatment fee (IC 33-37-5-13).

~~(9)~~ **(8)** A highway worksite zone fee (IC 33-37-5-14).

~~(10)~~ **(9)** A deferred prosecution fee (IC 33-37-5-17).

~~(11)~~ **(10)** A document storage fee (IC 33-37-5-20).

~~(12)~~ **(11)** An automated record keeping fee (IC 33-37-5-21).

~~(13)~~ **(12)** A late payment fee (IC 33-37-5-22).

~~(14)~~ **(13)** A sexual assault victims assistance fee (IC 33-37-5-23).

~~(15)~~ **(14)** A public defense administration fee (IC 33-37-5-21.2).

~~(16)~~ **(15)** A judicial insurance adjustment fee (IC 33-37-5-25).

~~(17)~~ **(16)** A judicial salaries fee (IC 33-37-5-26).

~~(18)~~ **(17)** A court administration fee (IC 33-37-5-27).

~~(19)~~ **(18)** A DNA sample processing fee (IC 33-37-5-26.2).

(c) Instead of the criminal costs fee prescribed by this section, except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:

(1) an initial user's fee of fifty dollars ($50) for a misdemeanor offense;

(2) an initial user's fee of seventy-five dollars ($75) for a felony offense;

(3) a monthly user's fee of twenty dollars ($20) for each month that the person remains in the pretrial diversion program; and

(4) any additional program fee or cost that is:

(A) reasonably related to the person's rehabilitation; and

(B) approved by the court.

A monthly user fee may not be collected beyond the maximum length of the possible sentence.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

(1) The pretrial diversion fee.

~~(2) The marijuana eradication program fee.~~

~~(3)~~ **(2)** The alcohol and drug services program fee.

~~(4)~~ **(3)** The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

(1) The clerk shall apply the partial payment to general court costs.

(2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.

(3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.

(4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.

(5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 10. IC 33-37-4-3, AS AMENDED BY P.L.85-2017, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars ($120) for each action filed under any of the following:

(1) IC 31-34 (children in need of services).

(2) IC 31-37 (delinquent children).

(3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~

~~(3)~~ **(2)** An alcohol and drug services program fee (IC 33-37-5-8(b)).

~~(4)~~ **(3)** A law enforcement continuing education program fee (IC 33-37-5-8(c)).

~~(5)~~ **(4)** An alcohol and drug countermeasures fee (IC 33-37-5-10).

~~(6)~~ **(5)** A document storage fee (IC 33-37-5-20).

~~(7)~~ **(6)** An automated record keeping fee (IC 33-37-5-21).

~~(8)~~ **(7)** A late payment fee (IC 33-37-5-22).

~~(9)~~ **(8)** A public defense administration fee (IC 33-37-5-21.2).

~~(10)~~ **(9)** A judicial insurance adjustment fee (IC 33-37-5-25).

~~(11)~~ **(10)** A judicial salaries fee (IC 33-37-5-26).

~~(12)~~ **(11)** A court administration fee (IC 33-37-5-27).

~~(13)~~ **(12)** A DNA sample processing fee (IC 33-37-5-26.2).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

~~(1) The marijuana eradication program fee (IC 33-37-5-7).~~

~~(2)~~ **(1)** The alcohol and drug services program fee (IC 33-37-5-8(b)).

~~(3)~~ **(2)** The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

SECTION 11. IC 33-37-5-7 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 7. (a) This section applies to criminal actions.~~

~~(b) The clerk shall collect the marijuana eradication program fee set by the court under IC 15-16-7-8, if:~~

~~(1) a weed control board has been established in the county under IC 15-16-7-3; and~~

~~(2) the person has been convicted of an offense under IC 35-48-4 in a case prosecuted in that county.~~

~~(c) The court may set a fee under this section of not more than three hundred dollars ($300).~~

SECTION 12. IC 33-37-7-2, AS AMENDED BY P.L.39-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-3(a) (juvenile costs fees).

(4) IC 33-37-4-4(a) (civil costs fees).

(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(6) IC 33-37-4-7(a) (probate costs fees).

(7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under ~~IC 33-37-4-1(b)(5).~~ **IC 33-37-4-1(b)(4).**

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under ~~IC 33-37-4-1(b)(6),~~ **IC 33-37-4-1(b)(5),** IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5).~~ **IC 33-37-4-3(b)(4).**

(3) One hundred percent (100%) of the child abuse prevention fees collected under ~~IC 33-37-4-1(b)(7).~~ **IC 33-37-4-1(b)(6).**

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under ~~IC 33-37-4-1(b)(8).~~ **IC 33-37-4-1(b)(7).**

(5) One hundred percent (100%) of the highway worksite zone fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and IC 33-37-4-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(7) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under ~~IC 33-37-4-1(b)(5).~~ **IC 33-37-4-1(b)(4).**

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under ~~IC 33-37-4-1(b)(6),~~ **IC 33-37-4-1(b)(5),** IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5).~~ **IC 33-37-4-3(b)(4).**

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment

fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 5-2-6-23(j) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(h) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(j) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(k) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

(1) The mortgage foreclosure counseling and education fees collected under IC 33-37-5-33 (before its expiration on July 1, 2017).

(2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(m) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2022, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 13. IC 33-37-7-8, AS AMENDED BY P.L.39-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
(5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:
(1) IC 33-37-4-1(a) (criminal costs fees).
(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
(3) IC 33-37-4-4(a) (civil costs fees).
(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
(5) IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:
(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under ~~IC 33-37-4-1(b)(5).~~ **IC 33-37-4-1(b)(4).**
(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under ~~IC 33-37-4-1(b)(6),~~ **IC 33-37-4-1(b)(5),** IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5).~~ **IC 33-37-4-3(b)(4).**
(3) One hundred percent (100%) of the highway worksite zone fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and IC 33-37-4-2(b)(5).
(4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
(5) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under subsection (a).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:
(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under ~~IC 33-37-4-1(b)(5).~~ **IC 33-37-4-1(b)(4).**
(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under ~~IC 33-37-4-1(b)(6),~~ **IC 33-37-4-1(b)(5),** IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5).~~ **IC 33-37-4-3(b)(4).**

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the following:
(1) The late payment fees collected under IC 33-37-5-22.
(2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
(3) The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:
(1) The public defense administration fee collected under IC 33-37-5-21.2.
(2) The DNA sample processing fees collected under IC 33-37-5-26.2.
(3) The court administration fees collected under IC 33-37-5-27.

(h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26. The funds retained by the city or town shall be prioritized to fund city or town court operations.

(j) The clerk of a city or town court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2022, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:
(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and
(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 14. IC 33-37-8-5, AS AMENDED BY P.L.187-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A county user fee fund is established in each county to finance various program services. The county fund is administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article and by the probation department for the juvenile court under IC 31-37-9-9:
(1) The pretrial diversion program fee.
(2) The informal adjustment program fee.
~~(3) The marijuana eradication program fee.~~
~~(4)~~ **(3)** The alcohol and drug services program fee.
~~(5)~~ **(4)** The law enforcement continuing education program fee.
~~(6)~~ **(5)** The deferral program fee.
~~(7)~~ **(6)** The jury fee.
~~(8)~~ **(7)** The problem solving court fee.

(c) All of the jury fee and two dollars ($2) of a deferral program fee collected under IC 33-37-4-2(e) shall be deposited by the county auditor in the jury pay fund established under IC 33-37-11.".

Page 22, after line 9, begin a new paragraph and insert:

"SECTION 20. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8.3. (a) This section does not apply to a rolling paper.

(b) A person who knowingly or intentionally possesses an instrument, a device, or another object that the person intends to use for:
(1) introducing into the person's body a controlled substance;
(2) testing the strength, effectiveness, or purity of a controlled substance; or
(3) enhancing the effect of a controlled substance;

commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated judgment or conviction under this section.

(c) It is a defense to an action or prosecution under this section that:
(1) the person who possesses the instrument, device, or other object is a:
(A) qualified patient (as defined in IC 7.1-8-1) or qualified primary caregiver (as defined in IC 7.1-8-1); or
(B) person listed on a valid marijuana research license issued by the regulatory agency under

IC 7.1-9; and

(2) the instrument, device, or other object is for the use of medical marijuana or research relating to the use of medical marijuana.

SECTION 21. IC 35-48-4-10, AS AMENDED BY P.L.153-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) A person who:

(1) knowingly or intentionally:
(A) manufactures;
(B) finances the manufacture of;
(C) delivers; or
(D) finances the delivery of;

marijuana, hash oil, hashish, or salvia, pure or adulterated; or

(2) possesses, with intent to:
(A) manufacture;
(B) finance the manufacture of;
(C) deliver; or
(D) finance the delivery of;

marijuana, hash oil, hashish, or salvia, pure or adulterated;

commits dealing in marijuana, hash oil, hashish, or salvia, a Class A misdemeanor, except as provided in subsections (b) through (d).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or

(2) the amount of the drug involved is at least:
(A) ten (10) pounds, if the drug is marijuana; or
(B) three hundred (300) grams, if the drug is hash oil, hashish, or salvia.

(c) The offense is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense and the amount of the drug involved is:
(A) less than thirty (30) grams of marijuana; or
(B) less than five (5) grams of hash oil, hashish, or salvia; or

(2) the amount of the drug involved is:
(A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
(B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia.

(d) The offense is a Level 5 felony if:

(1) the person has a prior conviction for a drug dealing offense and the amount of the drug involved is:
(A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
(B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia;

(2) the:
(A) amount of the drug involved is:
(i) at least ten (10) pounds of marijuana; or
(ii) at least three hundred (300) grams of hash oil, hashish, or salvia; or
(B) offense involved a sale to a minor; or

(3) the:
(A) person is a retailer;
(B) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC hemp extract; and
(C) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia.

(e) It is a defense to a prosecution under this section for an offense involving marijuana, hash oil, or hashish that the person is a:

(1) qualified primary caregiver (as defined in IC 7.1-8-1), if:

(A) the possession or delivery of the marijuana, hash oil, or hashish is permitted under IC 7.1-8-2-3; and
(B) the quantity of marijuana, hash oil, or hashish possessed or delivered does not exceed the permissible amounts set forth in IC 7.1-8-2-3; or

(2) person listed on a valid marijuana research license issued by the regulatory agency under IC 7.1-9, if:

(A) the possession or delivery of the marijuana, hash oil, or hashish is permitted by the research license issued by the regulatory agency under IC 7.1-9-5; and
(B) the quantity of marijuana, hash oil, or hashish possessed or delivered does not exceed the permissible quantity authorized by the research license issued by the regulatory agency.

SECTION 22. IC 35-48-4-11, AS AMENDED BY P.L.153-2018, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) A person who:

(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, or salvia;

(2) knowingly or intentionally grows or cultivates marijuana; or

(3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

commits possession of marijuana, hash oil, hashish, or salvia, a Class B misdemeanor, except as provided in subsections (b) through (c).

(b) The offense described in subsection (a) is a Class A misdemeanor if:

(1) the person has a prior conviction for a drug offense; or

(2) the:
(A) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC hemp extract; and
(B) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia.

(c) The offense described in subsection (a) is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense; and

(2) the person possesses:
(A) at least thirty (30) grams of marijuana; or
(B) at least five (5) grams of hash oil, hashish, or salvia.

(d) It is a defense to a prosecution under this section for an offense involving marijuana, hash oil, or hashish that the person is a:

(1) qualified patient (as defined in IC 7.1-8-1) or qualified primary caregiver (as defined under IC 7.1-8-1), if:

(A) the possession of the marijuana, hash oil, or hashish is permitted under IC 7.1-8-2-2; and
(B) the quantity of marijuana, hash oil, or hashish possessed or cultivated does not exceed the permissible amounts set forth in IC 7.1-8-2-2; or

(2) person listed on a valid marijuana research license issued by the regulatory agency under IC 7.1-9, if:

(A) the possession or cultivation of the marijuana, hash oil, or hashish is permitted by the research license issued by the regulatory agency under IC 7.1-9-5; and
(B) the quantity of marijuana, hash oil, or hashish possessed or cultivated does not exceed the permissible quantity authorized by the research license issued by the regulatory agency.

SECTION 23. IC 35-52-7-97 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 97. IC 7.1-8-2-1 defines crimes concerning medical marijuana.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 631 as printed March 29, 2019.)

ERRINGTON

Representative Leonard rose to a point of order, citing Rule 118, stating that there was a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that amendment 2 to Senate Bill 631 violates House Rule 118. There is no bill (or bills) before the House which seek to accomplish the goals in Representative Errington's amendment #2 to Engrossed Senate Bill 631.

DVORAK
ERRINGTON

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 410: yeas 64, nays 29. The ruling of the Chair was sustained.

PROTEST

Mr. Speaker: We protest the ruling of the Chair that amendment 2 to Engrossed Senate Bill 631 violates House Rule 118.

House Rule 118 states: Substituting Another Bill. No bill may be amended by annexing to it or incorporating with it any other bill pending before the House.

The Chair ruled that House Bill 1377, House Bill 1384, and amendment 2 to Engrossed Senate Bill 631 contain concepts that are pervasively equivalent in violation of House Rule 118. The term "pervasively equivalent concepts" does not appear in House Rule 118.

House Rule 118 should be applied according to the text of the rule. The plain text of the rule requires language be annexed or incorporated.

Amendment 2 to Engrossed Senate Bill 603 does not annex or incorporate the language of House Bill 1377 and House Bill 1384. Amendment 2 to Engrossed House Bill 603 is separate and distinct legislation and not a substitution for House Bill 1377 and House Bill 1384.

The misapplication of House Rule 118, restricts the ability of house members from offering, debating, and voting on this significant amendment that has great public interest.

We request this protest be entered into the Journal of the House pursuant to Article 4, Section 26 of the Indiana Constitution.

DVORAK
ERRINGTON

HOUSE MOTION
(Amendment 631–1)

Mr. Speaker: I move that Engrossed Senate Bill 631 be amended to read as follows:

Page 22, after line 9, begin a new paragraph and insert:

"SECTION 7. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8.3. (a) This section does not apply to a rolling paper.

(b) A person who knowingly or intentionally possesses an instrument, a device, or another object that the person intends to use for:

(1) introducing into the person's body a controlled substance;

(2) testing the strength, effectiveness, or purity of a controlled substance; or

(3) enhancing the effect of a controlled substance;

commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated judgment or conviction under this section.

(c) It is a defense to a prosecution under this section that:

(1) the instrument, device, or other object is for use with marijuana; and

(2) a physician treating the patient has certified in a writing executed within the previous year that:

(A) the person suffers from a terminal illness or serious untreatable disease; and

(B) in the professional opinion of the physician, the benefits of treatment with marijuana are greater than the risks of treatment with marijuana.

SECTION 8. IC 35-48-4-11, AS AMENDED BY P.L.153-2018, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) A person who:

(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, or salvia;

(2) knowingly or intentionally grows or cultivates marijuana; or

(3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

commits possession of marijuana, hash oil, hashish, or salvia, a Class B misdemeanor, except as provided in subsections (b) through (c).

(b) The offense described in subsection (a) is a Class A misdemeanor if:

(1) the person has a prior conviction for a drug offense; or

(2) the:

(A) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC hemp extract; and

(B) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia.

(c) The offense described in subsection (a) is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense; and

(2) the person possesses:

(A) at least thirty (30) grams of marijuana; or

(B) at least five (5) grams of hash oil, hashish, or salvia.

(d) It is a defense to a prosecution under this section that:

(1) the person possessed less than two (2) ounces of marijuana; and

(2) a physician treating the patient has certified in a writing executed within the previous year that:

(A) the person suffers from a terminal illness or serious untreatable disease; and

(B) in the professional opinion of the physician, the benefits of treatment with medical marijuana are greater than the risks of treatment with medical marijuana.".

(Reference is to ESB 631 as printed March 29, 2019.)

ERRINGTON

Representative Leonard rose to a point of order, citing Rule 118, stating that there was a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order. The bill was ordered engrossed.

Engrossed Senate Bill 174

Representative Pressel called down Engrossed Senate Bill 174 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 174–1)

Mr. Speaker: I move that Engrossed Senate Bill 174 be amended to read as follows:

Page 5, line 14, delete "laws." and insert "**laws, including gestational surrogacy.**".

(Reference is to ESB 174 as printed April 2, 2019.)

EBERHART

Motion prevailed. The bill was ordered engrossed.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1018.

SOLIDAY

Roll Call 411: yeas 66, nays 29. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1182.

LEHMAN

Roll Call 412: yeas 65, nays 30. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1268.

GUTWEIN

Roll Call 413: yeas 94, nays 0. Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 111, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 111 as printed February 22, 2019.)

Committee Vote: Yeas 12, Nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Senate Bill 162, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 11, delete "therapy." and insert "**treatment.**".

Page 2, between lines 2 and 3, begin a new line blocked left and insert:

"**The term does not include a dental plan.**".

Page 2, line 22, delete "therapy." and insert "**treatment.**".

Page 3, line 21, delete "IC 27-8-35" and insert "IC 27-8-35.5".

Page 3, line 24, delete "35." and insert "**35.5.**".

Page 3, line 32, delete "and".

Page 3, line 33, delete "therapy." and insert "**treatment; and**

(6) athletic trainer services.".

Page 3, line 38, after "." insert "**The term does not include the following:**

(1) Dental insurance.

(2) A supplemental plan that always pays in addition to other coverage.".

Page 4, line 6, delete "IC 27-13-7-24" and insert "IC 27-13-7-24.5".

Page 4, line 8, delete "24." and insert "**24.5.**".

Page 4, line 18, delete "and".

Page 4, line 19, delete "therapy." and insert "**treatment; and**

(6) athletic trainer services.".

Page 4, line 32, delete "IC 27-8-35," and insert "**IC 27-8-35.5,**".

Page 4, line 35, delete "IC 27-13-7-24," and insert "**IC 27-13-7-24.5,**".

(Reference is to SB 162 as reprinted February 26, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

CARBAUGH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 179 as reprinted February 8, 2019.)

Committee Vote: Yeas 11, Nays 0.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 193, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 8-1-2-101.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 101.5. (a) As used in this section, "local unit" means a county or a municipality.**

(b) As used in this section, "utility" means a:

(1) public utility (as defined in section 1(a) of this chapter);

(2) municipally owned utility (as defined in section 1(h) of this chapter);

(3) not-for-profit utility (as defined in section 125(a) of this chapter);

(4) cooperatively owned corporation;

(5) conservancy district established under IC 14-33; or

(6) regional district established under IC 13-26;

that provides water service or wastewater service, or both, to the public.

(c) As used in this section, "utility infrastructure" means mains, service lines, pumps, and other facilities or infrastructure used to provide water or wastewater service.

(d) This section applies if, in connection with the extension or installation of utility infrastructure to serve a private development project, a local unit or a utility imposes construction specifications that:

(1) specify a greater service capacity, including specified increases in:

(A) the diameter of pipes, lines, or mains;

(B) the length of pipes, lines, or mains; or

(C) the distance over which pipes, lines, or mains are required to be extended;

for the utility infrastructure requested for the private development project than would otherwise be required for the private development project; and

(2) result in increased costs for the extension or installation of the utility infrastructure.

(e) Increased costs for utility infrastructure resulting from construction specifications requiring an increase in service capacity, as described in subsection (d):

(1) shall be borne by the local unit or utility requiring the increased service capacity, and not by the private developer;

(2) may not constitute the basis, in whole or in part, for the amount of any fee, including an impact fee under IC 36-7-4-1330, imposed on the private developer in connection with any required building or land use permits or approvals; and

(3) may not be passed along in the form of increased utility fees or rates to be borne solely by property owners within the boundaries of the private development project.

(f) A local unit or a utility may not condition approval for the extension or installation of utility infrastructure requested to serve a private development project upon a private developer's agreement to pay increased costs resulting from construction specifications requiring an increase in service capacity, as described in subsection (d).

(g) This section does not impair the right of a local unit to enact, enforce, or maintain a general land use regulation or zoning ordinance that does not have the effect of imposing increased utility infrastructure costs described in this section on private developers or property owners in the manner described in subsection (e) or (f).

(h) This section does not impair the right of a private developer to voluntarily agree to pay for increased utility infrastructure costs described in this section in exchange for incentives or grants provided by a local unit to the private developer.".

Page 3, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 3. IC 36-9-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 22.5. Use of Right-of-Way for Sewer and Water Connections

Sec. 1. As used in this chapter, "qualified inspector", with respect to an onsite sewage system, means any of the following:

(1) An employee of a local health department who is designated by the local health department as having knowledge of onsite sewage systems sufficient to determine whether an onsite sewage system is failing.

(2) An individual who is certified by the Indiana Onsite Wastewater Professionals Association as an onsite sewage system installer or inspector.

(3) An individual listed by:

(A) the state department of health; or

(B) the local health department with jurisdiction over the service area of the property inspected;

as having sufficient knowledge of onsite sewage systems to determine whether an onsite sewage system is failing.

Sec. 2. As used in this chapter, "sewage disposal system" means a privy, cesspool, septic tank, or other similar structure. The term includes the following:

(1) A septic tank soil absorption system (as defined in IC 13-11-2-199.5).

(2) A constructed wetland septic system (as defined in IC 36-9-23-30.1(a)).

(3) An onsite sewage system (as defined in IC 13-11-2-144.8).

The term does not include a sewer system.

Sec. 3. As used in this chapter, "sewer system" includes a sewer system owned or operated by any of the following:

(1) A public utility (as defined in IC 8-1-2-1(a)).

(2) A municipality under IC 36-9-23 or IC 36-9-25.

(3) A not-for-profit utility (as defined in IC 8-1-2-125(a)).

(4) A cooperatively owned corporation.

(5) A conservancy district established under IC 14-33.

(6) A regional sewer district established under IC 13-26.

The term does not include a sewer system owned or operated by the Indiana department of transportation.

Sec. 4. As used in this chapter, "water utility" means:

(1) a public utility (as defined in IC 8-1-2-1(a));

(2) a municipally owned utility (as defined in IC 8-1-2-1(h));

(3) a not-for-profit utility (as defined in IC 8-1-2-125(a));

(4) a cooperatively owned corporation;

(5) a conservancy district established under IC 14-33; or

(6) a regional water district established under IC 13-26;

that provides water service to the public.

Sec. 5. (a) This section applies to the owner of a lot, parcel of real property, or building if:

(1) the sewage disposal system that serves the lot, parcel, or building is failing; and

(2) the owner seeks to install (or to cause to be installed) a sewer line or other sewage works:

(A) in or through a public right-of-way owned or controlled by a unit; and

(B) for the purpose of connecting the owner's lot, parcel of real property, or building to a sewer system owned or operated by a unit or an entity other than the unit described in clause (A);

regardless of whether the proposed installation will be accomplished by excavation, directional boring, or any other commonly used method of installation.

(b) An owner may not install a sewer line or other sewage works as described in subsection (a) unless:

(1) the unit or other entity that owns or operates the sewer system executes a sewer agreement with the owner of the lot, parcel, or building;

(2) the sewer line or sewage works does not extend outside the regulated territory, if any, in which the property is located; and

(3) the owner has obtained all permits and approvals that are required by the state and the unit in which the lot, parcel, or building is located for installation of the sewer line or other sewage works.

(c) This subsection does not apply to the Indiana department of transportation with respect to any right-of-way owned or controlled by the department. A unit may not prohibit the installation of a sewer line or other sewage works as described in subsection (a) in or through a public right-of-way owned or controlled by the unit if the following conditions are met:

(1) The property owner seeking to install the sewer line or other sewage works does both of the following:

(A) Obtains, at the property owner's expense, a written determination from any of the following that the sewage disposal system serving the property owner's property is failing:

(i) The local health department.

(ii) The local health department's designee.

(iii) The board of the local health department, if the local health department or the local health department's designee, in response to a property owner's request for a determination under this clause, determines that the sewage disposal system serving the property owner's property is not failing, and the property owner appeals that determination to the board of the local health department.

(iv) A qualified inspector.

A written determination by the board of a local health department under item (iii) or by a qualified inspector under item (iv) as to whether a sewage disposal system serving a property owner's property is failing is final and binding for purposes of this chapter.

(B) Provides the written determination described in clause (A) to the unit:

(i) before the installation of the sewer line or other sewage works; and

(ii) not later than the date of application for all necessary construction or other permits required for the project.

(2) The property owner submits along with, or as part of, the written determination required under subdivision (1)(B) a signed statement agreeing to restore or repair all public or private property damaged in carrying out the installation described in subsection (a) and to place the property in the property's original condition as nearly as practicable, in accordance with the requirements of the unit that owns or controls the right-of-way, regardless of whether the restoration or repair will be undertaken or performed by the property owner, by the owner or operator of the sewer system to which the property is to be connected, or by some other party.

(d) For purposes of this section, a sewage disposal system is "failing" if one (1) or more of the following apply:

(1) The system refuses to accept sewage at the rate of design application and interferes with the normal use of plumbing fixtures.

(2) Effluent discharge exceeds the absorptive capacity of the soil into which the system discharges, resulting in ponding, seepage, or other discharge of the effluent to the ground surface or to surface waters.

(3) Effluent discharged from the system contaminates a potable water supply, ground water, or surface waters.

Sec. 6. (a) This section applies if the owner of a lot, parcel of real property, or building seeks to install (or to cause to be installed) a water service line or other infrastructure for the delivery of water utility service to the owner's lot, parcel of real property, or building:

(1) in or through a public right-of-way owned or controlled by a unit; and

(2) for the purpose of connecting the owner's lot, parcel of real property, or building to a waterworks that is owned or operated by a water utility other than a water utility owned or operated by the unit;

regardless of whether the proposed installation will be accomplished by excavation, directional boring, or any other commonly used method of installation.

(b) An owner may not install a water service line or other infrastructure as described in subsection (a) unless:

(1) the water utility that owns or operates the waterworks executes a service agreement with the owner of the lot, parcel, or building;

(2) the water service line or other infrastructure does not extend outside the regulated territory, if any, in which the property is located; and

(3) the owner obtains all permits and approvals that are required by the state and the unit in which the lot, parcel, or building is located for installation of the water service line or other infrastructure.

(c) This subsection does not apply to the Indiana department of transportation with respect to any right-of-way owned or controlled by the department. A unit may not prohibit the installation of a water service line or other infrastructure as described in subsection (a) in or through a public right-of-way owned or controlled by the unit if the following conditions are met:

(1) The lot, parcel of real property, or building that the property owner seeks to connect to a waterworks is served by a private water well.

(2) The property owner submits before the installation of the water service line or other infrastructure, and not later than the date of application for all necessary construction or other permits required for the project, a signed statement agreeing to do the following:

(A) Abandon and plug the property owner's existing well in accordance with IC 25-39-2-14 and rules adopted under IC 25-39.

(B) Restore or repair all public or private property damaged in carrying out the installation described in subsection (a) and to place the property in the property's original condition as nearly as practicable, in accordance with the requirements of the unit that owns or controls the right-of-way, regardless of whether the restoration or repair will be undertaken or performed by the property owner, by the owner or operator of the waterworks to which the property is to be connected, or by some other party.

Sec. 7. (a) This chapter does not abrogate, limit, or affect in any manner the authority of a unit under:

(1) IC 8-1-2-101; or

(2) any other law;

to otherwise regulate or control a public right-of-way owned or controlled by the unit.

(b) This chapter does not abrogate, limit, or affect in any manner the authority of the Indiana department of transportation under:

(1) IC 8-23; or

(2) any other law;

to safely and efficiently manage and operate the state highway system and associated highway rights-of-way for the benefit of the traveling public.

Sec. 8. This chapter does not affect the rights of any water utility or wastewater utility with respect to the service area or territory of the water utility or wastewater utility, as those rights may be established or limited by law.

SECTION 4. IC 36-9-23-25, AS AMENDED BY P.L.196-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: 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. **A flat charge established by a municipal legislative body under this subdivision:**

(A) may include only those costs actually incurred by the municipality under subsection (b); and

(B) may not include contributions in aid of construction (as defined in subsection (g)).

(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, **and in collecting the fees established,** based on variations in:

(1) the costs **actually incurred,** including capital expenditures, ~~of~~ **in** furnishing services to various classes of users or to various locations; or

(2) the number of users in various locations.

However, contributions in aid of construction (as defined in subsection (g)) do not constitute costs of furnishing service that a municipal legislative body may consider in adopting different schedules of fees or in making classifications in schedules of fees. A municipal legislative body may not charge or collect any fees under this chapter that include contributions in aid of construction.

(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.

(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.

(g) As used in this section, "contributions in aid of construction", with respect to a municipal sewage works operated under this chapter, means any amount of money, services, or property that:

(1) is received by the municipality that owns or operates the sewage works from any person, developer, or governmental agency;

(2) is provided at no cost to the municipality;

(3) includes:

(A) previously paid fees or charges from any person or developer;

(B) contributions, grants, or forgivable loans from governmental agencies; and

(C) any other money or property provided at no cost to the municipality; and

(4) does not constitute a cost that may be included in the establishment of a fee or rate under this section.

(h) For purposes of this subsection, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2. After July 31, 2019, if a sewer utility operated under this chapter charges any user of the sewage works a fee under this section that is based, in whole or in part, on contributions in aid of construction, the user may file with the commission, not later than thirty (30) days after the date the fee is imposed on the user, a petition challenging the fee. If the commission determines the fee is based in whole or in part on contributions in aid of construction, the commission shall invalidate the fee. A user's right to file a petition with the commission under this subsection is in addition to any other rights or remedies the user may have by law or contract. The commission is not precluded from reviewing a fee under this subsection because of:

(1) a prior challenge to the fee under another law; or

(2) the sewer utility's exemption from the commission's jurisdiction for the approval of rates and charges.

SECTION 5. IC 36-9-25-11, AS AMENDED BY P.L.196-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) In connection with its duties, the board may fix fees for the treatment and disposal of sewage and other waste discharged into the sewerage system, collect the fees, and establish and enforce rules governing the furnishing of and payment for sewage treatment and disposal service. The fees must be just

and equitable and shall be paid by any user of the sewage works and, except as otherwise provided in an ordinance provision described in subsection (l), the owner of every lot, parcel of real property, or building that is connected with and uses the sewage works of the district by or through any part of the sewerage system. This section applies to owners of property that is partially or wholly exempt from taxation, as well as owners of property subject to full taxation.

(b) The board may change fees from time to time. The fees, together with the taxes levied under this chapter, must at all times be sufficient to produce revenues sufficient to pay operation, maintenance, and administrative expenses, to pay the principal and interest on bonds as they become due and payable, and to provide money for the revolving fund authorized by this chapter.

(c) Fees may not be established until a public hearing has been held at which all the users of the sewage works and owners of property served or to be served by the works, including interested parties, have had an opportunity to be heard concerning the proposed fees. After introduction of the resolution fixing fees, and before they are finally adopted, notice of the hearing setting forth the proposed schedule of fees shall be given by publication in accordance with IC 5-3-1. After the hearing the resolution establishing fees, either as originally introduced or as amended, shall be passed and put into effect. However, fees related to property that is subject to full taxation do not take effect until they have been approved by ordinance of the municipal legislative body or, in the case of a district described in section 3(b)(2) of this chapter, under section 11.3 of this chapter.

(d) A copy of the schedule of the fees shall be kept on file in the office of the board and must be open to inspection by all interested parties. The fees established for any class of users or property served shall be extended to cover any additional premises thereafter served that fall within the same class, without the necessity of hearing or notice. **However, contributions in aid of construction (as defined in subsection (m)) do not constitute costs of furnishing service that a board or municipal legislative body may consider in adopting different schedules of fees or in making classifications in schedules of fees. A board or municipal legislative body may not charge or collect any fees under this chapter that include contributions in aid of construction.**

(e) A change of fees may be made in the same manner as fees were originally established. However, if a change is made substantially pro rata for all classes of service, hearing or notice is not required, but approval of the change by ordinance of the municipal legislative body is required, and, in the case of a district described in section 3(b)(2) of this chapter, approval under section 11.3 of this chapter is required.

(f) If a fee established is not paid within thirty (30) days after it is due, the board may recover, in a civil action in the name of the municipality, the amount, together with a penalty of ten percent (10%) and a reasonable attorney's fee from:

(1) the delinquent user; or

(2) the owner of the property;

subject to any ordinance described in subsection (l).

(g) Except as otherwise provided in subsection (h) or in an ordinance provision described in subsection (l), fees assessed against real property under this section also constitute a lien against the property assessed. The lien attaches at the time of the filing of the notice of lien in the county recorder's office. The lien is superior to all other liens except tax liens, and shall be enforced and foreclosed in the same manner as is provided for liens under IC 36-9-23-33 and IC 36-9-23-34.

(h) A fee assessed against real property under this section constitutes a lien against the property assessed only when the fee is delinquent for no more than three (3) years from the day after the fee is due.

(i) In addition to the:

(1) penalties under subsections (f) and (g); or

(2) alternative penalty available under section 11.5 of this chapter;

a delinquent user may not discharge water into the public sewers and may have the property disconnected from the public sewers.

(j) The authority to establish a user fee under this section includes fees to recover the cost of construction of sewage works from industrial users as defined and required under federal statute or rule. Any industrial users' cost recovery fees may become a lien upon the real property and shall be collected in the manner provided by law. In addition, the imposition of the fees, the use of the amounts collected, and the criteria for the fees must be consistent with the regulations of the federal Environmental Protection Agency.

(k) The authority to establish a user fee under this section includes fees to recover the costs associated with providing financial assistance under section 42 of this chapter. A fee that is:

(1) established under this subsection or any other law; and

(2) used to provide financial assistance under section 42 of this chapter;

is considered just and equitable if the project for which the financial assistance is provided otherwise complies with the requirements of this chapter.

(l) For purposes of this subsection, "municipal legislative body" refers to the legislative body of each municipality in the district, in the case of a district described in section 3(b)(2) of this chapter. 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 chapter, 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 sewerage system 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.

(2) That the fees for the services rendered by the sewerage system 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 board 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 board 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 board 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 sewerage system to the property do not constitute a lien against the property, notwithstanding subsection (g), 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 chapter any other provision that the municipal legislative body considers appropriate.

(m) For purposes of this subsection, "municipality" refers to one (1) or more municipalities included in the district, in the case of a district described in section 3(b)(2) of this chapter. As used in this section, "contributions in aid of construction", with respect to a sewage works operated under this chapter, means any amount of money, services, or property that:

(1) is received by a municipality that owns or operates, in whole or in part, the sewage works from any person, developer, or governmental agency;

(2) is provided at no cost to the municipality;

(3) includes:

(A) previously paid fees or charges from any person or developer;

(B) contributions, grants, or forgivable loans from governmental agencies; and

(C) any other money or property provided at no cost to the municipality; and

(4) does not constitute a cost that may be included in the establishment of a fee or rate under this section.

(n) For purposes of this subsection, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2. After July 31, 2019, if a sewer utility operated under this chapter charges any user of the sewage works a fee under this section that is based, in whole or in part, on contributions in aid of construction, the user may file with the commission, not later than thirty (30) days after the date the fee is imposed on the user, a petition challenging the fee. If the commission determines the fee is based in whole or in part on contributions in aid of construction, the commission shall invalidate the fee. A user's right to file a petition with the commission under this subsection is in addition to any other rights or remedies the user may have by law or contract. The commission is not precluded from reviewing a fee under this subsection because of:

(1) a prior challenge to the fee under another law; or

(2) the sewer utility's exemption from the commission's jurisdiction for the approval of rates and charges.

SECTION 6. IC 36-9-25-12, AS AMENDED BY P.L.127-2017, SECTION 318, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) The fees for the treatment and disposal of sewage may be based on **the following:**

(1) A flat charge for each sewer connection. **A flat charge established under this subdivision:**

(A) may include only those costs actually incurred by the board or the municipality under section 11(b) of this chapter; and

(B) may not include contributions in aid of construction (as defined in section 11(m) of this chapter).

(2) The amount of water used on the premises.

(3) The number and size of water outlets on the premises.

(4) The amount, strength, or character of sewage discharged into the sewers.

(5) The size of sewer connections. ~~or~~

(6) Any combination of these factors or other factors that the board determines necessary in order to establish just and equitable rates and charges.

(b) The board may enter into contracts with a water utility furnishing water service to users or property served in the district relative to:

(1) ascertaining the amount of water consumed;

(2) the computation of the amount of charge to be billed to each user or property served;

(3) the billing and collection of the amounts; and

(4) the discontinuance of water service to delinquent users as provided in section 11.5 of this chapter.

(c) As an alternative to subsection (b), the board may require a water utility furnishing water service to users or property served in the district to perform the functions listed in subsection (b). If the water utility and the board do not agree upon the reasonable compensation to be paid to the water utility for the services described in subsection (b), the board or the water utility may apply to the utility regulatory commission to establish the reasonable compensation for the services. Upon receipt of an application, the utility regulatory commission, after notice to the water utility and the board and after a hearing, shall establish the reasonable compensation to be paid for the services. The water utility shall then render the services described in return for the compensation fixed.

(d) If a person owns or occupies real property that is connected to the sewage works and either directly or indirectly uses water obtained from a source other than a water utility that is not measured by a water meter acceptable to the board, then the board may require the person, at the person's own expense, to furnish, install, and maintain a water or sewage measuring device acceptable to the board.".

Delete pages 4 through 6.

Page 7, delete lines 1 through 37.

Renumber all SECTIONS consecutively.

(Reference is to SB 193 as reprinted January 25, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 235, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 8, after "Sec. 0.6." insert "**(a)**".

Page 2, between lines 15 and 16, begin a new line block indented and insert:

"**(3) A disciplinary record or proceeding as it relates to a licensing, certification, or public entity.**

(b) Except as provided in subsection (c), the changes in this chapter made in SEA 235-2019 as enacted in the 2019 session of the general assembly apply only to an expungement order granted after June 30, 2019.

(c) A person whose petition for expungement was granted before July 1, 2019, may file a petition for a supplemental order of expungement under section 9 of this chapter to obtain the benefit of changes in SEA 235-2019 as enacted in the 2019 session of the general assembly, if applicable.".

Page 2, line 24, after "expunged" insert "**under sections 2 through 5 of this chapter,**".

Page 10, between lines 29 and 30, begin a new line block indented and insert:

"**This subdivision does not require the state police department to seal any record the state police department does not have legal authority to seal.**".

Page 14, line 33, delete "civil forfeitures," and insert "**collateral actions,**".

Page 15, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 14. IC 35-38-9-9, AS AMENDED BY P.L.142-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) If the

prosecuting attorney does not object, or has waived objection to the petition under section 8 of this chapter, the court may grant the petition for expungement without a hearing.

(b) The court may summarily deny a petition, if the petition does not meet the requirements of section 8 of this chapter, or if the statements contained in the petition demonstrate that the petitioner is not entitled to relief.

(c) If the prosecuting attorney objects to the petition, the prosecuting attorney shall file the reasons for objecting to the petition with the court and serve a copy of the objections on the petitioner at the time the prosecuting attorney objects to the petition. The court shall set the matter for hearing not sooner than sixty (60) days after service of the petition on the prosecuting attorney.

(d) A victim of the offense for which expungement is sought may submit an oral or written statement in support of or in opposition to the petition at the time of the hearing. The petitioner must prove by a preponderance of the evidence that the facts alleged in the verified petition are true.

(e) The grant or denial of a petition is an appealable final order.

(f) If the court grants the petition for expungement, the court shall issue an order of expungement as described in sections 6 and 7 of this chapter.

(g) The order granting the petition for expungement described in sections 6 and 7 of this chapter must include the information described in section 8(b) of this chapter.

(h) This subsection applies only to a petition to expunge conviction records filed under sections 2 through 5 of this chapter. This subsection does not apply to a petition to expunge records related to the arrest, criminal charge, or juvenile delinquency allegation under section 1 of this chapter. A petitioner may seek to expunge more than one (1) conviction at the same time. The petitioner shall consolidate all convictions that the petitioner wishes to expunge from the same county in one (1) petition. A petitioner who wishes to expunge convictions from separate counties must file a petition in each county in which a conviction was entered.

(i) This subsection applies only to a petition to expunge conviction records filed under sections 2 through 5 of this chapter. This subsection does not apply to a petition to expunge records related to the arrest, criminal charge, or juvenile delinquency allegation under section 1 of this chapter. Except as provided in subsections (j) and (k), a petitioner may file a petition for expungement only one (1) time during the petitioner's lifetime. For purposes of this subsection, all petitions for expungement filed in separate counties for offenses committed in those counties count as one (1) petition if they are filed in one (1) three hundred sixty-five (365) day period.

(j) A petitioner whose petition for expungement has been denied, in whole or in part, may refile that petition for expungement, in whole or in part, with respect to one (1) or more convictions included in the initial expungement petition that were not expunged. However, if the petition was denied due to the court's exercise of its discretion under section 4 or 5 of this chapter, a petition for expungement may be refiled only after the elapse of three (3) years from the date on which the previous expungement petition was denied. Except as provided in subsection (k), a refiled petition for expungement may not include any conviction that was not included in the initial expungement petition.

(k) A court may permit a petitioner to file an amended petition for expungement with respect to one (1) or more convictions that were not included in the initial expungement petition only if the court finds that:

(1) the petitioner intended in good faith to comply with subsections (h) and (i);

(2) the petitioner's failure to comply with subsections (h) and (i) was due to:

(A) excusable neglect; or

(B) circumstances beyond the petitioner's control; and

(3) permitting the petitioner to file a subsequent petition for expungement is in the best interests of justice.

(l) If:

(1) the information required to be expunged, marked as expunged, or otherwise sealed or restricted under this chapter changes as the result of an amendment to this chapter; and

(2) a person whose petition for expungement was granted before the effective date of the amendment wishes to obtain the benefits of that amendment;

the person may file a petition for a supplemental order of expungement with the court that granted the petition for expungement. A petition for a supplemental order of expungement must include a copy of the expungement order, succinctly set forth the relief the petitioner seeks, and include any other information required by the court. If the court finds that the person was granted an order for expungement before the effective date of the amendment and is otherwise entitled to relief, the court shall issue a supplemental order for expungement consistent with the amendment.".

Renumber all SECTIONS consecutively.

(Reference is to SB 235 as reprinted January 30, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 276, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 276 as printed January 25, 2019.)

Committee Vote: Yeas 9, Nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 293, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 293 as printed February 22, 2019.)

Committee Vote: Yeas 9, Nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 322, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 14 and 15, begin a new line block indented and insert:

"**(6) Branding sales as those of the marketplace facilitator.**".

Page 3, line 38, strike "regularly".

Page 4, line 3, strike "Except as provided in section 4.2 of this chapter,".

Page 4, line 3, delete "each" and insert "Each".

Page 4, delete lines 21 through 40, begin a new paragraph and insert:

"**(e) The gross retail income derived from a transaction to which this section applies is equal to the total amount of consideration paid by the purchaser, including the payment of any fee (including a facilitation fee), commission, or other charge by the retail merchant (including a marketplace**

facilitator), except that the gross retail income does not include any taxes on the transaction that are imposed directly on the consumer.

(f) A marketplace facilitator who is considered a retail merchant under section 18 of this chapter for a transaction to which this section applies shall collect and remit innkeeper's taxes imposed under IC 6-9 on the retail transaction.

SECTION 6. IC 6-2.5-4-4.2 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 4.2. (a) A person or a facilitator who is a retail merchant making a retail transaction described in section 4 of this chapter shall give to the consumer of the room, lodging, or accommodation an itemized statement separately stating all the following:~~

~~(1) The part of the gross retail income that is charged by the person for renting or furnishing the room, lodging, or accommodation.~~

~~(2) Any amount collected by the person renting or furnishing the room, lodging, or accommodation for:~~

~~(A) the state gross retail or use tax; and~~

~~(B) any innkeeper's tax due under IC 6-9.~~

~~(3) Any part of the gross retail income that is a fee, commission, or other charge of a facilitator.~~

~~(b) A penalty of twenty-five dollars ($25) is imposed for each transaction described in subsection (a) in which a facilitator fails to separately state the information required to be separately stated by subsection (a).~~".

Page 5, line 10, delete "selling fees," and insert "**fees**".

Page 5, delete line 11.

Page 5, line 12, delete "as a marketplace facilitator,".

Page 5, line 12, delete "active".

Page 5, line 13, delete "facilitation." and insert "**transactions made on its electronic marketplace.**".

Page 5, between lines 28 and 29, begin a new paragraph and insert:

"**(c) The gross retail income from a transaction under this section is equal to the total amount of consideration paid by the purchaser, including the payment of any fee, commission, or other charge by the marketplace facilitator, except that the gross retail income does not include any taxes on the transaction that are imposed directly on the consumer other than taxes under section 1(f)(2) of this chapter.**

SECTION 8. IC 6-2.5-5-53 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 53. (a) This subsection applies only to property that is the owner's primary personal residence. If:**

(1) at least one (1) owner of a house, condominium, or apartment maintains the house, condominium, or apartment as the owner's primary personal residence;

(2) the owner rents or furnishes rooms, lodgings, or other accommodations in the house, condominium, or apartment for consideration for fewer than fifteen (15) days in a calendar year;

(3) none of the payments for the room, lodging, or other accommodation are made through a marketplace facilitator; and

(4) the rental or furnishing of the room, lodging, or other accommodation qualifies for the special rule for certain use under Section 280A(g) of the Internal Revenue Code;

the transaction involving the renting or furnishing of the rooms, lodgings, or other accommodations in the house, condominium, or apartment for consideration during the calendar year is exempt from the state gross retail tax.

(b) If an owner described in subsection (a) rents or furnishes rooms, lodgings, or other accommodations in a house, condominium, or apartment for consideration for more than fourteen (14) days in the current calendar year or in the preceding calendar year, the exemption under subsection (a) does not apply and the owner shall collect and remit any state gross retail tax imposed under IC 6-2.5-4-4, subject to the following conditions:

(1) If the rental or furnishing for more than fourteen (14) days occurred in the current calendar year, but not the preceding calendar year, then the tax collection must begin on the 15th day of rental or furnishing and each day thereafter in the current calendar year that the owner rents or furnishes rooms, lodgings, or other accommodations in the house, condominium, or apartment for consideration.

(2) If the rental or furnishing for more than fourteen (14) days occurred in the preceding calendar year, then the tax collection must begin on the first day of rental or furnishing and each day thereafter in the current calendar year that the owner rents or furnishes rooms, lodgings, or other accommodations in the house, condominium, or apartment for consideration.".

Page 5, after line 42, begin a new paragraph and insert:

"SECTION 10. IC 6-2.5-9-3, AS AMENDED BY P.L.158-2013, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. **(a) Except as provided in subsection (b) and the limited relief provided for marketplace facilitators in section 3.5 of this chapter (before its expiration),** an individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and

(2) has a duty to remit state gross retail or use taxes (as described in IC 6-2.5-3-2) to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state. If the individual knowingly fails to collect or remit those taxes to the state, the individual commits a Level 6 felony.

(b) For calendar years beginning after December 31, 2021, except in cases in which the marketplace facilitator and the seller are affiliated, a marketplace facilitator is not liable under this section for failure to collect and remit gross retail and use taxes if the marketplace facilitator demonstrates to the satisfaction of the department that:

(1) the marketplace facilitator has a system in place to require the seller to provide accurate information and has made a reasonable effort to obtain accurate information from the seller about a retail transaction;

(2) the failure to collect and remit the correct tax was due to incorrect or insufficient information provided to the marketplace facilitator by the seller; and

(3) the marketplace facilitator provides information showing who the purchaser was in each transaction for which the tax had not been collected.

If the marketplace facilitator is relieved of liability under this subsection, the purchaser is liable for any amount of uncollected, unpaid, or unremitted tax.".

Page 6, line 3, after "(a)" insert "**This section applies only in the context of an audit or other investigation conducted by the department of calendar years beginning after December 31, 2018, and before January 1, 2022.**

(b)".

Page 6, line 3, delete "(b)," and insert "**(c),**".

Page 6, line 5, after "collect" insert "**and remit**".

Page 6, line 11, delete "and".

Page 6, line 13, delete "transaction." and insert "**transaction; and**

(4) the transaction facilitated by the marketplace facilitator occurred before January 1, 2022, regardless of when the purchased items are delivered to the purchaser.".

Page 6, line 14, delete "(b)" and insert "**(c)**".

Page 6, line 15, delete "a calendar year" and insert "**any calendar year to which this section applies**".

Page 6, line 17, delete "ten percent (10%)" and insert "**five percent (5%)**".

Page 6, line 21, delete "years 2020 through 2023," and insert "**year 2020,**".

Page 6, line 22, delete "five percent (5%)" and insert "**three percent (3%)**".

Page 6, line 26, delete "Beginning in calendar year 2024," and insert "**For calendar year 2021,**".

Page 6, line 27, delete "three percent (3%)" and insert "**two percent (2%)**".

Page 6, delete lines 31 through 33.

Page 6, line 40, delete "(b)," and insert "**(c),**".

Page 7, line 1, delete "also shall" and insert "**shall also**".

Page 7, between lines 2 and 3, begin a new paragraph and insert:

"**(f) This section expires January 1, 2023.**

SECTION 12. IC 6-8.1-3-7.1, AS AMENDED BY P.L.242-2015, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.1. (a) "Fiscal officer" has the meaning set forth in IC 36-1-2-7.

(b) The department shall enter into an agreement with the fiscal officer of an entity that has adopted an innkeeper's tax, a food and beverage tax, or an admissions tax under IC 6-9 to furnish the fiscal officer annually with:

(1) the name of each business collecting the taxes listed in this subsection; and

(2) the amount of money collected from each business.

For an innkeeper's tax or food and beverage tax remitted through a marketplace facilitator, the information must include the name of each business and the amount of money collected from each business by a marketplace facilitator acting on behalf of the business.

(c) The agreement must provide that the department must provide the information in an electronic format that the fiscal officer can use, as well as a paper copy.

(d) The agreement must include a provision that, unless in accordance with a judicial order, the fiscal officer, employees of the fiscal officer, former employees of the fiscal officer, counsel of the fiscal officer, agents of the fiscal officer, or any other person may not divulge the names of the businesses, the amount of taxes paid by the businesses, or any other information disclosed to the fiscal officer by the department.

(e) The department shall also enter into an agreement with the fiscal officer of a capital improvement board of managers:

(1) created under IC 36-10-8 or IC 36-10-9; and

(2) that is responsible for expenditure of funds from:

(A) an innkeeper's tax, a food and beverage tax, or an admissions tax under IC 6-9;

(B) the supplemental auto rental excise tax under IC 6-6-9.7; or

(C) the state gross retail taxes allocated to a professional sports development area fund, a sports and convention facilities operating fund, or other fund under IC 36-7-31 or IC 36-7-31.3;

to furnish the fiscal officer annually with the name of each business collecting the taxes listed in this subsection, and the amount of money collected from each business. An agreement with a fiscal officer under this subsection must include a nondisclosure provision the same as is required for a fiscal officer under subsection (d).".

Page 7, line 16, after "claim." insert "**However, nothing in this subsection affects a purchaser's right to seek a refund under this chapter.**

SECTION 13. IC 6-9-29-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.2. (a) Except as provided in subsection (b), an innkeeper's tax imposed under this article applies, in addition to any other place explicitly specified in a statute under this article, to rooms, lodgings, or other accommodations in a house, condominium, or apartment that are regularly furnished for consideration for less than thirty (30) days.**

(b) The exemption provided by IC 6-2.5-5-53(a) from the state gross retail tax also applies to innkeeper's taxes imposed under subsection (a).

(c) This subsection is intended as notice to an owner in subsection (a). The state gross retail tax imposed under IC 6-2.5-4-4 may also apply to transactions described in subsection (a) in which an owner is required to collect and remit innkeeper's taxes under an applicable innkeeper's tax statute in this article.

SECTION 14. IC 6-9-29-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6. (a) A marketplace facilitator (as defined in IC 6-2.5-1-21.9) of rooms, lodgings, or accommodations subject to taxation under this article is considered the person engaged in the business of renting or furnishing the rooms, lodgings, or accommodations and is required to collect and remit any taxes imposed under this article.**

(b) Regardless of whether a transaction under this article was made by the marketplace facilitator on its own behalf or facilitated on behalf of a seller, a marketplace facilitator is required to do the following with each retail transaction made on its marketplace:

(1) Collect and remit the tax imposed under this article to the department, even if:

(A) a seller for whom a transaction was facilitated:

(i) does not have a registered retail merchant certificate; or

(ii) would not have been required to collect an innkeeper's tax had the transaction not been facilitated by the marketplace facilitator; and

(B) the innkeeper's tax is normally remitted directly to a political subdivision of the state.

(2) Comply with all applicable procedures and requirements imposed under this article or IC 6-2.5 as the retail merchant in the transaction.

(c) Upon the request of:

(1) the department; or

(2) a political subdivision;

a marketplace facilitator shall provide information listing the tax collected in accordance with this article by the marketplace facilitator on behalf of each of its sellers for the period specified by the requesting entity.

(d) For purposes of subsection (c):

(1) if the information is requested by the department, the department may share the information with the political subdivision in which the transactions occurred in accordance with IC 6-8.1-3-7.1; or

(2) if the information is requested by a political subdivision, the political subdivision is entitled only to information pertaining to transactions that occurred within the political subdivision.

SECTION 15. IC 6-9-29-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 7. (a) A county treasurer may enter into an agreement with the fiscal officer of an entity:**

(1) created under this article; and

(2) that is responsible for the expenditure of funds from an innkeeper's tax under this article;

to furnish the fiscal officer each month with the name and retail address of each business collecting the innkeeper's tax and the amount of money collected from each business.

(b) An agreement under subsection (a) must include a provision specifying that, unless in accordance with a judicial order, the fiscal officer, employees of the fiscal officer, former employees of the fiscal officer, counsel of the fiscal officer, agents of the fiscal officer, or any other person may not divulge the names or retail addresses of the businesses, the amount of taxes paid by the businesses, or any other information disclosed to the fiscal officer by the county treasurer.

SECTION 16. IC 6-9-29.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2019]:

Chapter 29.5. Food and Beverage Tax Administration

Sec. 1. This chapter applies to all political subdivisions imposing a food and beverage tax under this article.

Sec. 2. (a) A marketplace facilitator (as defined in IC 6-2.5-1-21.9) subject to the requirements to collect sales tax on its own transactions or on behalf of its sellers in accordance with IC 6-2.5-4-18 is also required to collect any taxes imposed under this article on a transaction that it facilitates.

(b) A marketplace facilitator must source the tax imposed under this article on any transaction to the retail location of the seller in each transaction.

(c) Regardless of whether a transaction under this article is made by the marketplace facilitator on its own behalf or facilitated on behalf of a seller, a marketplace facilitator is required to do the following with each retail transaction made on its marketplace:

(1) Collect and remit the tax imposed under this article to the department, even if:

(A) a seller for whom a transaction was facilitated:

(i) does not have a registered retail merchant certificate; or

(ii) would not have been required to collect a food and beverage tax had the transaction not been facilitated by the marketplace facilitator; and

(B) the food and beverage tax is normally remitted directly to a political subdivision of the state.

(2) Comply with all applicable procedures and requirements imposed under this article or IC 6-2.5 as the retail merchant in the transaction.

Sec. 3. (a) An individual who:

(1) is an individual taxpayer or an employee, officer, or member of a corporate or partnership taxpayer; and

(2) has a duty to remit food and beverage taxes to the department of state revenue or a political subdivision;

holds those food and beverage taxes in trust for the state or political subdivision and is personally liable for the payment of the food and beverage taxes, plus any penalties and interest attributable to the food and beverage taxes, to the state or political subdivision. An individual who knowingly fails to collect or remit the food and beverage taxes to the state or political subdivision commits a Level 6 felony.

(b) Upon the request of:

(1) the department; or

(2) a political subdivision;

a marketplace facilitator shall provide information listing the tax collected in accordance with this article by the marketplace facilitator on behalf of each of its sellers for the period specified by the requesting entity.

(c) For purposes of subsection (b):

(1) if the information is requested by the department, the department may share the information with the political subdivision in which the transactions occurred in accordance with IC 6-8.1-3-7.1; or

(2) if the information is requested by a political subdivision, the political subdivision is entitled only to information pertaining to transactions that occurred within the political subdivision.

SECTION 17. IC 35-52-6-78.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 78.5. IC 6-9-29.5-3 defines a crime concerning taxes.**

SECTION 18. IC 36-1-24-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 20. This section is intended as notice to an owner as defined in section 2 of this chapter. An owner of short term rental property who makes a short term rental in which payments for the room, lodging, or other accommodation are not made through a marketplace facilitator (as defined by IC 6-2.5-1-21.9) may be liable for collecting and remitting the following taxes on consideration received by the owner for the short term rental:**

(1) State gross retail tax imposed under IC 6-2.5-4-4.

(2) Innkeeper's tax imposed under IC 6-9.

SECTION 19. [EFFECTIVE JULY 1, 2019] **(a) As used in this SECTION, "retail transaction" has the meaning set forth in IC 6-2.5-1-2(a).**

(b) The provisions of this act apply only to retail transactions occurring after June 30, 2019.

(c) A retail transaction is considered to have occurred after June 30, 2019, to the extent that delivery of the property or services constituting selling at retail is made after that date to the purchaser (or to the place of delivery designated by the purchaser). However, a transaction shall be considered to have occurred before July 1, 2019, to the extent that the agreement of the parties to the transaction was entered into before July 1, 2019, and payment for the property or services furnished in the transaction is made before July 1, 2019, notwithstanding the delivery of the property or services after June 30, 2019.

(d) This SECTION expires July 1, 2022.

SECTION 19. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 322 as reprinted February 19, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 325, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

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

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

(A) local law enforcement agency;

(B) private entity; or

(C) nonprofit corporation;

to employ a school resource officer;

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

(3) purchase equipment and technology to:

(A) restrict access to school property; or

(B) expedite notification of first responders;

(4) provide school based mental health services to students with written parental consent or form partnerships with mental health providers as described in section 4(a)(5) of this chapter;

(5) provide school based social emotional wellness services to students with written parental consent or form partnerships with social emotional wellness providers as described in section 4(a)(6) of this chapter; or

(6) implement an integrated school based mental health and substance use disorder identification and parent support plan as described in section 4(a)(7) of this chapter.

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

(c) The fund consists of:

(1) appropriations from the general assembly;

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

(3) federal grants; and

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

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

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

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

SECTION 2. IC 10-21-1-4, AS AMENDED BY P.L.30-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The board may award a matching grant to enable a school corporation or charter school (or a coalition of schools applying jointly) to:

(1) establish a program to employ a school resource officer;

(2) provide school resource officer training described in IC 20-26-18.2-1(b)(2);

(3) conduct a threat assessment; ~~or~~

(4) purchase equipment to restrict access to the school or expedite the notification of first responders; ~~in accordance with section 2(a) of this chapter;~~

(5) provide school based mental health services to students with written parental consent or form partnerships with mental health providers to provide school based mental health services to students with written parental consent;

(6) provide school based social emotional wellness services to students with written parental consent or form partnerships with social emotional wellness providers to provide school based social emotional wellness services with written parental consent; or

(7) implement an integrated school based mental health and substance use disorder identification and parent support plan in the manner set forth in IC 20-34-9;

in accordance with section 2(a) of this chapter.

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

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

(2) The following amounts:

(A) Fifty thousand dollars ($50,000) per year, in the case of a school corporation or charter school that:

(i) has an ADM of at least one thousand (1,000); and

(ii) is not applying jointly with any other school corporation or charter school.

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

(i) has an ADM of less than one thousand (1,000); and

(ii) is not applying jointly with any other school corporation or charter school.

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

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

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

SECTION 3. IC 20-34-9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 9. Integrated School Based Mental Health and Substance Use Disorder Identification and Parent Support Grant Program

Sec. 1. This chapter does not apply to a virtual charter school (as defined in IC 20-24-7-13(a)) or a virtual accredited nonpublic school.

Sec. 2. As used in this chapter, "plan" refers to an integrated school based mental health and substance use disorder identification and parent support plan described in section 6(2) of this chapter.

Sec. 3. As used in this chapter, "program" refers to the integrated school based mental health and substance use disorder identification and parent support grant program established by section 5 of this chapter.

Sec. 4. Beginning after June 30, 2020, and subject to available funding, a school corporation, a charter school, and an accredited nonpublic school are eligible for a grant under this chapter if the school corporation, charter school, or accredited nonpublic school meets the requirements of this chapter.

Sec. 5. (a) The integrated school based mental health and substance use disorder identification and parent support grant program is established to provide grants to school corporations, charter schools, and accredited nonpublic schools for the development and implementation of integrated school based mental health and substance use disorder identification plans to support parents caring for at-risk students.

(b) The department, in coordination with the division of mental health and addiction, shall administer the program.

Sec. 6. A school corporation, a charter school, or an accredited nonpublic school must do the following to participate in the program:

(1) Apply to the department to participate in the program.

(2) Submit to the department an integrated school based mental health and substance use disorder identification and parent support plan that the school corporation, charter school, or accredited nonpublic school intends to implement and that includes the following:

(A) A process for a teacher or school employee to notify a school official and a student's parent if the student is showing signs of the need for mental health or substance use disorder services. The process must include a plan to work with a student's parent to help the student receive appropriate services with the written consent of the student's parent.

(B) With the written consent of a student's parent, the provision of school based mental health and substance use disorder services that are research based and include a seamless referral and follow-up process.

(C) The coordination of care and collaborative safety planning with students, families, and health care providers.

(D) The coordination with other school corporations, charter schools, or accredited nonpublic schools and the community to share information and best practice guidelines regarding integrated school based mental health and substance use disorder identification and parent support plans.

Sec. 7. (a) Before June 30, 2020, and before each June 30 thereafter, the department shall evaluate and prepare a report concerning development and implementation of the following:

(1) The program.

(2) The plans submitted and implemented by school corporations, charter schools, and accredited nonpublic schools.

(b) The department shall submit the report described in subsection (a) to the legislative council in an electronic

format under IC 5-14-6.

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate interim study committee the task of studying school districts, within and outside of Indiana, that have:**

(1) implemented trauma informed approaches in the school districts; and

(2) worked with community partners to provide systems of care for students.

(b) This SECTION expires January 1, 2020.

SECTION 5. **An emergency is declared for this act.**

(Reference is to SB 325 as printed January 29, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 7, after "considers" insert "**life**".

Page 5, delete lines 2 through 42.

Page 6, delete lines 1 through 17 begin a new paragraph and insert:

"**(b) If a licensed mental health professional or licensed paramedic, in the course of rendering a treatment intervention, determines that a patient may be a harm to himself or herself or others, the licensed mental health professional or licensed paramedic may request a patient's individualized safety plan from a psychiatric crisis center, psychiatric inpatient unit, or psychiatric residential treatment provider. Each psychiatric crisis center, psychiatric inpatient unit, and psychiatric residential treatment provider shall, upon request and without the consent of the patient, share a patient's individualized mental health safety plan that is in the standard format established by the division of mental health and addiction under IC 12-21-5-6 to the following individuals who demonstrate proof of licensure and commit to protecting the information in compliance with state and federal privacy laws:**

(1) A licensed mental health professional.

(2) A licensed paramedic.".

Page 6, line 19, delete "only be used" and insert "**be used only**".

Page 6, after line 28, begin a new paragraph and insert:

"SECTION 4. IC 34-30-2-77.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 77.5. IC 16-39-2-6 (Concerning a person who releases mental health records **or mental health safety plans** under certain circumstances).".

Renumber all SECTIONS consecutively.

(Reference is to SB 359 as reprinted February 26, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Senate Bill 392, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-1-12-1, AS ADDED BY P.L.160-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. **(a) Except as provided in subsection (b),** as used in this chapter, "Patient Protection and Affordable Care Act" refers to the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), as amended from time to time, and regulations or guidance issued under those acts.

(b) As used in section 5 of this chapter, "Patient Protection and Affordable Care Act" refers to the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), and regulations or guidance issued under those acts, all as in effect on January 1, 2019.

SECTION 2. IC 4-1-12-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) As used in this section, "preexisting condition exclusion" has the meaning set forth in 45 CFR 144.103, as in effect on January 1, 2019.**

(b) Notwithstanding any other law:

(1) 42 U.S.C. 300gg-3;

(2) 45 CFR 147.108; and

(3) all other provisions of the Patient Protection and Affordable Care Act concerning preexisting condition exclusions;

and the protections therein and in effect on January 1, 2019, are in effect and must be enforced in Indiana, regardless of the legal status of the Patient Protection and Affordable Care Act.

SECTION 3. IC 5-10-8.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 8.2. Health Status Related Requirements

Sec. 1. As used in this chapter, "commissioner" refers to the commissioner of insurance appointed under IC 27-1-1-2.

Sec. 2. As used in this chapter, "covered individual" means an individual who is entitled to coverage under a state employee health plan.

Sec. 3. As used in this chapter, "preexisting condition exclusion" has the meaning set forth in 45 CFR 144.103, as in effect on January 1, 2019.

Sec. 4. As used in this chapter, "state employee health plan" refers to a:

(1) self-insurance program established under IC 5-10-8-7(b) to provide group health coverage; or

(2) contract with a prepaid health care delivery plan that is entered into or renewed under IC 5-10-8-7(c).

The term includes a person that administers benefits under a state employee health plan described in subdivision (1) or (2).

Sec. 5. A state employee health plan may not impose a preexisting condition exclusion on state employee health plan coverage.

Sec. 6. (a) Except as provided in subsection (b), the premium rate for coverage under a state employee health plan may vary, by not more than five (5) to one (1), based only on the following:

(1) Whether the state employee health plan covers an individual or a family.

(2) The rating area:

(A) established by the commissioner; and

(B) in which the state employee health plan is issued.

(3) The age of each covered individual.

(b) The premium rate for coverage under a state employee health plan may vary based on tobacco use.

(c) The commissioner shall adopt rules under IC 4-22-2 to do the following for use under subsection (a):

(1) Establish at least one (1) rating area in Indiana.

(2) Establish permissible age bands.

(d) With respect to family coverage, a premium rate variation permitted under subsection (a)(3) must be applied based on the part of the premium attributable to each family

member covered under the state employee health plan.

SECTION 4. IC 27-1-37.3-5, AS ADDED BY P.L.55-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) As used in this chapter, "health plan" means a plan through which coverage is provided for health care services through insurance, prepayment, reimbursement, or otherwise. The term includes the following:

(1) An employee welfare benefit plan (as defined in 29 U.S.C. 1002 et seq.).

(2) A policy of accident and sickness insurance (as defined in IC 27-8-5-1).

(3) An individual contract (as defined in IC 27-13-1-21) or a group contract (as defined in IC 27-13-1-16).

(b) The term does not include the following:

(1) Accident-only, credit, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Worker's compensation or similar insurance.

(4) Automobile medical payment insurance.

(5) A specified disease policy issued as an individual policy.

(6) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(7) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement.

SECTION 5. IC 27-8-5-2.5 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 2.5. (a) As used in this section, the term "policy of accident and sickness insurance" does not include the following:~~

~~(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.~~

~~(2) Coverage issued as a supplement to liability insurance.~~

~~(3) Automobile medical payment insurance.~~

~~(4) A specified disease policy.~~

~~(5) A short term insurance plan that:~~

~~(A) may not be renewed; and~~

~~(B) has a duration of not more than six (6) months.~~

~~(6) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:~~

~~(A) hospital confinement, critical illness, or intensive care; or~~

~~(B) gaps for deductibles or copayments.~~

~~(7) Worker's compensation or similar insurance.~~

~~(8) A student health plan.~~

~~(9) A supplemental plan that always pays in addition to other coverage.~~

~~(10) An employer sponsored health benefit plan that is:~~

~~(A) provided to individuals who are eligible for Medicare; and~~

~~(B) not marketed as, or held out to be, a Medicare supplement policy.~~

~~(b) The benefits provided by:~~

~~(1) an individual policy of accident and sickness insurance; or~~

~~(2) a certificate of coverage that is issued under a nonemployer based association group policy of accident and sickness insurance to an individual who is a resident of Indiana;~~

~~may not be excluded, limited, or denied for more than twelve (12) months after the effective date of the coverage because of a preexisting condition of the individual.~~

~~(c) An individual policy of accident and sickness insurance or a certificate of coverage described in subsection (b) may not define a preexisting condition, a rider, or an endorsement more restrictively than as:~~

~~(1) a condition that would have caused an ordinarily prudent person to seek medical advice, diagnosis, care, or treatment during the twelve (12) months immediately preceding the effective date of the plan;~~

~~(2) a condition for which medical advice, diagnosis, care, or treatment was recommended or received during the twelve (12) months immediately preceding the effective date of the plan; or~~

~~(3) a pregnancy existing on the effective date of the plan.~~

~~(d) An insurer shall reduce the period allowed for a preexisting condition exclusion described in subsection (b) by the amount of time the individual has continuously served under a preexisting condition clause for a policy of accident and sickness insurance issued under IC 27-8-15 if the individual applies for a policy under this chapter not more than thirty (30) days after coverage under a policy of accident and sickness insurance issued under IC 27-8-15 expires.~~

SECTION 6. IC 27-8-5-15.6, AS AMENDED BY P.L.173-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15.6. (a) As used in this section, "coverage of services for a mental illness" includes the services defined under the policy of accident and sickness insurance. However, the term does not include services for the treatment of substance abuse or chemical dependency.

(b) This section applies to a policy of accident and sickness insurance that:

(1) is issued on an individual basis or a group basis;

(2) is issued, entered into, or renewed after December 31, 1999; and

(3) is issued to an employer that employs more than fifty (50) full-time employees.

(c) This section does not apply to the following:

(1) A legal business entity that has obtained an exemption under section 15.7 of this chapter.

(2) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(3) Coverage issued as a supplement to liability insurance.

(4) Worker's compensation or similar insurance.

(5) Automobile medical payment insurance.

(6) A specified disease policy.

(7) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(8) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(9) A supplemental plan that always pays in addition to other coverage.

(10) A student health plan.

(11) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.

(d) A group or individual insurance policy or agreement may not permit treatment limitations or financial requirements on the coverage of services for a mental illness if similar limitations or requirements are not imposed on the coverage of services for

other medical or surgical conditions.

(e) An insurer that issues a policy of accident and sickness insurance that provides coverage of services for the treatment of substance abuse and chemical dependency when the services are required in the treatment of a mental illness shall offer to provide the coverage without treatment limitations or financial requirements if similar limitations or requirements are not imposed on the coverage of services for other medical or surgical conditions.

(f) This section does not require a group or individual insurance policy or agreement to offer mental health benefits.

(g) The benefits delivered under this section may be delivered under a managed care system.

SECTION 7. IC 27-8-5-19, AS AMENDED BY P.L.117-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) As used in this chapter, "late enrollee" has the meaning set forth in 26 U.S.C. 9801(b)(3).

(b) A policy of group accident and sickness insurance may not be issued to a group that has a legal situs in Indiana unless it contains in substance:

(1) the provisions described in subsection (c); or

(2) provisions that, in the opinion of the commissioner, are:

(A) more favorable to the persons insured; or

(B) at least as favorable to the persons insured and more favorable to the policyholder;

than the provisions set forth in subsection (c).

(c) The provisions referred to in subsection (b)(1) are as follows:

(1) A provision that the policyholder is entitled to a grace period of thirty-one (31) days for the payment of any premium due except the first, during which grace period the policy will continue in force, unless the policyholder has given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder is liable to the insurer for the payment of a pro rata premium for the time the policy was in force during the grace period. A provision under this subdivision may provide that the insurer is not obligated to pay claims incurred during the grace period until the premium due is received.

(2) A provision that the validity of the policy may not be contested, except for nonpayment of premiums, after the policy has been in force for two (2) years after its date of issue, and that no statement made by a person covered under the policy relating to the person's insurability may be used in contesting the validity of the insurance with respect to which the statement was made, unless:

(A) the insurance has not been in force for a period of two (2) years or longer during the person's lifetime; or

(B) the statement is contained in a written instrument signed by the insured person.

However, a provision under this subdivision may not preclude the assertion at any time of defenses based upon a person's ineligibility for coverage under the policy or based upon other provisions in the policy.

(3) A provision that a copy of the application, if there is one, of the policyholder must be attached to the policy when issued, that all statements made by the policyholder or by the persons insured are to be deemed representations and not warranties, and that no statement made by any person insured may be used in any contest unless a copy of the instrument containing the statement is or has been furnished to the insured person or, in the event of death or incapacity of the insured person, to the insured person's beneficiary or personal representative.

(4) A provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of the person's coverage.

~~(5) A provision specifying any additional exclusions or limitations applicable under the policy with respect to a disease or physical condition of a person that existed before the effective date of the person's coverage under the policy and that is not otherwise excluded from the person's coverage by name or specific description effective on the date of the person's loss. An exclusion or limitation that must be specified in a provision under this subdivision:~~

~~(A) may apply only to a disease or physical condition for which medical advice, diagnosis, care, or treatment was received by the person or recommended to the person during the six (6) months before the effective date of the person's coverage; and~~

~~(B) may not apply to a loss incurred or disability beginning after the earlier of:~~

~~(i) the end of a continuous period of twelve (12) months beginning on or after the effective date of the person's coverage; or~~

~~(ii) the end of a continuous period of eighteen (18) months beginning on the effective date of the person's coverage if the person is a late enrollee.~~

~~This subdivision applies only to group policies of accident and sickness insurance other than those described in section 2.5(a)(1) through 2.5(a)(8) and 2.5(b)(2) of this chapter.~~

~~(6) A provision specifying any additional exclusions or limitations applicable under the policy with respect to a disease or physical condition of a person that existed before the effective date of the person's coverage under the policy. An exclusion or limitation that must be specified in a provision under this subdivision:~~

~~(A) may apply only to a disease or physical condition for which medical advice or treatment was received by the person during a period of three hundred sixty-five (365) days before the effective date of the person's coverage; and~~

~~(B) may not apply to a loss incurred or disability beginning after the earlier of the following:~~

~~(i) The end of a continuous period of three hundred sixty-five (365) days, beginning on or after the effective date of the person's coverage, during which the person did not receive medical advice or treatment in connection with the disease or physical condition.~~

~~(ii) The end of the two (2) year period beginning on the effective date of the person's coverage.~~

~~This subdivision applies only to group policies of accident and sickness insurance described in section 2.5(a)(1) through 2.5(a)(8) of this chapter.~~

~~(7)~~ **(5)** If premiums or benefits under the policy vary according to a person's age, a provision specifying an equitable adjustment of:

(A) premiums;

(B) benefits; or

(C) both premiums and benefits;

to be made if the age of a covered person has been misstated. A provision under this subdivision must contain a clear statement of the method of adjustment to be used.

~~(8)~~ **(6)** A provision that the insurer will issue to the policyholder, for delivery to each person insured, a certificate, in electronic or paper form, setting forth a statement that:

(A) explains the insurance protection to which the person insured is entitled;

(B) indicates to whom the insurance benefits are payable; and

(C) explains any family member's or dependent's coverage under the policy.

The provision must specify that the certificate will be provided in paper form upon the request of the insured.

~~(9)~~ **(7)** A provision stating that written notice of a claim must be given to the insurer within twenty (20) days after the occurrence or commencement of any loss covered by the policy, but that a failure to give notice within the twenty (20) day period does not invalidate or reduce any claim if it can be shown that it was not reasonably possible to give notice within that period and that notice was given as soon as was reasonably possible.

~~(10)~~ **(8)** A provision stating that:

(A) the insurer will furnish to the person making a claim, or to the policyholder for delivery to the person making a claim, forms usually furnished by the insurer for filing proof of loss; and

(B) if the forms are not furnished within fifteen (15) days after the insurer received notice of a claim, the person making the claim will be deemed to have complied with the requirements of the policy as to proof of loss upon submitting, within the time fixed in the policy for filing proof of loss, written proof covering the occurrence, character, and extent of the loss for which the claim is made.

~~(11)~~ **(9)** A provision stating that:

(A) in the case of a claim for loss of time for disability, written proof of the loss must be furnished to the insurer within ninety (90) days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of the disability must be furnished to the insurer at reasonable intervals as may be required by the insurer;

(B) in the case of a claim for any other loss, written proof of the loss must be furnished to the insurer within ninety (90) days after the date of the loss; and

(C) the failure to furnish proof within the time required under clause (A) or (B) does not invalidate or reduce any claim if it was not reasonably possible to furnish proof within that time, and if proof is furnished as soon as reasonably possible but (except in case of the absence of legal capacity of the claimant) no later than one (1) year from the time proof is otherwise required under the policy.

~~(12)~~ **(10)** A provision that:

(A) all benefits payable under the policy (other than benefits for loss of time) will be paid:

(i) not more than forty-five (45) days after the insurer's (as defined in IC 27-8-5.7-3) receipt of written proof of loss if the claim is filed by the policyholder; or

(ii) in accordance with IC 27-8-5.7 if the claim is filed by the provider (as defined in IC 27-8-5.7-4); and

(B) subject to due proof of loss, all accrued benefits under the policy for loss of time will be paid not less frequently than monthly during the continuance of the period for which the insurer is liable, and any balance remaining unpaid at the termination of the period for which the insurer is liable will be paid as soon as possible after receipt of the proof of loss.

~~(13)~~ **(11)** A provision that benefits for loss of life of the person insured are payable to the beneficiary designated by the person insured. However, if the policy contains conditions pertaining to family status, the beneficiary may be the family member specified by the policy terms. In either case, payment of benefits for loss of life is subject to the provisions of the policy if no designated or specified beneficiary is living at the death of the person insured. All other benefits of the policy are payable to the person insured. The policy may also provide that if any benefit is payable to the estate of a person or to a person who is a minor or otherwise not competent to give a valid release, the insurer may pay the benefit, up to an amount of five thousand dollars ($5,000), to any relative by blood or connection by marriage of the person who is deemed by the insurer to be equitably entitled to the benefit.

~~(14)~~ **(12)** A provision that the insurer, at the insurer's expense, has the right and must be allowed the opportunity to:

(A) examine the person of the individual for whom a claim is made under the policy when and as often as the insurer reasonably requires during the pendency of the claim; and

(B) conduct an autopsy in case of death if it is not prohibited by law.

~~(15)~~ **(13)** A provision that no action at law or in equity may be brought to recover on the policy less than sixty (60) days after proof of loss is filed in accordance with the requirements of the policy and that no action may be brought at all more than three (3) years after the expiration of the time within which proof of loss is required by the policy.

~~(16)~~ **(14)** In the case of a policy insuring debtors, a provision that the insurer will furnish to the policyholder, for delivery to each debtor insured under the policy, a certificate of insurance describing the coverage and specifying that the benefits payable will first be applied to reduce or extinguish the indebtedness.

~~(17)~~ **(15)** If the policy provides that hospital or medical expense coverage of a dependent child of a group member terminates upon the child's attainment of the limiting age for dependent children set forth in the policy, a provision that the child's attainment of the limiting age does not terminate the hospital and medical coverage of the child while the child is:

(A) incapable of self-sustaining employment because of a mental, intellectual, or physical disability; and

(B) chiefly dependent upon the group member for support and maintenance.

A provision under this subdivision may require that proof of the child's incapacity and dependency be furnished to the insurer by the group member within one hundred twenty (120) days of the child's attainment of the limiting age and, subsequently, at reasonable intervals during the two (2) years following the child's attainment of the limiting age. The policy may not require proof more than once per year in the time more than two (2) years after the child's attainment of the limiting age. This subdivision does not require an insurer to provide coverage to a child who has a mental, intellectual, or physical disability who does not satisfy the requirements of the group policy as to evidence of insurability or other requirements for coverage under the policy to take effect. In any case, the terms of the policy apply with regard to the coverage or exclusion from coverage of the child.

~~(18)~~ **(16)** A provision that complies with the group portability and guaranteed renewability provisions of the federal Health Insurance Portability and Accountability Act of 1996 (P.L.104-191), **as in effect on January 1, 2019.**

(d) Subsection ~~(c)(5), (c)(8),~~ **(c)(6)** and ~~(c)(13)~~ **(c)(11)** do not apply to policies insuring the lives of debtors. The standard provisions required under section 3(a) of this chapter for individual accident and sickness insurance policies do not apply to group accident and sickness insurance policies.

(e) If any policy provision required under subsection (c) is in whole or in part inapplicable to or inconsistent with the coverage provided by an insurer under a particular form of policy, the insurer, with the approval of the commissioner, shall delete the provision from the policy or modify the provision in such a manner as to make it consistent with the coverage provided by the policy.

(f) An insurer that issues a policy described in this section shall include in the insurer's enrollment materials information concerning the manner in which an individual insured under the policy may:

(1) obtain a certificate described in subsection ~~(c)(8);~~ **(c)(6);** and

(2) request the certificate in paper form.

SECTION 8. IC 27-8-5-27, AS AMENDED BY P.L.173-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 27. (a) As used in this section, "accident and sickness insurance policy" means an insurance policy that provides at least one (1) of the types of insurance described in IC 27-1-5-1, Classes 1(b) and 2(a), and is issued on a group basis. The term does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy.

(5) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(6) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(7) Worker's compensation or similar insurance.

(8) A student health plan.

(9) A supplemental plan that always pays in addition to other coverage.

(10) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.

(b) As used in this section, "insured" means a child or an individual with a disability who is entitled to coverage under an accident and sickness insurance policy.

(c) As used in this section, "child" means an individual who is less than nineteen (19) years of age.

(d) As used in this section, "individual with a disability" means an individual:

(1) with a physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual; and

(2) who:

(A) has a record of; or

(B) is regarded as;

having an impairment described in subdivision (1).

(e) A policy of accident and sickness insurance must include coverage for anesthesia and hospital charges for dental care for an insured if the mental or physical condition of the insured requires dental treatment to be rendered in a hospital or an ambulatory outpatient surgical center. The Indications for General Anesthesia, as published in the reference manual of the American Academy of Pediatric Dentistry, are the utilization standards for determining whether performing dental procedures necessary to treat the insured's condition under general anesthesia constitutes appropriate treatment.

(f) An insurer that issues a policy of accident and sickness insurance may:

(1) require prior authorization for hospitalization or treatment in an ambulatory outpatient surgical center for dental care procedures in the same manner that prior authorization is required for hospitalization or treatment of other covered medical conditions; and

(2) restrict coverage to include only procedures performed by a licensed dentist who has privileges at the hospital or ambulatory outpatient surgical center.

(g) This section does not apply to treatment rendered for temporal mandibular joint disorders (TMJ).

SECTION 9. IC 27-8-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 5.1. Health Status Related Requirements

Sec. 1. As used in this chapter, "covered individual" means an individual who is entitled to coverage under a policy of accident and sickness insurance.

Sec. 2. As used in this chapter, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1.

Sec. 3. As used in this chapter, "preexisting condition exclusion" has the meaning set forth in 45 CFR 144.103, as in effect on January 1, 2019.

Sec. 4. As used in this chapter, "small group" has the meaning set forth in 42 U.S.C. 300gg-91, as in effect on January 1, 2019.

Sec. 5. An insurer that issues a policy of accident and sickness insurance in Indiana may not impose a preexisting condition exclusion on the policy or coverage under the policy.

Sec. 6. (a) This section applies to any of the following:

(1) An individual policy of accident and sickness insurance.

(2) A small group policy of accident and sickness insurance.

(b) Except as provided in subsection (c), an insurer may vary, by not more than five (5) to one (1), the premium rate for coverage under an individual or small group policy of accident and sickness insurance based only on the following:

(1) Whether the policy covers an individual or a family.

(2) The rating area:

(A) established by the commissioner; and

(B) in which the policy is issued.

(3) The age of each covered individual.

(c) An insurer may vary the premium rate for coverage under an individual or small group policy of accident and sickness insurance based on tobacco use.

(d) The commissioner shall adopt rules under IC 4-22-2 to do the following for use under subsection (b):

(1) Establish at least one (1) rating area in Indiana.

(2) Establish permissible age bands.

(e) With respect to family coverage, a premium rate variation permitted under subsection (b)(3) must be applied based on the part of the premium attributable to each family member covered under the policy.

SECTION 10. IC 27-8-5.6-1, AS AMENDED BY P.L.86-2018, SECTION 207, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, the term "accident and sickness insurance" means any policy or contract covering one (1) or more of the kinds of insurance described in classes 1(b) or 2(a) of IC 27-1-5-1, as governed by IC 27-8-5.

(b) The term does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Worker's compensation or similar insurance.

(4) Automobile medical payment insurance.

(5) A specified disease policy.

(6) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars

($2,000,000).

(7) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(8) A supplemental plan that always pays in addition to other coverage.

(9) A student health plan.

(10) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.

SECTION 11. IC 27-8-5.8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. As used in this chapter, "accident and sickness insurance policy" means an insurance policy that provides at least one (1) of the types of insurance described in IC 27-1-5-1, Classes 1(b) and 2(a), and is issued on a group basis. The term does not include the following:

(1) Accident only, credit, dental, vision, Medicare, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy.

(5) A limited benefit health insurance policy.

(6) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(7) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement.

(8) Worker's compensation or similar insurance.

(9) A student health insurance policy.

SECTION 12. IC 27-8-5.9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 5.9. Short Term Insurance Plan

Sec. 1. As used in this chapter, "covered individual" means an individual entitled to coverage under a short term insurance plan.

Sec. 2. As used in this chapter, "PPACA" has the meaning set forth in IC 27-19-2-14.

Sec. 3. As used in this chapter, "short term insurance plan" means a policy of accident and sickness insurance (as defined in IC 27-8-5-1) that:

(1) may be renewed for the greater of:

(A) thirty-six (36) months; or

(B) the maximum term permitted under federal law;

(2) has a term of not more than three hundred sixty-four (364) days; and

(3) has an annual limit of at least two million dollars ($2,000,000).

Sec. 4. An insurer shall not require underwriting of an existing insured upon renewal of a short term insurance plan.

Sec. 5. A short term insurance plan shall include coverage for the following, as provided under PPACA:

(1) Ambulatory patient services.

(2) Hospitalization.

(3) Emergency services.

(4) Laboratory services.

Sec. 6. (a) An insurer that issues a short term insurance plan shall disclose to an applicant, in bold, 10 point type, the following:

(1) That the short term insurance plan does not include coverage for the essential health benefits required under PPACA, other than the essential health benefits specified in section 5 of this chapter.

(2) That the short term insurance plan does not provide the coverage that is required under PPACA.

(3) That enrollment in health coverage that provides the coverage that is required under PPACA may be done during the next PPACA open enrollment period.

(4) The dates of the next PPACA open enrollment period during which the applicant may enroll in coverage described in subdivision (3).

(b) An insurer shall obtain the signature of an applicant to whom the disclosures required by subsection (a) are made.

Sec. 7. An insurer shall not, as a condition of enrollment or continued enrollment in a short term insurance plan, require an individual to pay a premium or contribution greater than the premium or contribution for a similarly situated individual enrolled in the short term insurance plan on the basis of a health status related factor in relation to the individual or a dependent of the individual.

Sec. 8. This chapter does not prevent an insurer from establishing a premium discount, a rebate, or out-of-pocket payment modifications in return for adherence to programs of health promotion and disease prevention.

SECTION 13. IC 27-8-6-6, AS ADDED BY P.L.133-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) As used in this section, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1. However, the term does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy.

(5) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(6) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(7) A supplemental plan that always pays in addition to other coverage.

(b) A policy of accident and sickness insurance that provides coverage for physical medicine and rehabilitative services shall provide the coverage for physical medicine and rehabilitative services that are:

(1) rendered by an athletic trainer who is licensed under IC 25-5.1; and

(2) within the athletic trainer's scope of practice.

(c) This section does not require a policy of accident and sickness insurance to provide coverage for physical medicine or rehabilitative services generally.".

Page 3, after line 22, begin a new paragraph and insert:

"SECTION 16. IC 27-8-13.4-1, AS ADDED BY P.L.124-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used

in this chapter, "accident and sickness insurance policy" means an insurance policy that:

(1) provides one (1) or more of the types of insurance described in IC 27-1-5-1, Class 1(b) and Class 2(a); and

(2) is issued on a group or individual basis.

(b) As used in this chapter, "accident and sickness insurance policy" does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Worker's compensation or similar insurance.

(4) Automobile medical payment insurance.

(5) A specified disease policy.

(6) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(7) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(8) A supplemental plan that always pays in addition to other coverage.

(9) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.

SECTION 17. IC 27-8-13.5-4, AS ADDED BY P.L.126-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. As used in this chapter, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1. The term does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy.

(5) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(6) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(7) Worker's compensation or similar insurance.

(8) A student health plan.

(9) A supplemental plan that always pays in addition to other coverage.

(10) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.

SECTION 18. IC 27-8-14-1, AS AMENDED BY P.L.173-2007, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, "accident and sickness insurance policy" means an insurance policy that:

(1) provides one (1) or more of the types of insurance described in IC 27-1-5-1, classes 1(b) and 2(a); and

(2) is issued on a group basis.

(b) The term does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Worker's compensation or similar insurance.

(4) Automobile medical payment insurance.

(5) A specified disease policy.

(6) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(7) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(8) A supplemental plan that always pays in addition to other coverage.

(9) A student health plan.

(10) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.

SECTION 19. IC 27-8-14.1-1, AS AMENDED BY P.L.173-2007, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, "accident and sickness insurance policy" means an insurance policy that:

(1) provides one (1) or more of the types of insurance described in IC 27-1-5-1, classes 1(b) and 2(a); and

(2) is issued on a group basis.

(b) As used in this chapter, "accident and sickness insurance policy" does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Worker's compensation or similar insurance.

(4) Automobile medical payment insurance.

(5) A specified disease policy.

(6) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(7) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(8) A supplemental plan that always pays in addition to

other coverage.
(9) A student health plan.
(10) An employer sponsored health benefit plan that is:
(A) provided to individuals who are eligible for Medicare; and
(B) not marketed as, or held out to be, a Medicare supplement policy.

SECTION 20. IC 27-8-14.2-1, AS AMENDED BY P.L.173-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, "accident and sickness insurance policy" means an insurance policy that provides one (1) or more of the types of insurance described in IC 27-1-5-1, classes 1(b) and 2(a).

(b) The term does not include the following:
(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.
(2) Coverage issued as a supplement to liability insurance.
(3) Worker's compensation or similar insurance.
(4) Automobile medical payment insurance.
(5) A specified disease policy.
(6) A short term insurance plan that:
(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**
(i) thirty-six (36) months; or
(ii) the maximum term permitted under federal law;
(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**
(C) has an annual limit of at least two million dollars ($2,000,000).
(7) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:
(A) hospital confinement, critical illness, or intensive care; or
(B) gaps for deductibles or copayments.
(8) A supplemental plan that always pays in addition to other coverage.
(9) A student health plan.
(10) An employer sponsored health benefit plan that is:
(A) provided to individuals who are eligible for Medicare; and
(B) not marketed as, or held out to be, a Medicare supplement policy.

SECTION 21. IC 27-8-14.5-1, AS AMENDED BY P.L.173-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, "health insurance plan" means any:
(1) hospital or medical expense incurred policy or certificate;
(2) hospital or medical service plan contract; or
(3) health maintenance organization subscriber contract;
provided to an insured.

(b) The term does not include the following:
(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.
(2) Coverage issued as a supplement to liability insurance.
(3) Worker's compensation or similar insurance.
(4) Automobile medical payment insurance.
(5) A specified disease policy.
(6) A short term insurance plan that:
(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**
(i) thirty-six (36) months; or
(ii) the maximum term permitted under federal law;
(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**
(C) has an annual limit of at least two million dollars ($2,000,000).
(7) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:
(A) hospital confinement, critical illness, or intensive care; or
(B) gaps for deductibles or copayments.
(8) A supplemental plan that always pays in addition to other coverage.
(9) A student health plan.
(10) An employer sponsored health benefit plan that is:
(A) provided to individuals who are eligible for Medicare; and
(B) not marketed as, or held out to be, a Medicare supplement policy.

SECTION 22. IC 27-8-14.7-1, AS AMENDED BY P.L.173-2007, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, "accident and sickness insurance policy" means an insurance policy that:
(1) provides at least one (1) of the types of insurance described in IC 27-1-5-1, Classes 1(b) and 2(a); and
(2) is issued on a group basis.

(b) "Accident and sickness insurance policy" does not include the following:
(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.
(2) Coverage issued as a supplement to liability insurance.
(3) Worker's compensation or similar insurance.
(4) Automobile medical payment insurance.
(5) A specified disease policy.
(6) A short term insurance plan that:
(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**
(i) thirty-six (36) months; or
(ii) the maximum term permitted under federal law;
(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**
(C) has an annual limit of at least two million dollars ($2,000,000).
(7) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:
(A) hospital confinement, critical illness, or intensive care; or
(B) gaps for deductibles or copayments.
(8) A supplemental plan that always pays in addition to other coverage.
(9) A student health plan.
(10) An employer sponsored health benefit plan that is:
(A) provided to individuals who are eligible for Medicare; and
(B) not marketed as, or held out to be, a Medicare supplement policy.

SECTION 23. IC 27-8-14.8-1, AS AMENDED BY P.L.173-2007, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, "accident and sickness insurance policy" means an insurance policy that:
(1) provides at least one (1) of the types of insurance described in IC 27-1-5-1, Classes 1(b) and 2(a); and
(2) is issued on a group basis.

(b) "Accident and sickness insurance policy" does not include the following:
(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.
(2) Coverage issued as a supplement to liability insurance.
(3) Worker's compensation or similar insurance.
(4) Automobile medical payment insurance.
(5) A specified disease policy.
(6) A short term insurance plan that:
(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**
(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(7) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(8) A supplemental plan that always pays in addition to other coverage.

(9) A student health plan.

(10) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.

SECTION 24. IC 27-8-15-9, AS AMENDED BY P.L.11-2011, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) Except as provided in section 28 of this chapter, as used in this chapter, "health insurance plan" or "plan" means any:

(1) hospital or medical expense incurred policy or certificate;

(2) hospital or medical service plan contract; or

(3) health maintenance organization subscriber contract;

provided to the employees of a small employer.

(b) The term does not include the following:

(1) Accident-only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Worker's compensation or similar insurance.

(4) Automobile medical payment insurance.

(5) A specified disease policy.

(6) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(7) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(8) A supplemental plan that always pays in addition to other coverage.

(9) A student health plan.

(10) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.

SECTION 25. IC 27-8-15-27, AS AMENDED BY P.L.160-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 27. (a) This section shall be applied in conformity with the requirements of the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), as in effect on September 23, 2010, **IC 27-8-5.1, and IC 27-13-7.1.**

(b) A health insurance plan provided by a small employer insurer to a small employer must comply with the following:

(1) The benefits provided by a plan to an eligible employee enrolled in the plan may not be excluded, limited, or denied for more than nine (9) months after the effective date of the coverage because of a preexisting condition of the eligible employee, the eligible employee's spouse, or the eligible employee's dependent.

(2) The plan may not define a preexisting condition, rider, or endorsement more restrictively than as a condition for which medical advice, diagnosis, care, or treatment was recommended or received during the six (6) months immediately preceding the effective date of enrollment in the plan.

SECTION 26. IC 27-8-15-29, AS AMENDED BY P.L.160-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 29. (a) This section shall be applied in conformity with the requirements of the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), as in effect on September 23, 2010, **IC 27-8-5.1, and IC 27-13-7.1.**

(b) A plan may exclude coverage for a late enrollee or the late enrollee's covered spouse or dependent for not more than fifteen (15) months.

(c) If a late enrollee or the late enrollee's covered spouse or dependent has a preexisting condition, a plan may exclude coverage for the preexisting condition for not more than fifteen (15) months.

(d) If a period of exclusion from coverage under subsection (b) and a preexisting condition exclusion under subsection (c) are applicable to the late enrollee, the combined period of exclusion may not exceed fifteen (15) months from the date that the eligible employee enrolls for coverage under the health insurance plan.

SECTION 27. IC 27-8-24.1-1, AS AMENDED BY P.L.173-2007, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, "accident and sickness insurance policy" means an insurance policy that provides at least one (1) of the types of insurance described in IC 27-1-5-1, Classes 1(b) and 2(a), and is issued on a group basis.

(b) The term does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Worker's compensation or similar insurance.

(4) Automobile medical payment insurance.

(5) A specified disease policy.

(6) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(7) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(8) A supplemental plan that always pays in addition to other coverage.

(9) A student health plan.

(10) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.

SECTION 28. IC 27-8-24.2-3, AS ADDED BY P.L.109-2008, SECTION 2, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) As used in this chapter, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1.

(b) The term does not include the following:

(1) Accident only, credit, dental, vision, Medicare, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy.

(5) A limited benefit health insurance policy.

(6) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(7) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement.

(8) Worker's compensation or similar insurance.

(9) A student health insurance policy.

SECTION 29. IC 27-8-27-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) For purposes of this chapter, "health insurance plan" means any:

(1) hospital or medical expense incurred policy or certificate;

(2) hospital or medical service plan contract; or

(3) health maintenance organization subscriber contract;

provided to an insured.

(b) The term does not include the following:

(1) Accident-only, credit, dental, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Worker's compensation or similar insurance.

(4) Automobile medical payment insurance.

(5) A specified disease policy issued as an individual policy.

(6) A limited benefit health insurance plan issued as an individual policy.

(7) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(8) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement.

SECTION 30. IC 27-8-28-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, "accident and sickness insurance policy" means an insurance policy that provides one (1) or more of the kinds of insurance described in Class 1(b) and 2(a) of IC 27-1-5-1.

(b) The term does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy issued as an individual policy.

(5) A limited benefit health insurance policy issued as an individual policy.

(6) A short term insurance plan that:

(A) may ~~not~~ be renewed ~~and~~ **for the greater of:**

(i) thirty-six (36) months; or

(ii) the maximum term permitted under federal law;

(B) has a ~~duration~~ **term** of not more than ~~six (6) months;~~ **three hundred sixty-four (364) days; and**

(C) has an annual limit of at least two million dollars ($2,000,000).

(7) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement without regard to the actual expense of the confinement.

(8) Worker's compensation or similar insurance.

SECTION 31. IC 27-13-7.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 7.1. Health Status Related Requirements

Sec. 1. As used in this chapter, "preexisting condition exclusion" has the meaning set forth in 45 CFR 144.103, as in effect on January 1, 2019.

Sec. 2. As used in this chapter, "small group" has the meaning set forth in 42 U.S.C. 300gg-91, as in effect on January 1, 2019.

Sec. 3. A health maintenance organization that issues an individual contract or a group contract in Indiana may not impose a preexisting condition exclusion on the individual contract or group contract or coverage under the individual contract or group contract.

Sec. 4. (a) This section applies to any of the following:

(1) An individual contract.

(2) A small group contract.

(b) Except as provided in subsection (c), a health maintenance organization may vary, by not more than five (5) to one (1), the premium rate for coverage under an individual contract, or a small group contract, based only on the following:

(1) Whether the individual contract or small group contract covers an individual or a family.

(2) The rating area:

(A) established by the commissioner; and

(B) in which the individual contract or small group contract is issued.

(3) The age of each enrollee.

(c) A health maintenance organization may vary the premium rate for coverage under an individual contract or a small group contract based on tobacco use.

(d) The commissioner shall adopt rules under IC 4-22-2 to do the following for use under subsection (b):

(1) Establish at least one (1) rating area in Indiana.

(2) Establish permissible age bands.

(e) With respect to family coverage, a premium rate variation permitted under subsection (b)(3) must be applied based on the part of the premium attributable to each family member covered under the individual contract or small group contract.

SECTION 32. [EFFECTIVE JULY 1, 2019] **(a) The legislative services agency shall prepare legislation for introduction during the 2020 session of the general assembly to conform the Indiana Code to amendments made by this act.**

(b) To the extent that a provision of this act is inconsistent with another provision of the Indiana Code, the provision of this act prevails.

(c) This SECTION expires July 1, 2020.".

Renumber all SECTIONS consecutively.

(Reference is to SB 392 as printed February 22, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

CARBAUGH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 393, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-32.3-4-5, AS ADDED BY HEA 1517-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The commission may issue an annual activity license to a qualified organization if the qualified organization:

(1) meets the requirements of this section;

(2) submits an application; and

(3) pays a fee set by the commission under IC 4-32.3-6.

(b) The following information must be included in an annual activity license:

(1) Whether the qualified organization is authorized to conduct bingo, pull tabs, punchboards, tip boards, or raffle activities on more than one (1) occasion during a one (1) year period.

(2) The location of the allowable activities.

(3) The expiration date of the license.

(c) A qualified organization may conduct casino game night activities under an annual activity license if the requirements of subsections (a) and (b) are met, and:

(1) **subject to subsections (e) and (f),** the organization is a qualified veteran **organization,** ~~or~~ fraternal organization, **or bona fide civic organization;** and

(2) the annual casino night license requires that a facility or location may not be used for purposes of conducting an annual casino game night activity on more than three (3) calendar days per calendar week regardless of the number of qualified organizations conducting annual casino night activities at the facility or location.

(d) An annual activity license may be reissued annually upon the submission of an application for reissuance on a form prescribed by the commission after the qualified organization has paid the fee under IC 4-32.3-6.

(e) A bona fide civic organization may apply for an annual activity license under this section if:

(1) not more than three (3) qualified organizations in the county currently possess an annual activity license; and

(2) the bona fide civic organization owns or leases a standalone building where the charitable gaming activities will be conducted.

(f) The number of bona fide civic organizations holding an annual activity license issued under this section in a particular county may not exceed one (1). In determining whether to grant an annual activity license to a bona fide civic organization, the commission shall consider:

(1) the character and reputation of the bona fide civic organization in furthering its charitable purpose; and

(2) the bona fide civic organization's experience with and compliance in conducting charitable gaming activities.

If more than one (1) otherwise qualified bona fide civic organization applies for an annual activity license, the commission may award the license based on a random drawing.

(g) A license issued under this section to a bona fide civic organization described in subsection (e) is valid for a period of two (2) years, subject to ongoing compliance with this article and commission rules.".

Delete pages 2 through 3.

(Reference is to SB 393 as reprinted February 15, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Statutory Committee on Interstate and International Cooperation, to which was referred Senate Bill 436, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 9-21-4-5, AS AMENDED BY HEA 1115-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

(b) Under **section 1 of this chapter and** criteria to be jointly established by the Indiana department of transportation and the office of tourism development (before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020), the Indiana department of transportation may authorize the posting of any of the following:

(1) ~~Limited tourist attraction signage.~~ **Tourist oriented directional signs.**

(2) ~~Business signs on specific information panels~~ **Specific service or logo signs** on the interstate system of highways, ~~and other~~ freeways, **and expressway interchanges.**

All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

(c) Criteria established under subsection (b) for tourist ~~attraction signage~~ **oriented directional signs** must include a category for a tourist attraction that:

(1) is a trademarked destination brand; and

(2) encompasses buildings, structures, sites, or other facilities that are:

(A) listed on the National Register of Historic Places established under 16 U.S.C. 470 et seq.; or

(B) listed on the register of Indiana historic sites and historic structures established under IC 14-21-1;

regardless of the distance of the tourist attraction from the highway on which the tourist ~~attraction signage~~ **oriented directional sign** is placed.

(d) Criteria established under subsection (b) for tourist ~~attraction signage~~ **oriented directional signs** must include a category for a tourist attraction that is an establishment issued a brewer's permit under IC 7.1-3-2-2(b).

(e) A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

(1) is visible from a highway; and

(2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

(f) This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

SECTION 2. IC 12-7-2-170.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 170.5. "School based health center", for purposes of IC 12-15, means a clinic operated on behalf of a public school (as defined in IC 20-18-2-15(1)), including a charter school, that provides health care services either:**

(1) by qualified health care providers employed by the school; or

(2) through a contract with a health care provider, including any of the following:

(A) A hospital licensed under IC 16-21.

(B) A physician group practice.

(C) A federally qualified health center (as defined in 42 U.S.C. 1396d(l)(2)(B)).

(D) A rural health clinic (as defined in 42 U.S.C. 1396d(l)(1)).

(E) A community mental health center.

SECTION 3. IC 12-7-2-170.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 170.7. "School based services", for purposes of IC 12-15, means any covered Medicaid service provided to any Medicaid recipient at a school based health center.**

SECTION 4. IC 12-15-1.3-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 20. (a) This section applies to a Medicaid recipient who:**

(1) is less than eighteen (18) years of age;

(2) is the parent of a recipient described in subdivision (1); or

(3) is a teacher or staff member of the public school for which the school based health center is operated.

(b) The office may apply to the United States Department of Health and Human Services for a state plan amendment to require Medicaid reimbursement by:

(1) the office;

(2) a managed care organization that has contracted with the office; or

(3) a contractor of the office;

for Medicaid covered school based services and other health care services provided to a Medicaid recipient described in subsection (a) by a school based health center.

(c) The office may apply to the United States Department of Health and Human Services for a state plan amendment to provide supplemental Medicaid reimbursement under the Medicaid fee for service program and an alternate fee schedule for the Medicaid risk based managed care program as set forth in subsections (d) and (e) to a school based health center that:

(1) is qualified to make; and

(2) has entered into an agreement with the office to make, or has made on the school based health center's behalf;

an intergovernmental transfer to cover the nonfederal share of supplemental Medicaid payments for Medicaid fee for service program claims and alternate fee schedule payments under the Medicaid risk based managed care program.

(d) For purposes of the fee for service program, a supplemental Medicaid payment to a qualified school based health center under this section by the office must be equal to either:

(1) the difference between the Medicaid fee for service rate and the rate that Medicare pays for the same service; or

(2) if there is not a Medicare rate for the service, an amount determined by the office.

(e) For purposes of the risk based managed care program, an alternate fee schedule to a qualified school based health center under this section by the office must be equal to either:

(1) the Medicare rate for the same service; or

(2) an amount determined by the office if there is not a Medicare rate for the service.

(f) A school based health center must obtain consent under IC 16-36-1 for each health care service provided at a school based health center to an individual who is less than eighteen (18) years of age, including reproductive health services or referral for any services.

(g) An employee or volunteer of a school based health center or school Medicaid provider may not dispense abortifacients or refer an individual to any entity that:

(1) performs abortions; or

(2) maintains or operates a facility where abortions are performed.

(h) Any individual employed at the school based health center must have had a national criminal history background check in accordance with IC 20-26-5-10 and IC 20-26-5-11.

(i) State expenditures and local school expenditures for funding for Medicaid covered school based services and other health care services provided to a Medicaid recipient by a school based health center under this section may be made only if:

(1) the state plan amendment authorized in subsection (c) is approved by the United States Department of Health and Human Services; and

(2) intergovernmental transfer funding for the nonfederal share of supplemental Medicaid payments for the Medicaid fee for services program and the nonfederal share of the difference between Medicaid fee for service payments and alternate fee schedule payments under the risk based managed care program is continuously made.

School based services shall not be provided under this article if intergovernmental transfer funding for the nonfederal share of supplemental Medicaid payments for the Medicaid fee for services program or intergovernmental transfer funding for the nonfederal share of the difference between Medicaid fee for service payments and alternate fee schedule payments under the risk based managed care program ceases to be made.

SECTION 5. IC 12-15-1.3-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 21. (a) As used in this section, "Medicaid rehabilitation option services" means clinical behavioral health services provided to recipients and families of recipients living in the community who need aid intermittently for emotional disturbances, mental illness, and addiction as part of the Medicaid rehabilitation option program.**

(b) Before December 1, 2019, the office may apply to the United States Department of Health and Human Services for a state plan amendment that would require Medicaid reimbursement by:

(1) the office;

(2) a managed care organization that has contracted with the office; or

(3) a contractor of the office;

for eligible Medicaid rehabilitation option services in a school setting for any Medicaid recipient who qualifies for Medicaid rehabilitation option services by meeting specific diagnosis and level of need criteria under an assessment tool approved by the division of mental health and addiction or who submits prior authorization for Medicaid rehabilitation option services.

(c) If the office receives approval for the state plan amendment applied for under this section, the office shall comply with IC 12-15-5-19.

SECTION 6. IC 12-15-5-1, AS AMENDED BY P.L.210-2015, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. Except as provided in IC 12-15-2-12, IC 12-15-6, and IC 12-15-21, the following services and supplies are provided under Medicaid:

(1) Inpatient hospital services.

(2) Nursing facility services.

(3) Physician's services, including services provided under IC 25-10-1 and IC 25-22.5-1.

(4) Outpatient hospital or clinic services.

(5) Home health care services.

(6) Private duty nursing services.

(7) Physical therapy and related services.

(8) Dental services.

(9) Prescribed laboratory and x-ray services.
(10) Prescribed drugs and pharmacist services.
(11) Eyeglasses and prosthetic devices.
(12) Optometric services.
(13) Diagnostic, screening, preventive, and rehabilitative services.
(14) Podiatric medicine services.
(15) Hospice services.
(16) Services or supplies recognized under Indiana law and specified under rules adopted by the office.
(17) Family planning services except the performance of abortions.
(18) Nonmedical nursing care given in accordance with the tenets and practices of a recognized church or religious denomination to an individual qualified for Medicaid who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the individual's church or religious denomination.
(19) Services provided to individuals described in IC 12-15-2-8.
(20) Services provided under IC 12-15-34 and IC 12-15-32.
(21) Case management services provided to individuals described in IC 12-15-2-11 and IC 12-15-2-13.
(22) Any other type of remedial care recognized under Indiana law and specified by the United States Secretary of Health and Human Services.
(23) Examinations required under IC 16-41-17-2(a)(10).
(24) Inpatient substance abuse detoxification services.
(25) Subject to approval of the state plan amendment applied for under IC 12-15-1.3-20, school based services.

SECTION 7. IC 12-15-5-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19. (a) Not later than one (1) year from the date the office receives approval for the state plan amendment described in IC 12-15-1.3-21 concerning Medicaid rehabilitation option services, the office shall do the following:**

(1) Review the current services included in the Medicaid rehabilitation option services program in the school setting.
(2) Determine whether additional appropriate services, including:
(A) family engagement services; and
(B) additional comprehensive behavioral health services, including addiction services;
should be included as part of the program.
(3) Report the office's findings under this subsection to the general assembly in an electronic format under IC 5-14-6.

(b) Not later than three (3) months from the date the office receives approval for the state plan amendment described in IC 12-15-1.3-21 concerning Medicaid rehabilitation option services, the office shall notify each school corporation that the United States Department of Health and Human Services has approved the state plan amendment applied for under IC 12-15-1.3-21.

(c) Each school corporation shall, not later than one (1) year from the date the office receives approval for the state plan amendment described in IC 12-15-1.3-21 concerning Medicaid rehabilitation option services, contract with a community mental health center to provide Medicaid rehabilitation option services for:

(1) a student of the school corporation who is a Medicaid recipient; and
(2) the student's family.".

Page 27, after line 3, begin a new paragraph and insert:

"SECTION 14. IC 36-7-39 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 39. Workforce Investment Training Area

Sec. 1. This chapter applies only to Muncie.

Sec. 2. As used in this chapter, "budget agency" means the budget agency established by IC 4-12-1.

Sec. 3. As used in this chapter, "budget committee" has the meaning set forth in IC 4-12-1-3.

Sec. 4. As used in this chapter, "covered taxes" means the part of the following taxes attributable to the operation of a facility designated as part of a tax area under section 8 of this chapter:

(1) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.
(2) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.
(3) The local income tax imposed under IC 6-3.6.
(4) A food and beverage tax imposed under IC 6-9.
(5) An innkeeper's tax imposed under IC 6-9.

Sec. 5. As used in this chapter, "department" refers to the department of state revenue.

Sec. 6. As used in this chapter, "tax area" means a geographic area established as a workforce investment training area under section 10 of this chapter.

Sec. 7. As used in this chapter, "taxpayer" means a person that is liable for a covered tax.

Sec. 8. (a) After June 30, 2021, the city fiscal body may designate as a workforce investment training area any facility that is:

(1) located within the city;
(2) owned by a nonprofit corporation; and
(3) used as a training institute and teaching hotel.

(b) Only one (1) tax area may be created in the city.

Sec. 9. (a) A tax area must be initially established:

(1) by resolution after June 30, 2021, and before July 1, 2023; and
(2) according to the procedures set forth for the establishment of an economic development area under IC 36-7-14.

(b) In establishing the tax area, the designating body must make the following findings instead of the findings required for the establishment of economic development areas:

(1) That the use of covered taxes under this chapter will benefit the public health and welfare and will be of public utility and benefit.
(2) That the use of covered taxes under this chapter will protect or increase state and local tax bases and tax revenues.

(c) The tax area established under this chapter is a special taxing district authorized by the general assembly to enable the designating body to provide special benefits to taxpayers in the tax area by promoting workforce investment and training that is of public use and benefit.

Sec. 10. (a) A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes earned or collected in the tax area to the workforce investment training area fund established for the city. The allocation provision must apply to the entire tax area.

(b) The resolution establishing the tax area must designate the facility and the facility site for which the tax area is established.

(c) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

Sec. 11. (a) Upon adoption of a resolution establishing a tax area under section 10 of this chapter, the city fiscal officer shall submit the resolution to the budget committee for review and recommendation to the budget agency.

(b) The budget committee shall meet not later than sixty (60) days after receipt of a resolution and shall make a recommendation on the resolution to the budget agency.

Sec. 12. (a) The budget agency must approve the resolution before covered taxes may be allocated under

section 10 of this chapter.

(b) When considering a resolution, the budget committee and the budget agency must find that the use of covered taxes from the tax area designated under the resolution is economically sound and will benefit the people of Indiana by protecting or increasing state and local tax bases and tax revenues for at least the duration of the tax area established under this chapter.

Sec. 13. (a) When the city fiscal body adopts an allocation provision, the city fiscal officer shall notify the department by certified mail of the adoption of the provision and shall include with the notification a complete list of the following:

(1) Employers in the tax area.

(2) Street names and the range of street numbers of each street in the tax area.

The city fiscal officer shall update the list before July 1 of each year.

(b) Each taxpayer operating in the tax area shall report annually, in the manner and in the form prescribed by the department, information that the department determines necessary to calculate the salary, wages, bonuses, and other compensation that are earned in the tax area.

(c) A taxpayer operating in the tax area that files a consolidated tax return with the department also shall file annually an informational return with the department for each business location of the taxpayer within the tax area.

(d) If a taxpayer fails to report the information required by this section or file an informational return required by this section, the department shall use the best information available in calculating the amount of covered taxes attributable to a taxable event in a tax area or covered taxes from income earned in a tax area.

Sec. 14. If a tax area is established under section 10 of this chapter, a state fund known as the workforce investment training area fund is established for that tax area. The fund shall be administered by the department. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

Sec. 15. The department shall deposit covered taxes attributable to a taxing area under section 10 of this chapter in the workforce investment training area fund.

Sec. 16. On or before the twentieth day of each month, all amounts held in the workforce investment training area fund shall be distributed to the city fiscal officer.

Sec. 17. The department shall notify the county auditor of the amount of taxes to be distributed to the city fiscal officer. The notice must specify the distribution and uses of covered taxes to be allocated under this chapter.

Sec. 18. All distributions from the workforce investment training area fund for the city must be made by warrants issued by the auditor of state to the treasurer of state ordering those payments to the city fiscal officer.

Sec. 19. The resolution establishing the tax area must designate the use of the funds. The funds may be used only for the financing or refinancing of a facility described in section 8(a) of this chapter.

Sec. 20. The city fiscal body shall repay to the workforce investment training area fund any amount that is distributed to the designating body and used for:

(1) a purpose that is not described in this chapter; or

(2) a facility or facility site other than the facility and facility site to which covered taxes are designated under the resolution described in section 10 of this chapter.

The department shall distribute the covered taxes repaid to the workforce investment training area fund under this section proportionately to the funds and the political subdivisions that would have received the covered taxes if the covered taxes had not been allocated to the tax area under this chapter.

Sec. 21. This chapter expires June 30, 2033.

SECTION 15. IC 36-12-3-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19. A public library shall adopt a criminal history check policy for employees and volunteers.**

SECTION 16. [EFFECTIVE UPON PASSAGE] **(a) The Indiana board of veterinary medical examiners shall study the regulation of veterinary technicians and submit a report to the legislative council in an electronic format under IC 5-14-6 before November 1, 2019.**

(b) This SECTION expires January 1, 2020.

SECTION 17. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 436 as printed February 19, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 2.

BACON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 438, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 20-28-4-6, AS AMENDED BY P.L.90-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. The department shall grant an initial practitioner license to a program participant who does the following:

(1) Successfully completes the requirements of the program.

(2) Demonstrates proficiency through a written examination in:

~~(A) basic reading, writing, and mathematics;~~

~~(B)~~ **(A)** pedagogy; and

~~(C)~~ **(B)** knowledge of the areas in which the program participant is required to have a license to teach;

under IC 20-28-5-12(b).

(3) Possesses a bachelor's degree.

~~(3)~~ **(4)** Participates successfully in a beginning teacher residency program that includes implementation in a classroom of the teaching skills learned in the program.

~~(4)~~ **(5)** Receives a successful assessment of teaching skills upon completion of the beginning teacher residency program under subdivision ~~(3)~~ **(4)** from the administrator of the school where the beginning teacher residency program takes place, or, if the program participant does not receive a successful assessment, continues participating in the beginning teacher residency program.

SECTION 3. IC 20-28-5-12, AS AMENDED BY P.L.106-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) Subsection (b) does not apply to an individual who:

(1) held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985; or

(2) is granted a license under section 18 of this chapter.

(b) The department may not grant an initial practitioner license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the department:

~~(1) Basic reading, writing, and mathematics.~~

~~(2)~~ **(1)** Pedagogy.

~~(3)~~ **(2)** Knowledge of the areas in which the individual is required to have a license to teach.

~~(4)~~ **(3)** If the individual is seeking to be licensed as an elementary school teacher, comprehensive scientifically based reading instruction skills, including:

(A) phonemic awareness;

(B) phonics instruction;

(C) fluency;

(D) vocabulary; and
(E) comprehension.

(c) An individual's license examination score may not be disclosed by the department without the individual's consent unless specifically required by state or federal statute or court order.

(d) The state board shall adopt rules under IC 4-22-2 to do the following:

(1) Adopt, validate, and implement the examination or other procedures required by subsection (b).
(2) Establish examination scores indicating proficiency.
(3) Otherwise carry out the purposes of this section.

(e) Subject to section 18 of this chapter, the state board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for an individual holding a valid teacher's license issued by another state.".

Page 2, line 4, delete "three" and insert "**four**".

Page 2, line 4, delete "(3,000)" and insert "**(4,000)**".

Page 2, line 18, delete ":" and insert "**criteria:**".

Page 2, line 19, delete "diploma." and insert "**diploma and be at least twenty-one (21) years of age.**".

Page 2, line 31, delete ":" and insert "**criteria:**".

Page 2, line 33, delete "three thousand (3,000)" and insert "**five thousand (5,000)**".

Page 2, line 39, delete "two thousand (2,000)" and insert "**four thousand (4,000)**".

Page 3, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 6. IC 20-31-8-4, AS AMENDED BY P.L.213-2015, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The state board shall place each school in a category or designation of school performance once annually based on the department's findings from the assessment of performance and academic growth under section 2 of this chapter.

(b) The state board may place a school in a category or designation of school performance only if:

(1) the department has provided each school the opportunity to review, add to, or supplement the data, and to correct any errors in the data; and
(2) the state board's staff has had an opportunity to review and analyze the school corporation, school, and student level data.

(c) Based on procedures adopted by the state board, a school corporation or school that focuses primarily on providing an academic program for students with developmental, intellectual, or behavioral challenges may petition the state board for review of the school corporation's or school's category or designation of school performance placement based on objective factors that the school corporation or school considers relevant because the annual assessment data does not accurately reflect, as applicable, school performance, growth, or multiple measures. Objective factors include:

(1) significant demographic changes in the student population;
(2) errors in data; or
(3) other significant issues.

After considering the petition for review, the state board may direct the department to revise the category or designation assigned to the school corporation or school, including assigning a "null" or "no letter grade" category or designation to the school corporation or school. The state board may grant the "null" designation for multiple years.

~~(c)~~ **(d)** The state board may obtain assistance from another entity or, with the approval of the legislative council, the legislative services agency, to ensure the validity and reliability of the performance category or designation placements calculated by the department under section 2 of this chapter. The department shall provide all the data necessary to complete those calculations to the legislative services agency or to an entity designated by the state board.

SECTION 7. IC 20-31-8-4.5, AS ADDED BY P.L.205-2013, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.5. In addition to other benchmarks, performance indicators, and accountability standards developed under this article, the state board shall develop alternative benchmarks, performance indicators, and accountability standards to be used in the assessment of schools that focus ~~exclusively~~ **primarily** on providing an academic program for students with developmental, intellectual, or behavioral challenges.

SECTION 8. IC 20-32-4-14, AS ADDED BY P.L.192-2018, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. **(a) As used in this section, "case conference committee" has the meaning set forth in IC 20-35-9-3.**

~~(a)~~ **(b)** The state board shall create an alternate diploma for students with significant cognitive disabilities. The diploma must be:

(1) standards-based; ~~and~~
(2) aligned with Indiana's requirements for an Indiana diploma; **and**
(3) considered as an option for a student if all other diploma options have been determined to be inappropriate for the student.

~~(b)~~ **(c)** Not more than one percent (1%) of students of a cohort may receive the alternate diploma established by the state board under subsection ~~(a)~~ **(b) unless a school requests a waiver from the department as provided under subsection (e) and the waiver is granted.**

~~(c)~~ **(d)** The alternate diploma must comply with the federal Every Student Succeeds Act (ESSA) (20 U.S.C. 6311).

~~(d)~~ **(e) If:**

(1) a student is unable to receive an alternate diploma due to the limitation under subsection (c); and
(2) the student's case conference committee determines that an alternate diploma for the student is appropriate as described in subsection (b)(3);

the school in which the student is enrolled shall request that the department grant a waiver of the limitation under subsection (c) to allow the student to receive an alternate diploma if the student meets the requirements to receive the alternate diploma. However, the department may not grant a waiver of more than five tenths percent (0.5%) of students of the particular cohort of the school.

(f) The state board shall adopt rules under IC 4-22-2 that are necessary to carry out this section.".

Renumber all SECTIONS consecutively.

(Reference is to SB 438 as reprinted January 29, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 472, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 2-5-45 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 45. 21st Century Energy Policy Development Task Force

Sec. 1. As used in this chapter, "task force" refers to the 21st century energy policy development task force established by section 2 of this chapter.

Sec. 2. The 21st century energy policy development task

force is established.

Sec. 3. The task force consists of the following fifteen (15) members:

(1) Four (4) members of the senate, appointed as follows:

(A) Two (2) members appointed by the president pro tempore, one (1) of whom shall serve as co-chair of the task force.

(B) Two (2) members appointed by the minority leader.

(2) Four (4) members of the house of representatives, appointed as follows:

(A) Two (2) members appointed by the speaker, one (1) of whom shall serve as co-chair of the task force.

(B) Two (2) members appointed by the minority leader.

(3) One (1) member who has broad experience in electric utility policy and who is appointed by the legislative council to represent residential ratepayers.

(4) One (1) member who has broad experience in electric utility policy and who is appointed by the legislative council to represent commercial ratepayers.

(5) One (1) member who has broad experience in electric utility policy and who is appointed by the legislative council to represent industrial ratepayers.

(6) One (1) member who has expertise with respect to the generation, transmission, and distribution of electricity and who is appointed by the legislative council.

(7) One (1) member who has expertise in advanced energy research and development and who is appointed by the governor.

(8) One (1) member who has expertise in renewable energy technology and deployment and who is appointed by the governor.

(9) One (1) member who has broad experience in both economic development and energy policy and who is appointed by the governor.

Sec. 4. (a) Eight (8) members of the task force constitute a quorum.

(b) The affirmative vote of at least a majority of the members at a meeting at which a quorum is present is necessary for the task force to take official action other than to meet and take testimony.

(c) The task force shall meet at the call of the co-chairs.

Sec. 5. All meetings of the task force shall be open to the public in accordance with and subject to IC 5-14-1.5. All records of the task force shall be subject to the requirements of IC 5-14-3.

Sec. 6. The task force shall do the following:

(1) Examine the state's existing policies regulating electric generation portfolios.

(2) Examine how possible shifts in electric generation portfolios may impact the reliability, system resilience, and affordability of electric utility service.

(3) Evaluate whether state regulators have the appropriate authority and statutory flexibility to consider the statewide impact of the changes described in subdivision (2), while still protecting ratepayer interests.

Sec. 7. The task force shall develop recommendations for the general assembly and the governor concerning the following:

(1) Outcomes that must be achieved in order to overcome any identified challenges concerning Indiana's electric generation portfolios, along with a timeline for achieving those outcomes.

(2) Whether existing state policy and statutes enable state regulators to properly consider the statewide impact of changing electric generation portfolios and, if not, the best approaches to enable state regulators to consider those impacts.

(3) How to maintain reliable, resilient, and affordable electric service for all electric utility consumers, while encouraging the adoption and deployment of advanced energy technologies.

Sec. 8. The task force shall:

(1) issue a report setting forth the recommendations required by section 7 of this chapter; and

(2) not later than December 1, 2020, submit the report to the following:

(A) The executive director of the legislative services agency for distribution to the members of the general assembly. The report submitted to the executive director of the legislative services agency under this clause must be in an electronic format under IC 5-14-6.

(B) The governor.

(C) The chair of the Indiana utility regulatory commission.

(D) The utility consumer counselor.

Sec. 9. The legislative services agency shall provide staff support to the task force.

Sec. 10. This chapter expires December 2, 2020.".

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

"SECTION 3. IC 8-1-8.5-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.1. (a) As used in this section, "electric utility" means a:**

(1) public, municipally owned, or cooperatively owned utility; or

(2) joint agency created under IC 8-1-2.2;

that owns, operates, or manages any electric generation facility in Indiana for the provision of electric utility service to Indiana customers.

(b) Before July 1, 2020, the commission shall conduct a comprehensive study of the statewide impacts, both in the near term and on a long term basis, of:

(1) transitions in the fuel sources and other resources used to generate electricity by electric utilities; and

(2) new and emerging technologies for the generation of electricity, including the potential impact of such technologies on local grids or distribution infrastructure;

on electric generation capacity, system reliability, system resilience, and the cost of electric utility service for consumers. In conducting the study required by this subsection, the commission shall consider the likely timelines for the transitions in fuel sources and other resources described in subdivision (1) and for the implementation of new and emerging technologies described in subdivision (2).

(c) During the 2019 legislative interim, the commission shall provide a progress report on the commission's work in conducting the study required by subsection (b) to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8).

(d) Not later than July 1, 2020, the commission shall issue to:

(1) the governor;

(2) the legislative council; and

(3) the 21st century energy policy development task force established by IC 2-5-45-2;

a final report containing the commission's findings and recommendations on the topics outlined in subsection (b). The report to the legislative council under this subsection must be in an electronic format under IC 5-14-6.

(e) Subject to subsections (f) through (i), after April 30, 2019, and before January 1, 2021, the commission may not issue a final order in any matter or proceeding that:

(1) requests approval of:

(A) a certificate of public convenience and necessity; or

(B) a purchased power agreement;

(2) the commission determines would have an impact on the generation capacity, system reliability, or system resilience of electric utility service on a statewide basis, whether in the near term or on a long term basis; and
(3) is:
(A) pending as of; or
(B) filed on or after;
May 1, 2019.
This subsection does not apply to a general rate case or to an electric utility's request for the approval of a retail rate adjustment mechanism.

(f) Except as provided in subsection (g), subsection (e) does not apply in any individual matter or proceeding concerning a proposed:
(1) electric generation facility;
(2) change in fuel source or other resource used to generate electricity; or
(3) purchased power agreement;
involving less than two hundred fifty (250) megawatts of generating capacity.

(g) Subject to subsections (h) and (i), after April 30, 2019, and before January 1, 2021, the commission may not issue a final order in any individual matter or proceeding concerning a proposed:
(1) electric generation facility;
(2) change in fuel source or other resource used to generate electricity; or
(3) purchased power agreement;
regardless of the number of megawatts of generating capacity involved in the individual matter or proceeding, once the total number of megawatts of generating capacity approved by the commission after April 30, 2019, and before January 1, 2021, in all matters or proceedings described in subdivisions (1) through (3) exceeds ten thousand (10,000) megawatts on a statewide basis.

(h) If the commission determines under subsection (e) or (g) that a final order may not be issued in a particular matter or proceeding, the commission may, in an expedited proceeding not to exceed ninety (90) days, grant relief from the commission's determination and issue a final emergency order in the particular matter if the following conditions are met:
(1) The electric utility involved in the matter or proceeding files with the commission a petition seeking emergency relief from the commission's determination.
(2) The commission determines after:
(A) conducting a public hearing on the necessity for the relief sought by the electric utility; and
(B) receiving public testimony from the appropriate regional transmission organizations;
that an emergency exists, or that delaying or denying the issuance of an order in the matter would present significant adverse risks to the statewide or regional electric generation capacity, system reliability, or system resilience.

(i) Subsections (e) and (g) do not prohibit any of the following after April 30, 2019, and before January 1, 2021:
(1) An electric utility from filing a petition for approval of:
(A) a certificate of public convenience and necessity; or
(B) a purchased power agreement.
(2) The commission, electric utilities, parties, or intervenors from conducting any procedural matters preceding a final order in a pending proceeding, including establishing procedural schedules, filing testimony and exhibits, holding hearings, conducting conferences, and taking such other actions necessary for the commission's final determination in the matter.
(3) The commission from issuing a final order denying all or part of an electric utility's petition for approval of:
(A) a certificate of public convenience and necessity; or
(B) a purchased power agreement;
if the denial of all or part of the petition would not have an impact on the generation capacity, system reliability, or system resilience of electric utility service on a statewide basis.

(j) This section expires January 2, 2021.".

Delete pages 13 through 14.

Page 15, delete lines 1 through 41.

Renumber all SECTIONS consecutively.

(Reference is to SB 472 as printed February 15, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 516, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "5" and insert "**3**".

Page 1, delete lines 10 through 17.

Page 2, delete lines 1 through 7.

Page 2, line 8, delete "5." and insert "**3.**".

Page 2, delete lines 22 through 28, begin a new line block indented and insert:

"**(6) One (1) individual who is an elected sheriff who is appointed by the governor.**
(7) One (1) individual who is a member of the Midwest Hemp Council who is appointed by the governor.
(8) One (1) individual who has experience in hemp crop production who is appointed by the president of the Indiana Farm Bureau, Inc.
(9) One (1) individual who has experience in hemp production who is appointed by the president of Agribusiness Council of Indiana.
(10) One (1) individual who is a seed distributor with an active permit under IC 15-15-1-34 and who sells agricultural hemp seed who is appointed by the president of Indiana Crop Improvement Association.
(11) The director of the department of financial institutions or the director's designee.

(c) The state seed commissioner is the chairperson of the advisory committee and is a nonvoting member.

(d) A member appointed to the advisory committee shall serve for a term of three (3) years.".

Page 2, line 30, delete "or the state seed commissioner".

Page 2, line 36, delete "6." and insert "**4.**".

Page 2, line 38, delete "7." and insert "**5.**".

Page 3, line 11, delete "8." and insert "**6.**".

Page 3, delete lines 15 through 22, begin a new paragraph and insert:

"SECTION 2. IC 15-15-13-1, AS ADDED BY P.L.165-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** Nothing in this chapter authorizes any person to violate any federal law or regulation.

(b) Nothing in this chapter authorizes the state seed commissioner to regulate a hemp commodity or product.".

Page 4, line 9, delete "delta-9 tetrahydrocannabinol" and insert "**delta-9-tetrahydrocannabinol**".

Page 4, line 10, delete ":".

Page 4, line 11, delete "(1)".

Page 4, line 12, delete ", including the seeds thereof;" and insert "**.**".

Page 4, line 12, strike "or".

Page 4, delete lines 20 through 22.

Page 5, line 14, after "department," insert "**the state seed**

commissioner, or the state seed commissioner's authorized representative,".

Page 5, line 15, after "applicant," insert "**to conduct aerial inspections and**".

Page 7, line 10, delete "delta-9".

Page 7, line 10, strike "tetrahydrocannabinol" and insert "**delta-9-tetrahydrocannabinol**".

Page 7, between lines 37 and 38, begin a new paragraph and insert:

"**(h) The state seed commissioner may order a hemp crop that is detained, seized, or embargoed for noncompliance with this chapter to be destroyed by the owner. However, except as prohibited by federal law, the grower may appeal to the state seed commissioner for the hemp crop to be diverted to a willing licensed processor for processing and sale for industrial use. A hemp crop that is detained, seized, or embargoed may not be used for cannabidiol, other extracts, oil, food, or cosmetic products that are used for humans or animals.**".

Page 7, line 38, delete "(h)" and insert "**(i)**".

Page 7, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 9, IC 15-15-13-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.5. (a) A person who is a handler licensed under this section may distribute clones and other nonseed propagative materials of a hemp plant using the person's own labeling, if the distributor does the following:**

(1) Complies with the requirements of this chapter.

(2) Reports the variety and quantity of each variety of the propagative material of plant sold.

(3) Pays the inspection fee on the basis of the report.

(4) Labels the propagative material with the information required by the state seed commissioner.

(5) Keeps records to accurately determine the named varieties and the number of plants of each variety distributed.

(6) Grants the state seed commissioner or the state seed commissioner's authorized representative access to examine the handler's records and verify the quantity and each variety of propagative material distributed.

(7) Report, under oath, to the state seed commissioner on forms furnished by the state seed commissioner each variety and quantity of propagative material sold during each semiannual period.

(8) Any other information or conditions stated in the application.

(b) The state seed commissioner may revoke a handler's license if the commissioner determines any of the following:

(1) That the licensee has not complied with the requirements under this chapter.

(2) The report required in subsection (a) has not been submitted and is more than ten (10) days late.

(3) The report required in subsection (a) contained false information.

(4) The labeling requirements under this chapter have not been met.

(c) If the inspection fee has not been paid and is more than ten (10) days late, the state seed commissioner shall assess a late fee.

(d) Each year the:

(1) report required under subsection (a)(7); and

(2) inspection fees required under this chapter;

for the period beginning on January 1 and ending on June 30 and for the period beginning on July 1 and ending on December 31 are due not more than thirty (30) days after the end of the semiannual period.".

Page 8, line 21, delete "delta-9".

Page 8, line 22, delete "tetrahydrocannabinol" and insert "**delta-9-tetrahydrocannabinol**".

Page 9, line 16, delete "section" and insert "**chapter**".

Page 9, line 23, delete "section" and insert "**chapter**".

Page 9, between lines 32 and 33, begin a new paragraph and insert:

"**(d) A person who commits a negligent violation under this chapter is subject to a late fee as established by rule adopted by the seed commission.**".

Page 9, line 40, delete "This subsection".

Page 9, delete line 41.

Page 10, line 7, delete "July 1," and insert "**December 31,**".

Page 11, line 3, delete "Indiana:" and insert "**Indiana must:**".

Page 11, line 4, delete "must".

Page 11, line 13, delete "UPON PASSAGE]:" and insert "JULY 1, 2019]:".

Page 11, line 20, delete "Except as provided by"

Page 11, line 21, delete "subsection (b), a" and insert "**A**".

Page 11, line 24, delete "commits a Class B misdemeanor." and insert "**is subject to a civil penalty, determined by the state seed commission, not to exceed ten thousand dollars ($10,000) per violation. The state seed commissioner may also revoke the license of a person who violates this subsection.**".

Page 11, delete lines 25 through 27.

Page 11, line 28, delete "(c)" and insert "**(b)**".

Page 11, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 19. IC 15-15-13-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. A county, city, town, or township may not adopt or enforce an ordinance restricting or regulating:**

(1) the growth, production, or processing of hemp; or

(2) any subject regulated by this chapter.".

Page 11, line 36, delete "UPON PASSAGE]:" and insert "JULY 1, 2019]:".

Page 12, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 21. IC 24-4-21-3, AS ADDED BY P.L.153-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~(a) Except as provided in subsection (b),~~ A person may distribute low THC hemp extract in Indiana only if the distributor has a certificate of analysis prepared by an independent testing laboratory showing: ~~that:~~

(1) **that** the low THC hemp extract is the product of a batch tested by the independent testing laboratory; ~~and~~

(2) **that** the independent testing laboratory determined that the batch contained not more than three-tenths percent (0.3%) total delta-9-tetrahydrocannabinol (THC), including precursors, by weight, based on the testing of a random sample of the batch; **and**

(3) the cannabinoid percent present of the low THC hemp extract.

~~(b) Before July 1, 2018, a person may distribute low THC hemp extract in Indiana without having met the requirements described in subsection (a).~~".

Page 12, line 23, delete "UPON PASSAGE]:" and insert "JULY 1, 2019]:".

Page 12, line 38, delete "UPON PASSAGE]:" and insert "JULY 1, 2019]:".

Page 13, line 15, delete "UPON PASSAGE]:" and insert "JULY 1, 2019]:".

Page 13, line 21, delete "UPON PASSAGE]:" and insert "JULY 1, 2019]:".

Page 13, line 27, delete "UPON PASSAGE]:" and insert "JULY 1, 2019]:".

Page 13, line 32, delete "or vapor." and insert "**.**".

Page 13, line 40, delete "(as defined by IC 15-11-15-3)." and insert "**.**".

Page 14, line 1, delete "UPON PASSAGE]:" and insert "JULY 1, 2019]:".

Page 14, between lines 23 and 24, begin a new paragraph

and insert:

"**(c) Subsection (a)(1)(B), (a)(1)(D), (a)(2)(B), and (a)(2)(D) do not apply to a financial institution organized or reorganized under the laws of Indiana, any other state, or the United States.**".

Page 14, line 26, delete "UPON PASSAGE]:" and insert "JULY 1, 2019]:".

Page 14, line 31, delete "UPON PASSAGE]:" and insert "JULY 1, 2019]:".

Page 15, line 13, delete "IC 15-15-13-19 defines" and insert "**IC 15-15-13-20 defines**".

Renumber all SECTIONS consecutively.

(Reference is to SB 516 as reprinted February 22, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

LEHE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 519, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning criminal law and procedure.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate interim study committee the task of studying the implementation of HEA 1006-2014 and the proportionality of subsequent criminal offense levels and enhancements.**

(b) The legislative council is urged to assign to an appropriate interim study committee the task of studying the following aspects of drug penalties:

(1) The effects of aggregating and enhancing drug penalties for the following:

(A) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Manufacturing methamphetamine (IC 35-48-4-1.2).

(D) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(2) Whether, if a person commits the offense of:

(A) dealing; or

(B) an attempt or conspiracy to commit dealing;

in a controlled substance under IC 35-48-4, the person may be tried in any county where the person performed an act in furtherance of the offense.

(c) This SECTION expires January 1, 2020.

SECTION 2. **An emergency is declared for this act.**

(Reference is to SB 519 as printed February 6, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 546, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning education.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to the interim study committee on education established by IC 2-5-1.3-4 the task of studying the following:**

(1) The feasibility of integrating the membership of and merging the responsibilities of the Indiana state board of education, commission for higher education, and the governor's workforce cabinet to continue the process of aligning Indiana's education system.

(2) The governance structure and legislative oversight of education, including the composition of the state board of education, the governor's workforce cabinet, and the commission for higher education.

(b) This SECTION expires January 1, 2020.

SECTION 2. **An emergency is declared for this act.**

(Reference is to SB 546 as printed February 22, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 575, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 16-21-1-7, AS AMENDED BY P.L.141-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. **(a)** The executive board may adopt rules under IC 4-22-2 necessary to protect the health, safety, rights, and welfare of patients, including the following:

(1) Rules pertaining to the operation and management of hospitals, ambulatory outpatient surgical centers, abortion clinics, and birthing centers.

(2) Rules establishing standards for equipment, facilities, and staffing required for efficient and quality care of patients.

(b) Notwithstanding 410 IAC 15-1.7-1 and 410 IAC 15-2.7-1, the following apply to a publication that is referred to in 410 IAC 15:

(1) The Guidelines for Construction and Equipment of Hospital and Medical Facilities refers to the 2018 edition or most recent publication.

(2) The National Fire Protection Association 99, Health Care Facilities publication refers to the 2018 edition or most recent publication.

(3) A publication incorporated by reference is not effective until one hundred eighty (180) days after the date of publication.

The executive board shall amend 410 IAC 15-1.7-1 and 410 IAC 15-2.7-1 to reflect the requirements in this subsection. This subsection expires July 1, 2021.

SECTION 2. IC 16-21-2-14, AS AMENDED BY P.L.197-2011, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. A license to operate a hospital, an ambulatory outpatient surgical center, an abortion clinic, or a birthing center:

(1) expires:

(A) one (1) year after the date of issuance **for:**

(i) an ambulatory outpatient surgical center;

(ii) an abortion clinic;

(iii) a birthing center; and

(iv) a hospital until April 30, 2020; and

(B) beginning May 1, 2020, two (2) years after the date of issuance for a hospital;

(2) is not assignable or transferable;

(3) is issued only for the premises named in the application;

(4) must be posted in a conspicuous place in the facility; and

(5) may be renewed each year upon the payment of a renewal fee at the rate adopted by the state department under IC 4-22-2.".

Renumber all SECTIONS consecutively.

(Reference is to SB 575 as reprinted February 26, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 606, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-28-9-1.5, AS AMENDED BY P.L.215-2018(ss), SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) This subsection governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015. For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan under any of the following circumstances:

(1) The teacher:

(A) teaches an advanced placement course or a Cambridge International course; or

(B) has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of:

(i) a dual credit course; or

(ii) another course;

taught by the teacher.

(2) Beginning after June 30, 2018, the teacher:

(A) is a special education professional; or

(B) teaches in the areas of science, technology, engineering, or mathematics.

In addition, a supplemental payment may be made to an elementary school teacher who earns a master's degree in math, reading, or literacy. A supplement provided under this subsection is not subject to collective bargaining, but a discussion of the supplement must be held. Such a supplement is in addition to any increase permitted under subsection (b).

(b) Increases or increments in a local salary range must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than ~~thirty-three and one-third percent (33.33%)~~ **fifty percent (50%)** of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The possession of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

(c) To provide greater flexibility and options, a school corporation may differentiate the amount of salary increases or increments determined for teachers under subsection (b)(4). A school corporation shall base a differentiated amount under this subsection on any academic needs the school corporation determines are appropriate, which may include the:

(1) subject or subjects, including the subjects described in subsection (a)(2), taught by a given teacher;

(2) importance of retaining a given teacher at the school corporation; and

(3) need to attract an individual with specific qualifications to fill a teaching vacancy.

(d) A school corporation may provide differentiated increases or increments under subsection (b), and in excess of the percentage specified in subsection (b)(1), in order to:

(1) reduce the gap between the school corporation's minimum teacher salary and the average of the school corporation's minimum and maximum teacher salaries; **or**

(2) allow teachers currently employed by the school corporation to receive a salary adjusted in comparison to starting base salaries of new teachers.

(e) Except as provided in subsection (f), a teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(f) Subsection (e) does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection.

(g) A teacher who does not receive a raise or increment under subsection (e) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(h) The Indiana education employment relations board established in IC 20-29-3-1 shall publish a model compensation plan with a model salary range that a school corporation may adopt.

(i) Each school corporation shall submit its local compensation plan to the Indiana education employment relations board. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The Indiana education employment relations board shall publish the local compensation plans on the Indiana education employment relations board's Internet web site.

(j) The Indiana education employment relations board shall review a compensation plan for compliance with this section as part of its review under IC 20-29-6-6.1. The Indiana education employment relations board has jurisdiction to determine compliance of a compensation plan submitted under this section.

(k) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

(l) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered

rights, duties, or obligations under this section.

(Reference is to SB 606 as printed February 8, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 609, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 2, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 2. IC 7.1-3-27-6, AS AMENDED BY P.L.79-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A holder of an artisan distiller's permit may also hold one (1) of the following:

(1) A farm winery permit.

(2) A brewer's permit issued under IC 7.1-3-2-2(b).

(3) A distiller's permit under IC 7.1-3-7.

(b) A holder of an artisan distiller's permit who also holds a permit described under subsection (a)(2) may hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant as described in IC 7.1-3-2-7(5)(C) **or IC 7.1-3-29.**".

Page 4, line 15, delete "permit." and insert "**permit, a wine retailer's permit, or a liquor retailer's permit.**".

Page 4, line 19, delete "winery, the" and insert "**farm winery**".

Page 4, line 20, delete "distillery,".

Page 4, line 25, delete "winery, the distillery," and insert "**farm winery**".

Page 4, line 28, delete "winery," and insert "**farm winery**".

Page 4, line 29, delete "the distillery,".

Page 4, after line 31, begin a new paragraph and insert:

"SECTION 5. IC 7.1-5-7-11, AS AMENDED BY P.L.270-2017, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The provisions of sections 9 and 10 of this chapter shall not apply if the public place involved is one (1) of the following:

(1) Civic center.

(2) Convention center.

(3) Sports arena.

(4) Bowling center.

(5) Bona fide club.

(6) Drug store.

(7) Grocery store.

(8) Boat.

(9) Dining car.

(10) Pullman car.

(11) Club car.

(12) Passenger airplane.

(13) Horse racetrack facility holding a recognized meeting permit under IC 4-31-5.

(14) Satellite facility (as defined in IC 4-31-2-20.5).

(15) Catering hall under IC 7.1-3-20-24 that is not open to the public.

(16) That part of a restaurant which is separate from a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink.

(17) Entertainment complex.

(18) Indoor golf facility.

(19) A recreational facility such as a golf course, bowling center, or similar facility that has the recreational activity and not the sale of food and beverages as the principal purpose or function of the person's business.

(20) A licensed premises owned or operated by a postsecondary educational institution described in IC 21-17-6-1.

(21) An automobile racetrack.

(22) An indoor theater under IC 7.1-3-20-26.

(23) A senior residence facility campus (as defined in IC 7.1-3-1-29(c)) at which alcoholic beverages are given or furnished as provided under IC 7.1-3-1-29.

(24) A hotel other than a part of a hotel that is a room in a restaurant in which a bar is located over which alcoholic beverages are sold or dispensed by the drink.

(25) The location of an allowable event to which IC 7.1-3-6.1 applies.

(26) The location of a charity auction to which IC 7.1-3-6.2 applies.

(27) A farm winery and any additional locations of the farm winery under IC 7.1-3-12, if the minor is in the company of a parent, legal guardian or custodian, or family member who is at least twenty-one (21) years of age.

(28) An artisan distillery under IC 7.1-3-27, if:

(A) the person who holds the artisan distiller's permit also holds a farm winery permit under IC 7.1-3-12; and

(B) the minor is in the company of a parent, legal guardian or custodian, or family member who is at least twenty-one (21) years of age.

(29) A brewery under IC 7.1-3-2-7(5) if the minor is in the company of a parent, legal guardian, custodian, or family member who is at least twenty-one (21) years of age and the minor is accompanied by the adult in any area that the adult may be present:

(A) that is within the brewery premises, including a tasting room; and

(B) whether or not the area:

(i) is separated in any manner from where the beer is manufactured, sold, or consumed within the brewery premises; or

(ii) operates under a retailer's permit.

(b) For the purpose of this subsection, "food" means meals prepared on the licensed premises. It is lawful for a minor to be on licensed premises in a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink if all the following conditions are met:

(1) The minor is eighteen (18) years of age or older.

(2) The minor is in the company of a parent, guardian, or family member who is twenty-one (21) years of age or older.

(3) The purpose for being on the licensed premises is the consumption of food and not the consumption of alcoholic beverages.

SECTION 6. IC 7.1-5-9-6, AS AMENDED BY P.L.79-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) It is unlawful for the holder of a distiller's, rectifier's, or liquor wholesaler's permit to have an interest in a beer permit of any type under this title. This section does not apply to the holder of an artisan distiller's permit that has an interest in a brewer's permit issued under IC 7.1-3-2-2(b) **or a farm winery permit issued under IC 7.1-3-12-3.**

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 7. IC 7.1-5-9-10, AS AMENDED BY P.L.79-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as provided in subsection (b), it is unlawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a manufacturer's or wholesaler's permit of any type.

(b) It is lawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in:

(1) a brewer's permit issued under IC 7.1-3-2-2(b); ~~and~~

(2) an artisan distiller's permit; ~~if the holder of the~~

~~retailer's permit also holds a brewer's permit described in subdivision (1);~~ **and**

(3) a farm winery permit issued under IC 7.1-3-12-3.

(c) A person who knowingly or intentionally violates subsection (a) commits a Class B misdemeanor.

SECTION 8. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 609 as printed February 15, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

SMALTZ, Chair

Report adopted.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1141 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

SHACKLEFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1165 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1192 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1660 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

GOODRICH

Motion prevailed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Act 198 on April 3.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On April 3, 2017, I signed into law House Enrolled Acts 1005, 1173, 1187, 1280, 1295, 1492 and 1605.

ERIC HOLCOMB
Governor

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 436 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representatives Davisson, Fleming, Goodin and Clere be added as cosponsors of Senate Concurrrent Resolution 63.

ENGLEMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodrich be added as cosponsor of Engrossed Senate Bill 282.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Smaltz be removed as first sponsor and Representative Clere be substituted therefor and Representative Smaltz be added as cosponsor of Engrossed Senate Bill 393.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Manning be removed as cosponsor of Engrossed Senate Bill 393.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives DeLaney and Jordan be added as cosponsors of Engrossed Senate Bill 546.

BEHNING

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1100, 1115, 1118, 1128, 1185, 1199, 1211, 1552 and 1600 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1025, 1141, 1165, 1175, 1192, 1237, 1308, 1330, 1341, 1358, 1443, 1545, 1547, 1638 and 1660 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 61 and 63 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 19, 43 and 46 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 198 and 336.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 119:

Conferees: Tomes, Chairman; and Randolph
Advisors: Sandlin, Taylor and Doriott

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Ellington, the House adjourned at 1:46 p.m., this fourth day of April, 2019, until Monday, April 8, 2019, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives