Journal of the House

State of Indiana

121st General Assembly *First Regular Session*

Twentieth Day **Thursday Morning** **February 14, 2019**

The invocation was offered by Pastor Rick Vale of Central Christian Church in Anderson, a guest of Representative Austin.

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 Miller.

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 171: 96 present; 4 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 18, 2019, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1025, 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 8-17-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. There is annually appropriated from the counties' share of the April distribution of the motor vehicle highway account ~~nine hundred twenty thousand dollars ($920,000) to be held by the auditor of state in a special account known as the county highway engineer fund. The fund must be used exclusively in~~ **the amount necessary to make the distributions under this chapter for** assisting the counties in the employment of a full-time county highway engineer.".

Page 2, delete line 1.

Page 2, line 22, delete "twenty-five thousand dollars ($25,000)." and insert "**forty thousand dollars ($40,000).**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1025 as introduced.)

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 Insurance, to which was referred House Bill 1180, 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:

SECTION 1. IC 27-1-37.4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 8. (a) As used in this section, "step therapy protocol" means a protocol that specifies, as a condition of coverage under a health plan, the order in which certain prescription drugs must be used to**

treat a covered individual's condition.

(b) A health plan that denies prior authorization for a prescription drug described in subdivision (1) or (2) shall provide, in the notice of denial, an alternative list of prescription drugs as follows:

(1) If:

(A) the prescription drug is not included in the health plan's formulary; and

(B) there is at least one (1) alternative prescription drug in the same therapeutic classification (as defined in IC 12-15-35-17.5);

the alternative list must specify the alternative prescription drugs described in clause (B) that are covered by the health plan.

(2) If the prescription drug is prescribed to treat a condition for which coverage under the health plan requires use of a step therapy protocol, the alternative list must specify the alternative prescription drugs that are required by the step therapy protocol.

SECTION 2. [EFFECTIVE JULY 1, 2019] **(a) The legislative council is urged to assign to an appropriate interim study committee the topic of regulation and practices of pharmacy benefit managers.**

(b) If the legislative council assigns the topic under subsection (a), the study committee shall, not later than November 1, 2019, report to the legislative council in an electronic format under IC 5-14-6 the results of the study and any recommended legislation concerning the following:

(1) State licensure of pharmacy benefit managers.

(2) Pharmacy benefit manager use of contract provisions that limit a pharmacist's ability to inform customers concerning the least expensive price that may be paid by the customer.

(3) Pharmacy benefit manager conflicts of interest.

(4) Pharmacy benefit manager practices in charging customers who obtain pharmacy services from pharmacies in which the pharmacy benefit manager has no ownership or other financial interest.

(5) Pharmacy benefit manager practices in specifying a particular wholesale drug distributor or other pharmaceutical supplier from which a pharmacy must purchase pharmaceutical supplies.

(c) This SECTION expires December 1, 2019.

(Reference is to HB 1180 as introduced.)

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 Roads and Transportation, to which was referred House Bill 1183, 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, strike "incurred against the vehicle or parts at that time," and insert "**relating to a tow, the storage of the vehicle, and all allowable fees, as applicable,**".

Page 2, delete lines 2 through 3.

Page 2, line 4, delete "(5)" and insert "**(3)**".

Page 2, line 5, delete "(6) Money order." and insert "**(4) Money order.**".

Page 2, between lines 5 and 6, begin a new line blocked left and insert:

"**A towing service or storage facility may elect to accept payment by means of a credit card or debit card.**".

Page 2, line 6, after "tow," insert "**the storage of a vehicle, and all allowable fees, as applicable,**".

Page 2, line 9, delete "IC 24-14-5-1(d)" and insert "**IC 24-14-5**".

Page 2, line 23, after "shall" insert ", **if required,**".

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 2. IC 9-22-1-19, AS AMENDED BY P.L.157-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) Within ~~seventy-two (72) hours~~ **three (3) business days** after removal of a vehicle to a storage yard or towing service under section 13, 14, 16, or 31 of this chapter or IC 9-22-6, the public agency or towing service shall conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the last state of record of the vehicle in order to attempt to ascertain the name and address of the person who owns or holds a lien on the vehicle.

(b) A public agency or towing service that obtains the name and address of the owner of or lienholder on a vehicle shall, not later than ~~seventy-two (72) hours~~ **three (3) business days** after obtaining the name and address, notify the person who owns or holds a lien on the vehicle of the following:

(1) The name, address, and telephone number of the public agency or towing service.

(2) That storage charges are being accrued and the vehicle is subject to sale if the vehicle is not claimed and the charges are not paid.

(3) The earliest possible date and location of the public sale or auction.

The notice must be made by certified mail or a certificate of mailing or by means of an electronic service approved by the bureau. Notwithstanding section 4 of this chapter, a public agency or towing service that fails to notify the owner of or lienholder on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained.".

Page 8, delete lines 6 through 13, begin a new paragraph and insert:

"**Sec. 2. This article does not apply to the following:**

(1) Government agency towing.

(2) Seizure towing.

(3) Towing performed by, on behalf of, or under contract with:

(A) an automobile club;

(B) a car dealership; or

(C) an insurance company.".

Page 9, line 23, delete "any of" and insert "**the registered owner,**".

Page 9, line 24, delete "the following,".

Page 9, line 24, delete "IC 9-22-1-19:" and insert "**IC 9-22-1-19.**".

Page 9, delete lines 25 through 31.

Page 9, delete lines 39 through 40.

Page 9, line 41, delete "13." and insert "**12.**".

Page 10, line 3, delete "14." and insert "**13.**".

Page 10, line 11, delete "15." and insert "**14.**".

Page 10, line 14, delete "16." and insert "**15.**".

Page 10, line 16, delete "17." and insert "**16.**".

Page 10, delete lines 21 through 22, begin a new paragraph and insert:

"**(b) The term includes a tow truck operator acting:**

(1) on behalf of a towing company when appropriate in the context; or

(2) under contract with:

(A) an automobile club;

(B) a car dealership; or

(C) an insurance company.".

Page 11, line 30, delete "at the time the towing company is summoned." and insert "**prior to the tow truck leaving the scene.**".

Page 13, delete lines 24 through 38, begin a new paragraph and insert:

"**Sec. 6. A towing company that performs emergency towing under this chapter shall do the following:**

(1) Properly secure all towed motor vehicles.

(2) Take all reasonable efforts to prevent:

(A) further damage (including weather damage) to; or

(B) the theft of;

all towed motor vehicles, including a towed motor vehicle's cargo and contents.".

Page 14, delete lines 16 through 24.

Page 14, line 25, delete "4." and insert "**3.**".

Page 14, line 35, delete "5." and insert "**4.**".

Page 15, line 7, delete "6." and insert "**5.**".

Page 15, delete lines 12 through 26, begin a new paragraph and insert:

"**Sec. 6. A towing company that performs private property towing under this chapter shall do the following:**

(1) Properly secure all towed motor vehicles.

(2) Take all reasonable efforts to prevent:

(A) further damage (including weather damage) to; or

(B) the theft of;

all towed motor vehicles, including a towed motor vehicle's cargo and contents.".

Page 15, line 27, delete "8." and insert "**7.**".

Page 15, delete lines 31 through 42, begin a new paragraph and insert:

"**Sec. 1. (a) Except as otherwise provided in subsection (b), before attaching a motor vehicle to a tow truck, a towing company shall provide to the owner or operator of the motor vehicle, if the owner or operator of the motor vehicle is present at the time and location of the tow, a written, itemized estimate of all charges and services to be performed. The estimate required under this subsection must include the following:**

(1) The name, address, telephone number, and motor carrier permit number of the towing company.

(2) The license plate number of the tow truck performing the tow.

(3) An itemized description of, and cost for, all services performed or to be performed in connection with the tow, including charges for:

(A) labor;

(B) mileage; and

(C) storage fees, expressed as a twenty-four (24) hour rate.

(b) A towing company may furnish the itemized estimate required under subsection (a) after the motor vehicle is attached to the tow truck and removed to the nearest safe shoulder or street if:

(1) the removal is performed at the request of:

(A) a law enforcement officer; or

(B) authorized county or municipal personnel; and

(2) the itemized estimate is provided to the owner or operator of the motor vehicle before the motor vehicle is removed from the nearest safe shoulder or street.

(c) The tow truck operator shall obtain the owner's or operator's signature, which may be written or electronic, on the itemized estimate required under subsection (a) and shall furnish a copy of the estimate to the individual who signed the estimate.

(d) A towing company shall not make any charge in excess of the estimated charge for a particular service, as set forth under subsection (a)(3), without the prior consent of the motor vehicle's owner or operator.

(e) A towing company shall:

(1) retain an estimate required by this section for a period of two (2) years from the date the estimate was signed; and

(2) throughout the two (2) year period described in subdivision (1), make the estimate available for inspection and copying not later than forty-eight (48) hours after receiving a written request for inspection from:

(A) a law enforcement agency;

(B) the attorney general;

(C) the prosecuting attorney or city attorney having jurisdiction in the location of any of the towing company's Indiana business locations;

(D) the disabled motor vehicle's owner; or

(E) the agent of the disabled motor vehicle's owner.

Sec. 2. (a) An itemized invoice of actual towing charges assessed by a towing company shall be made available to the owner of the motor vehicle or the owner's agent not later than twenty-four (24) hours after a completed tow. The itemized invoice required by this section must contain the following information:

(1) The location from which the motor vehicle was towed.

(2) The location to which the motor vehicle was towed.

(3) The name, address, and telephone number of the towing company.

(4) A description of the towed motor vehicle, including the:

(A) make;

(B) model;

(C) year; and

(D) vehicle identification number;

of the motor vehicle.

(5) The license plate number and state of registration for the towed motor vehicle.

(6) The cost of the original towing service.

(7) The cost of any vehicle storage fees, expressed as a twenty-four (24) hour rate.

(8) Other fees, including documentation fees and motor vehicle search fees.

(9) The costs for services that were performed under a warranty or that were otherwise performed at no cost to the owner of the motor vehicle.

(b) Any service or fee in addition to the services or fees described in subsection (a)(6), (a)(7), or (a)(8) must be set forth individually as a single line item on the invoice required by this section, with an explanation and the exact charge for the service or the exact amount of the fee.

(c) A copy of each invoice and receipt submitted by a tow truck operator in accordance with this section shall:

(1) be retained by the towing company for a period of two (2) years from the date of issuance; and

(2) throughout the two (2) year period described in subdivision (1), be made available for inspection and copying not later than forty-eight (48) hours after receiving a written request for inspection from:

(A) a law enforcement agency;

(B) the attorney general;

(C) the prosecuting attorney or city attorney having jurisdiction in the location of any of the towing company's Indiana business locations;

(D) the disabled motor vehicle's owner; or

(E) the agent of the disabled motor vehicle's owner.".

Delete page 16.

Page 17, delete lines 1 through 20.

Page 17, delete lines 22 through 42, begin a new paragraph and insert:

"**Sec. 1. Not later than three (3) business days after a completed tow, the towing company or storage facility responsible for a towed vehicle must:**

(1) search:

(A) the National Motor Vehicle Title Information System data base (as described under 49 U.S.C. 30502); or

(B) an equivalent and commonly available data base; and

(2) comply with:

(A) IC 9-22-1-19; or

(B) IC 9-22-1-21;

as applicable.".

Delete page 18.

Page 19, delete lines 1 through 16.

Page 19, delete lines 24 through 35, begin a new paragraph and insert:

"**Sec. 2. (a) Upon payment of all costs relating to a tow, the storage of a motor vehicle, and all allowable fees, as applicable, the towing company or storage facility shall release the motor vehicle to a properly identified person who owns or holds a lien on the motor vehicle.**".

Page 20, delete lines 1 through 8, begin a new paragraph and insert:

"**(c) A towing company or storage facility shall accept the following forms of payment:**

(1) Cash.

(2) Certified check.

(3) Insurance check.

(4) Money order.

A towing service or storage facility may elect to accept payment by means of a credit card or debit card.".

Page 20, line 12, delete "IC 24-14-5-1(d)" and insert "**IC 24-14-5**".

Page 20, delete lines 13 through 28, begin a new paragraph and insert:

"**(e) A towing company or storage facility shall comply with IC 9-22-1-8.**".

Page 20, line 30, delete "may not" and insert "**shall**".

Page 20, line 32, delete "excessive or discriminatory" and insert "**reasonable**".

Page 20, delete lines 33 through 41, begin a new paragraph and insert:

"**Sec. 2. All services provided by a towing company or storage facility, including any warranty service or zero cost service, shall be recorded on an invoice. The towing company or storage facility shall:**

(1) maintain the invoice described in this section for a period of not less than two (2) years from the date of issuance; and

(2) throughout the two (2) year period described in subdivision (1), make the invoice available for inspection and copying not later than forty-eight (48) hours after receiving a written request for inspection from:

(A) a law enforcement agency;

(B) the attorney general;

(C) the prosecuting attorney or city attorney having jurisdiction in the location of any of the towing company's Indiana business locations;

(D) the disabled motor vehicle's owner; or

(E) the agent of the disabled motor vehicle's owner.".

Page 21, line 1, delete "rate sheet described in IC 24-14-5-1" and insert "**invoice described in IC 24-14-5**".

Page 21, delete lines 4 through 42, begin a new paragraph and insert:

"**Sec. 1. A person or entity wishing to operate a towing company in Indiana shall register with the secretary of state in the manner and form prescribed by the secretary of state prior to commencing business operations.**".

Page 22, delete lines 1 through 29.

Page 23, line 19, after "tow," insert "**motor vehicle storage, and all allowable fees, as applicable,**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1183 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

Sullivan, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1216, 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 human services.

Page 1, delete lines 14 through 17.

Delete page 2.

(Reference is to HB 1216 as introduced.)

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 Roads and Transportation, to which was referred House Bill 1237, 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 12.

Page 2, line 24, after "Indiana." insert " **A vehicle manufacturer or distributor may not use or enter into a subscription program.**".

Page 2, line 24, reset in roman "This subsection expires on May 1,".

Page 2, line 25, delete "A vehicle manufacturer or distributor may not use or enter" insert "**2020.**".

Page 2, delete line 26

Renumber all SECTIONS consecutively.

(Reference is to HB 1237 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

SULLIVAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1330, 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 16, delete "forty-five (45)" and insert "**sixty (60)**".

Page 2, line 1, delete "forty-five (45)" and insert "**sixty (60)**".

Page 2, between lines 3 and 4, begin a new line blocked left and insert:

"**The term does not include an aircraft that is being repaired by a person providing services under IC 32-33-10-5.**".

Page 2, line 5, after "air." insert "**The term does not include unmanned aircraft or ultralight aircraft.**".

Page 2, delete lines 14 through 16, begin a new line double block indented and insert:

"**(B) is not in compliance with applicable Federal Aviation Administration regulations allowing the aircraft to be operated in flight; and**

(C) does not have a written repair plan approved

and signed by:

(i) a Federal Aviation Administration certified airframe and power plant mechanic; or

(ii) a person authorized to perform maintenance on the aircraft in accordance with Federal Aviation Administration regulations.".

Page 4, line 6, delete "intends" and insert "**may:**".

Page 4, delete line 7.

Page 4, delete line 11.

Page 4, line 15, delete "(D)." and insert "**(D); and**

(iii) sell the aircraft at a public auction or bid on the aircraft if it is made available for disposal by means of a public auction.

(F) A statement that the public-use airport's owner or operator, or the fixed-base operator, as applicable, may scrap the aircraft if no bids are received for the aircraft during a public auction of the aircraft.".

Page 4, line 16, delete "(F)" and insert "**(G)**".

Page 4, between lines 31 and 32, begin a new line block indented and insert:

"**(3) If the registered owner of an aircraft cannot be found or served, notice by publication may be used in lieu of personal service, courier service, or certified mail.**".

Page 5, line 13, after "disposal" insert "**of the aircraft by means of a public auction**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1330 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

SULLIVAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1341, 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 3, delete "chapter" and insert "chapter, **resulting from an inspection under this chapter that does not involve an employee fatality,**".

Page 2, line 6, delete "chapter" and insert "chapter, **resulting from an inspection under this chapter that does not involve an employee fatality,**".

Page 2, between lines 9 and 10, begin a new line block indented and insert:

"**(7) An employer who knowingly violates any standard, rule, order, or this chapter, resulting from an inspection under this chapter that involves an employee fatality, shall be assessed a civil penalty of not less than nine thousand four hundred seventy-two dollars ($9,472) for each violation and may be assessed a civil penalty of up to one hundred thirty-two thousand five hundred ninety-eight dollars ($132,598) for each violation.**".

Page 2, delete lines 10 through 14.

Page 2, line 15, reset in roman "(b)".

Page 2, line 15, delete "(c)".

(Reference is to HB 1341 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

VanNatter, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1362, 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 6-6-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The rental of a truck is exempt from the auto rental excise tax if the declared gross weight of the truck being rented exceeds eleven thousand (11,000) pounds.

(b) The rental of a passenger motor vehicle or truck by a funeral director licensed under IC 25-15 is exempt from the auto rental excise tax if the rental is part of the services provided by the director for a funeral.

(c) The sharing of a passenger motor vehicle or truck through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) is exempt from the auto rental excise tax.

SECTION 2. IC 6-6-9.5-7, AS ADDED BY P.L.214-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The legislative body of the most populous city in the county may adopt an ordinance to impose an excise tax, known as the county supplemental auto rental excise tax, upon the rental of passenger motor vehicles in the county for periods of less than thirty (30) days. The ordinance must specify that the tax expires December 31, 2036.

(b) **Except as provided in subsection (c),** the county supplemental auto rental excise tax that may be imposed upon the rental of a passenger motor vehicle is two percent (2%) of the gross retail income received by the retail merchant for the rental.

(c) The county supplemental auto rental excise tax does not apply to the sharing of passenger motor vehicles through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) in the county unless the legislative body of the most populous city in the county adopts an ordinance to impose the tax as provided in this section. If the legislative body of the most populous city in the county adopts an ordinance to impose the county supplemental auto rental excise tax on the sharing of passenger motor vehicles through a peer to peer vehicle sharing program, the amount of the tax is equal to:

(1) the gross retail income received by the shared vehicle owner (as defined in IC 24-4-9.2-8) for the sharing of the passenger motor vehicle; multiplied by

(2) a percentage equal to:

(A) five-tenths percent (0.5%), if:

(i) a peer to peer vehicle sharing program accepts payment for the sharing of the passenger motor vehicle from a shared vehicle driver (as defined in IC 24-4-9.2-7) who shares the passenger motor vehicle;

(ii) the shared vehicle driver accepts delivery of the passenger motor vehicle in the county; and

(iii) the shared vehicle owner of the passenger motor vehicle both shares the passenger motor vehicle through the peer to peer vehicle sharing program and uses the passenger motor vehicle for the shared vehicle owner's personal use; or

(B) the tax rate otherwise in effect in the county under subsection (b) for the rental of passenger motor vehicles in the county, if clause (A) does not apply.

The ordinance must specify that the ordinance expires December 31, 2036.

~~(c)~~ **(d)** If the city legislative body adopts an ordinance under subsection (a) **or (c),** the city legislative body shall immediately send a certified copy of the ordinance to the commissioner of the department.

~~(d)~~ **(e)** If the city legislative body adopts an ordinance under subsection (a) before June 1 of a year, the county supplemental auto rental excise tax applies to auto rentals after June 30 of the year in which the ordinance is adopted. If the city legislative body adopts an ordinance under subsection (a) **or (c)** on or after June 1 of a year, the county supplemental auto rental excise tax applies to auto rentals after the last day of the month in which the ordinance is adopted.

SECTION 3. IC 6-6-9.7-7, AS AMENDED BY P.L.205-2013, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The city-county council of a county that contains a consolidated city may adopt an ordinance to impose an excise tax, known as the county supplemental auto rental excise tax, upon the rental of passenger motor vehicles and trucks in the county for periods of less than thirty (30) days. The ordinance must specify that the tax expires December 31, 2027.

(b) Except as provided in ~~subsection~~ **subsections** (c) **and (f),** the county supplemental auto rental excise tax that may be imposed upon the rental of a passenger motor vehicle or truck equals two percent (2%) of the gross retail income received by the retail merchant for the rental.

(c) On or before June 30, 2005, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax imposed under subsection (a) from two percent (2%) to four percent (4%). The ordinance must specify that:

(1) if on December 31, 2027, there are obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the original two percent (2%) rate imposed under subsection (a) continues to be levied after its original expiration date set forth in subsection (a) and through December 31, 2040; and

(2) the additional rate authorized under this subsection expires on:

(A) January 1, 2041;

(B) January 1, 2010, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under IC 5-1-17-26; or

(C) October 1, 2005, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under a lease or a sublease of an existing capital improvement entered into under IC 5-1-17, unless waived by the budget director.

(d) The amount collected from that portion of county supplemental auto rental excise tax imposed under:

(1) subsection (b) and collected after December 31, 2027; ~~and~~

(2) ~~under~~ subsection (c); **and**

(3) subsection (f);

shall, in the manner provided by section 11 of this chapter, be distributed to the capital improvement board of managers operating in a consolidated city or its designee. So long as there are any current or future obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the capital improvement board of managers or its designee shall deposit the revenues received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

(e) After January 1, 2013, and before March 1, 2013, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax rate imposed under subsection (a) by not more than two percent (2%). The amount collected from an increase adopted under this subsection shall be deposited in the sports and convention facilities operating fund established by IC 36-7-31-16. An increase in the tax rate under this subsection continues in effect unless the increase is rescinded. However, any increase in the tax rate under this subsection may not continue in effect after February 28, 2023.

(f) The county supplemental auto rental excise tax does not apply to the sharing of passenger motor vehicles or trucks through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4) in the county unless the city-county council adopts an ordinance, by a majority of the members elected to the city-county council, to impose the tax as provided in this section. If the city-county council adopts an ordinance to impose the county supplemental auto rental excise tax on the sharing of passenger motor vehicles or trucks through a peer to peer vehicle sharing program, the amount of the tax is equal to:

(1) the gross retail income received by the shared vehicle owner (as defined in IC 24-4-9.2-8) for the sharing of the passenger motor vehicle or truck; multiplied by

(2) a percentage equal to:

(A) five-tenths percent (0.5%), if:

(i) a peer to peer vehicle sharing program accepts payment for the sharing of the passenger motor vehicle or truck from a shared vehicle driver (as defined in IC 24-4-9.2-7) who shares the passenger motor vehicle;

(ii) the shared vehicle driver accepts delivery of the passenger motor vehicle or truck in the county; and

(iii) the shared vehicle owner of the passenger motor vehicle or truck both shares the passenger motor vehicle or truck through the peer to peer vehicle sharing program and uses the passenger motor vehicle or truck for the shared vehicle owner's personal use; or

(B) the tax rate otherwise in effect in the county under this section for the rental of passenger motor vehicles and trucks, if clause (A) does not apply.

The ordinance must specify that the ordinance expires December 31, 2027.

~~(f)~~ **(g)** If a city-county council adopts an ordinance under subsection (a), (c), ~~or~~ (e), **or (f),** the city-county council shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

~~(g)~~ **(h)** If a city-county council adopts an ordinance under subsection (a), (c), ~~or~~ (e), **or (f)** on or before the fifteenth day of a month, the county supplemental auto rental excise tax applies to auto rentals after the last day of the month in which the ordinance is adopted. If the city-county council adopts an ordinance under subsection (a), (c), ~~or~~ (e), **or (f)** after the fifteenth day of a month, the county supplemental auto rental excise tax applies to auto rentals after the last day of the month following the month in which the ordinance is adopted.

SECTION 4. IC 6-6-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 16. Peer to Peer Vehicle Sharing Excise Tax

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

(1) "Department" refers to the department of state revenue.

(2) "Gross retail income" has the meaning set forth in IC 6-2.5-1-5, except that the term does not include taxes imposed under IC 6-2.5.

(3) "Passenger motor vehicle" has the meaning set forth in IC 9-13-2-123.

(4) "Peer to peer vehicle sharing program" has the meaning set forth in IC 24-4-9.2-4.

(5) "Person" has the meaning set forth in IC 6-2.5-1-3.

(6) "Shared vehicle driver" has the meaning set forth in IC 24-4-9.2-7.

(7) "Shared vehicle owner" has the meaning set forth in IC 24-4-9.2-8.

(8) "Truck" has the meaning set forth in IC 9-13-2-188(a).

Sec. 2. (a) An excise tax, known as the peer to peer vehicle sharing excise tax, is imposed upon the sharing of passenger motor vehicles and trucks in Indiana for periods of less than thirty (30) days if a peer to peer vehicle sharing program accepts payment for the sharing from a shared vehicle driver who shares the passenger motor vehicle or truck.

(b) The peer to peer vehicle sharing excise tax imposed upon the sharing of a passenger motor vehicle or truck equals:

(1) the gross retail income received by the shared vehicle owner for the sharing of the passenger motor vehicle or truck; multiplied by

(2) a percentage equal to:

(A) four percent (4%), if:

(i) the shared vehicle owner's use of the passenger motor vehicle or truck is exclusively to share the passenger motor vehicle or truck in the regular course of the shared vehicle owner's sharing business; and

(ii) the shared vehicle owner does not use the passenger motor vehicle or truck for the shared vehicle owner's personal use; or

(B) one percent (1%), if the shared vehicle owner both:

(i) shares the passenger motor vehicle or truck through a peer to peer vehicle sharing program; and

(ii) uses the passenger motor vehicle or truck for the shared vehicle owner's personal use.

Sec. 3. (a) The sharing of a truck is exempt from the peer to peer vehicle sharing excise tax if the declared gross weight of the truck being shared exceeds eleven thousand (11,000) pounds.

(b) The sharing of a passenger motor vehicle or truck by a funeral director licensed under IC 25-15 is exempt from the peer to peer vehicle sharing excise tax if the sharing is part of the services provided by the director for a funeral.

Sec. 4. The shared vehicle driver who shares a passenger motor vehicle or truck is liable for the peer to peer vehicle sharing excise tax. The shared vehicle driver shall pay the tax to the peer to peer vehicle sharing program as a separate amount added to the consideration for the sharing. The peer to peer vehicle sharing program shall collect the tax as an agent for the state.

Sec. 5. (a) Except as otherwise provided in this section, the peer to peer vehicle sharing excise tax 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.

(b) Each peer to peer vehicle sharing program filing a return for the peer to peer vehicle sharing excise tax shall indicate in the return:

(1) the locations of each shared vehicle owner for whom the peer to peer vehicle sharing program collected peer to peer vehicle sharing excise taxes; and

(2) the amount of peer to peer vehicle sharing excise taxes collected for each location of each shared vehicle owner.

(c) The return to be filed for the payment of the peer to peer vehicle sharing excise tax may be either 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.

Sec. 6. (a) All revenues collected from the peer to peer vehicle sharing excise tax shall be deposited in a special account of the state general fund called the peer to peer vehicle sharing excise tax account.

(b) On or before May 20 and November 20 of each year, all amounts held in the peer to peer vehicle sharing excise tax account shall be distributed to the county treasurers of Indiana.

(c) The amount to be distributed to a county treasurer equals that part of the total peer to peer vehicle sharing excise taxes being distributed that were initially imposed and collected from within that county treasurer's county. The department shall notify each county auditor of the amount of taxes to be distributed to the county treasurer. At the same time each distribution is made to a county treasurer, the department shall certify to the county auditor each taxing district within the county where peer to peer vehicle sharing excise taxes were collected and the amount of the county distribution that was collected with respect to each taxing district.

(d) The county treasurer shall deposit peer to peer vehicle sharing excise tax collections into a separate account for settlement at the same time as property taxes are accounted for and settled in June and December of each year.

(e) The county auditor shall apportion and the county treasurer shall distribute the peer to peer vehicle sharing excise taxes among the taxing units of the county in the same manner that property taxes are apportioned and distributed with respect to property located in the taxing district where the peer to peer vehicle sharing excise tax was initially imposed and collected. The peer to peer vehicle sharing excise taxes distributed to a taxing unit shall be allocated among the taxing unit's funds in the same proportions that the taxing unit's property tax collections are allocated among those funds.

(f) Taxing units of a county may request and receive advances of peer to peer vehicle sharing excise tax revenues in the manner provided under IC 5-13-6-3.

(g) All distributions from the peer to peer vehicle sharing excise tax account shall be made by warrants issued by the auditor of state to the treasurer of state ordering those payments to the appropriate county treasurer.

SECTION 5. IC 6-8.1-1-1, AS AMENDED BY P.L.212-2018(ss), SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the supplemental wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county option income tax (IC 6-3.5-6) (repealed); the county economic development income tax (IC 6-3.5-7) (repealed); the local income tax (IC 6-3.6); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the vehicle excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the heavy equipment rental excise tax (IC 6-6-15);

the peer to peer vehicle sharing excise tax (IC 6-6-16); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or fee that the department is required to collect or administer.

SECTION 6. IC 9-25-6-3, AS AMENDED BY P.L.120-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) If the bureau:

(1) does not receive a certificate of compliance during the applicable compliance response period for a person identified under IC 9-25-5-2; or

(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle operated by the person or operation of the motor vehicle by the person on the date of the accident referred to in IC 9-25-5-2;

the bureau shall take action under subsection (d).

(b) If the bureau:

(1) does not receive a certificate of compliance during the applicable compliance response period for a person presented with a request for evidence of financial responsibility under IC 9-25-9-1; or

(2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle or operation of the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau shall take action under subsection (d).

(c) If the bureau:

(1) does not receive a certificate of compliance during the applicable compliance response period for a person presented with a request under IC 9-25-10 (before its repeal); or

(2) receives a certificate that does not indicate that financial responsibility was in effect on the date requested;

the bureau shall take action under subsection (d).

(d) Under the conditions set forth in subsection (a), (b), or (c), the bureau shall immediately suspend the person's driving privileges or motor vehicle registration, or both, as determined by the bureau, for at least ninety (90) days and not more than one (1) year. The suspension of a person's driving privileges or motor vehicle registration, or both, may be imposed only one (1) time under this subsection or IC 9-25-8-2 for the same incident.

(e) Except as provided in subsection (f), if subsection (a), (b), or (c) applies to a person, the bureau shall suspend the driving privileges of the person irrespective of the following:

(1) The sale or other disposition of the motor vehicle by the owner.

(2) The cancellation or expiration of the registration of the motor vehicle.

(3) An assertion by the person that the person did not own the motor vehicle and therefore had no control over whether financial responsibility was in effect with respect to the motor vehicle.

(f) The bureau shall not suspend the driving privileges of a person to which subsection (a), (b), or (c) applies if the person, through a certificate of compliance or another communication with the bureau, establishes to the satisfaction of the bureau that the motor vehicle that the person was operating when the accident referred to in subsection (a) took place or when the violation referred to in subsection (b) or (c) was committed was:

(1) rented from a rental company; ~~or~~

(2) shared through a peer to peer vehicle sharing program (as defined in IC 24-4-9.2-4); or

~~(2)~~ **(3)** owned by the person's employer and operated by the person in the normal course of the person's employment.

SECTION 7. IC 9-25-8-2, AS AMENDED BY P.L.198-2016, SECTION 547, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A person that knowingly:

(1) operates; or

(2) permits the operation of;

a motor vehicle on a public highway in Indiana without financial responsibility in effect as set forth in IC 9-25-4-4 commits a Class A infraction. However, the offense is a Class C misdemeanor if the person knowingly or intentionally violates this section and has a prior unrelated conviction or judgment under this section.

(b) Subsection (a)(2) applies to:

(1) the owner of a rental company under IC 9-25-6-3(f)(1); ~~and~~

(2) the owner of a peer to peer sharing program under IC 9-25-6-3(f)(2); and

(2) an employer under ~~IC 9-25-6-3(f)(2).~~ **IC 9-25-6-3(f)(3).**

(c) In addition to any other penalty imposed on a person for violating this section, the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than one (1) year. However, if, within the five (5) years preceding the conviction under this section, the person had a prior unrelated conviction under this section, the court shall recommend the suspension of the person's driving privileges and motor vehicle registration for one (1) year.

(d) Upon receiving the recommendation of the court under subsection (c), the bureau shall suspend the person's driving privileges and motor vehicle registration, as applicable, for the period recommended by the court. If no suspension is recommended by the court, or if the court recommends a fixed term that is less than the minimum term required by statute, the bureau shall impose the minimum period of suspension required under this article. The suspension of a person's driving privileges or motor vehicle registration, or both, may be imposed only one (1) time under this subsection or IC 9-25-6 for the same incident.".

Page 2, line 19, delete "with a shared" and insert "**with a P2P vehicle sharing program;**".

Page 2, line 20, delete "vehicle owner;".

Page 3, line 15, delete "owner" and insert "**driver**".

Page 3, line 16, delete "owner's" and insert "**driver's**".

Page 3, line 17, delete "authorized".

Page 3, between lines 21 and 22, begin a new line block indented and insert:

"**(4) The shared vehicle is returned to the location designated in the shared vehicle agreement.**".

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

"**(d) This chapter does not:**

(1) limit the liability of a P2P vehicle sharing program for any act or omission of the P2P vehicle sharing program itself that results in injury to any person as a result of the use of a shared vehicle through the P2P vehicle sharing program; or

(2) limit the ability of the P2P vehicle sharing program to seek indemnification by contract from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the P2P vehicle sharing program that results from a breach of the terms and conditions of the shared vehicle agreement.".

Page 5, line 40, delete "facilitate the" and insert "**cooperate in exchanging**".

Page 5, line 41, delete "exchange of".

Page 6, line 13, after "subdivision" insert "**(as defined in IC 36-1-2-13)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1362 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

SULLIVAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1374, 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, delete lines 32 through 42, begin a new paragraph and insert:

"**(b) The BOT agreement provisions for payment and performance bonds under subsection (a)(7) are as follows:**

(1) For a payment bond, an amount not less than one hundred percent (100%) of the cost to design and construct the public facility.

(2) For a performance bond, an amount not less than fifty percent (50%) of the cost to design and construct the public facility.".

Page 3, delete lines 1 through 7.

Page 4, delete lines 6 through 24, begin a new line block indented and insert:

"**(12) This subdivision applies only to a public-private agreement entered into after June 30, 2019. The agreement must provide for payment and performance bonds as follows:**

(A) For a payment bond, an amount not less than one hundred percent (100%) of the cost to design and construct the project.

(B) For a performance bond, an amount not less than fifty percent (50%) of the cost to design and construct the project.".

Page 4, delete lines 41 through 42, begin a new line block indented and insert:

"**(4) This subdivision applies only to a public-private agreement entered into after June 30, 2019. The agreement must provide for payment and performance bonds as follows:**

(A) For a payment bond, an amount not less than one hundred percent (100%) of the cost to design and construct the project.

(B) For a performance bond, an amount not less than fifty percent (50%) of the cost to design and construct the project.".

Delete page 5.

(Reference is to HB 1374 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

SULLIVAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1398, 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 41, strike "may" and insert "**shall**".

Page 9, after line 33, begin a new paragraph and insert:

"SECTION 2. IC 20-33-7-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4. (a) As used in this section, "appropriate officials" include local or state law enforcement officials, department of child services officials, trained medical personnel, school administrators, and other persons whose knowledge of information described in subsection (b) or (d) is necessary to protect the health or safety of students or other persons on school corporation property.**

(b) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent to appropriate officials in cases of health and safety emergencies as determined by school officials.

(c) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply that:

(1) discloses or reports on the education records of a child, including personally identifiable information contained in the education records, in violation of this section; and

(2) makes a good faith effort to comply with this section;

is immune from civil liability.

(d) In the case of a health or safety emergency, a law enforcement officer shall disclose or report a child's personally identifiable information contained in law enforcement records to a school corporation or an appropriate official.

SECTION 3. IC 34-30-2-84.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 84.9. IC 20-33-7-4 (Concerning the disclosure or report of education records of a student).**".

Renumber all SECTIONS consecutively

(Reference is to HB 1398 as introduced.)

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 House Bill 1402, 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 6-9-2.5-1, AS AMENDED BY P.L.119-2012, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter applies to ~~a~~ **Vanderburgh** County. ~~having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000).~~

SECTION 2. IC 6-9-2.5-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.1. The following definitions apply throughout this chapter:**

(1) "County" refers to the county specified in section 1 of this chapter.

(2) "New business" means a business entity, organization, or association that:

(A) reasonably establishes an intent to have at least two hundred (200) patrons to rent rooms, lodgings, or accommodations for periods of less than thirty

(30) days in any commercial hotel, motel, inn, tourist camp, or tourist cabin that is located in the county; and

(B) has not received a financial incentive from the county during the immediately preceding five (5) calendar years.

(3) "Operating expenses" means expenses incurred in the ordinary course of business operations. The term does not include expenditures:

(A) for constructing, repairing, or maintaining public streets or sidewalks; or

(B) for a person (as defined in IC 6-2.5-1-3) or a governmental entity to provide security for a convention held at a convention center in the county.

SECTION 3. IC 6-9-2.5-7.5, AS AMENDED BY P.L.190-2014, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.5. (a) The county treasurer shall establish a tourism capital improvement fund.

(b) The county treasurer shall deposit money in the tourism capital improvement fund as follows:

(1) Before January 1, ~~2020,~~ **2026,** the county treasurer shall deposit in the tourism capital improvement fund the amount of money received under section 6 of this chapter that is generated by a three and one-half percent (3.5%) rate.

(2) After December 31, ~~2019,~~ **2025,** the county treasurer shall deposit in the tourism capital improvement fund the amount of money received under section 6 of this chapter that is generated by a four and one-half percent (4.5%) rate.

(c) The commission may transfer money in the tourism capital improvement fund to:

(1) the county government, a city government, or a separate body corporate and politic in a county described in section 1 of this chapter; or

(2) any Indiana nonprofit corporation;

for the purpose of making capital improvements in the county that promote conventions, tourism, or recreation. The commission may transfer money under this section only after approving the transfer. Transfers shall be made quarterly or less frequently under this section.

SECTION 4. IC 6-9-2.5-7.7, AS AMENDED BY P.L.190-2014, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.7. **(a) As used in this section, "fund" refers to the convention center operating, capital improvement, and financial incentive fund established under subsection (b).**

~~(a)~~ **(b)** The county treasurer shall establish a convention center operating, **capital improvement, and financial incentive** fund.

~~(b)~~ **(c)** Before January 1, ~~2020,~~ **2026,** the county treasurer shall deposit in the ~~convention center operating~~ fund the amount of money received under section 6 of this chapter that is generated by a two percent (2%) rate. ~~Money in the fund must be expended for the operating expenses of a convention center.~~

~~(c)~~ **(d)** After December 31, ~~2019,~~ **2025,** the county treasurer shall deposit in the ~~convention center operating~~ fund the amount of money received under section 6 of this chapter that is generated by a one percent (1%) rate. ~~Money in the fund must be expended for the operating expenses of a convention center with the unused balance transferred on January 1 of each year to the tourism capital improvement fund.~~

(e) Money in the fund may be expended only for the following:

(1) Operating expenses of a convention center located in the county.

(2) Capital improvements to a convention center located in the county.

(3) Financial incentives to attract, promote, or encourage new business conventions, trade shows, or special events held at a convention center located in the county.

(f) A financial incentive described in subsection (e)(3) may not be distributed to a new business for at least thirty (30) days after the conclusion of a convention, trade show, or special event that is held by the new business at a convention center located in the county.

SECTION 5. IC 6-9-3-4, AS AMENDED BY P.L.175-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) In counties to which this chapter applies, there shall be levied each year a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms or lodgings or accommodations in any commercial hotel, motel, inn, tourist camp, or tourist cabin. However, this tax does not apply to the renting or furnishing of rooms, lodgings, or accommodations to a person for a period of thirty (30) days or more.

(b) ~~Such~~ **The** tax shall be at the rate of four percent (4%) on the gross retail income derived from lodging income only and shall be in addition to the state gross retail tax imposed on such persons by IC 6-2.5. **The tax rate may be increased to not more than six percent (6%) by the adoption of substantially similar ordinances by the county fiscal body of each of the counties to which this chapter applies.**

(c) The county fiscal body may adopt an ordinance to require that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected pursuant to IC 6-2.5.

(d) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration shall be applicable to the imposition and administration of the tax imposed by this section except to the extent such provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. Specifically, and not in limitation of the foregoing sentence, the terms "person" and "gross retail income" shall have the same meaning in this section as they have in IC 6-2.5.

(e) If the tax is paid to the department of state revenue, the returns to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may by rule determine.

(f) If the tax is paid to the department of state revenue, the amounts received from such tax shall be paid monthly by the treasurer of state to the county treasurer upon warrants issued by the auditor of state.

SECTION 6. IC 6-9-9-3, AS AMENDED BY P.L.224-2007, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) **Except as provided in subsection (b),** the tax imposed by section 2 of this chapter ~~shall be~~ **is imposed** at the rate of seven percent (7%) on the gross income derived from lodging income only.

(b) The county fiscal body may adopt an ordinance to increase the tax rate to eight percent (8%).

~~(b)~~ **(c)** ~~At least two-sevenths (2/7)~~ of **The capital improvement board of managers shall make grants to the convention and visitor bureau in the county from** the tax proceeds paid to the capital improvement board of managers under this chapter. ~~must be used to provide~~ **A grant made to the convention and visitor bureau in the county under this subsection is to be used solely for the development and promotion of the tourism and convention industry within**

the county. The amount of the grants to the convention and visitor bureau in the county ~~to be used solely for the purpose of the development and promotion of the tourism and convention industry within the county~~ **under this subsection must equal or exceed:**

(1) two-sevenths (2/7) of the tax proceeds paid to the capital improvement board of managers under this chapter, while an ordinance described in subsection (b) is not in effect in the county; or

(2) three-eighths (3/8) of the tax proceeds paid to the capital improvement board of managers under this chapter, while an ordinance described in subsection (b) is in effect in the county.

~~(c)~~ **(d)** The capital improvement board of managers may establish budgetary requirements for the convention and visitors bureau. If the convention and visitors bureau fails to conform, the board may elect to suspend funding until the bureau complies.

SECTION 7. IC 6-9-10.5-6, AS AMENDED BY P.L.175-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The fiscal body of a county may levy a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

(1) hotel;
(2) motel;
(3) inn;
(4) tourist cabin; ~~or~~
(5) campground space; **or**
(6) resort;

~~located in the county~~ **in White County in which lodging is regularly furnished for consideration.**

(b) The tax may not exceed the rate of five percent (5%) on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under IC 6-2.5.

(c) The county fiscal body may adopt an ordinance to require that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

(d) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this section except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. If the tax is paid to the department of state revenue, the return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

(e) If the tax is paid to the department of state revenue, the taxes the department of state revenue receives under this section during a month shall be paid, by the end of the next succeeding month, to the county treasurer upon warrants issued by the auditor of state.".

Page 3, line 16, strike "IC 6-9-9-3(b)" and insert "**IC 6-9-9-3(c)**".

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 11. IC 6-9-46 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 46. Performing Arts Center Admissions Tax

Sec. 1. This chapter applies only in Brown County.

Sec. 2. As used in this chapter, "indoor performing arts center" means an indoor facility providing space for entertainment events that:

(1) has a minimum capacity of at least two thousand (2,000) patrons; and

(2) is located in a geographic area that has not been annexed by a city before the adoption of the ordinance under section 3 of this chapter.

Sec. 3. (a) After January 1 but before June 1 of a year, the county fiscal body may adopt an ordinance to impose an excise tax, known as the performing arts center admissions tax, for the privilege of attending any event:

(1) held in an indoor performing arts center; and

(2) to which tickets are offered for sale to the public by:

(A) the box office of the indoor performing arts center; or

(B) an authorized agent of the indoor performing arts center.

(b) The excise tax imposed under subsection (a) does not apply to the following:

(1) An event sponsored by an educational institution or an association representing an educational institution.

(2) An event sponsored by a religious organization.

(3) An event sponsored by an organization that is considered a charitable organization by the Internal Revenue Service for federal tax purposes.

(4) An event sponsored by a political organization.

(c) If the fiscal body adopts an ordinance under subsection (a), the excise tax applies to an event ticket purchased after:

(1) June 30 of the calendar year in which the ordinance is adopted; or

(2) a later date that is set forth in the ordinance.

(d) If a county fiscal body adopts an ordinance under subsection (a), it shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

Sec. 4. The performing arts center admissions tax equals one dollar ($1) for each admission described in section 3 of this chapter.

Sec. 5. (a) Each person who pays a price for admission described in section 3 of this chapter is liable for the performing arts center admissions tax imposed under this chapter.

(b) The person who collects the price for admission shall collect the performing arts center admissions tax imposed under this chapter at the same time the price for admission is paid. The person shall collect the tax as an agent of the county that owns the indoor performing arts center.

Sec. 6. (a) A person who collects a performing arts center admissions tax under section 5 of this chapter shall remit the revenue collected monthly to the department of state revenue. The tax collected from persons paying for admission to a particular event shall be remitted not more than fifteen (15) days after the end of the month during which the event occurred.

(b) At the time the tax revenues are remitted, the person shall report the amount of performing arts center admissions tax collected on forms prescribed by the department of state revenue.

Sec. 7. The amounts received from the performing arts center admissions tax shall be paid monthly by the treasurer of state to the county treasurer upon warrants issued by the auditor of state.

Sec. 8. (a) If a performing arts center admissions tax is imposed under this chapter, the county legislative body shall establish a county performing arts center admissions tax fund.

(b) The county treasurer shall deposit money received under section 7 of this chapter in the county performing arts center admissions tax fund.

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

(d) Money in the fund may be used by the county only with regard to the indoor performing arts center and only for the following:

(1) Retiring debt related to the indoor performing arts center.

(2) Paying lease rentals related to the indoor performing arts center.

(3) Paying for costs to improve or construct infrastructure serving the indoor performing arts center.

(4) Paying for costs related to capital repairs and maintenance of the indoor performing arts center.

Sec. 9. The county may enter into an operating lease with the convention and visitors commission created by IC 6-9-14-2 and a contract with a nonprofit organization to operate the indoor performing arts center.

Sec. 10. With respect to:

(1) bonds, leases, or other obligations to which the county has pledged revenues under this chapter; and

(2) bonds issued by a lessor that are payable from lease rentals;

the general assembly covenants with the county and the purchasers or owners of the bonds or other obligations described in this section that this chapter will not be repealed or amended in any manner that will adversely affect the collection of the tax imposed under this chapter or the money deposited in the county performing arts center admissions tax fund, as long as the principal of or interest on any bonds, or the lease rentals due under any lease, are unpaid.

SECTION 12. IC 6-9-49 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 49. Attica Food and Beverage Tax

Sec. 1. This chapter applies to the city of Attica.

Sec. 2. The definitions in IC 6-9-12-1 apply throughout this chapter.

Sec. 3. (a) The fiscal body of the city may adopt an ordinance to impose an excise tax, known as the city food and beverage tax, on transactions described in section 4 of this chapter. The fiscal body of the city 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 city food and beverage tax is the only substantive issue on the agenda for the public hearing.

(b) If the city fiscal body adopts an ordinance under subsection (a), the city fiscal body shall immediately send a certified copy of the ordinance to the department of state revenue.

(c) If the city fiscal body adopts an ordinance under subsection (a), the city food and beverage tax applies to transactions that occur after the later of the following:

(1) The day specified in the ordinance.

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

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

(1) for consumption at a location or on equipment provided by a retail merchant;

(2) in the city; and

(3) by a retail merchant for consideration.

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

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

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

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

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

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

Sec. 5. The city food and beverage tax rate:

(1) must be imposed in an increment of twenty-five hundredths percent (0.25%); and

(2) may not exceed one percent (1%);

of the gross retail income received by the merchant from the food or beverage transaction described in section 4 of this chapter. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

Sec. 6. A tax imposed under this chapter 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.

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

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

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

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

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

(1) Revitalization projects in the city, including the repurposing of buildings and the city's main street program.

(2) The pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations incurred for a purpose described in subdivision (1).

Revenue derived from the imposition of a tax under this chapter may be treated by the city 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.

SECTION 13. IC 6-9-50 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 50. Danville Food and Beverage Tax

Sec. 1. This chapter applies to the town of Danville.

Sec. 2. The definitions in IC 6-9-12-1 apply throughout this chapter.

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

(b) If the town fiscal body adopts an ordinance under subsection (a), the town fiscal body shall immediately send a certified copy of the ordinance to the department of state revenue.

(c) If the town fiscal body adopts an ordinance under subsection (a), the town food and beverage tax applies to transactions that occur after the later of the following:

(1) The day specified in the ordinance.

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

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

(1) for consumption at a location or on equipment provided by a retail merchant;

(2) in the town; and

(3) by a retail merchant for consideration.

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

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

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

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

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

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

Sec. 5. The town food and beverage tax rate:

(1) must be imposed in an increment of twenty-five hundredths percent (0.25%); and

(2) may not exceed one percent (1%);

of the gross retail income received by the merchant from the food or beverage transaction described in section 4 of this chapter. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5 or IC 6-9-35.

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

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

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

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

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

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

(1) Parks, trails, and sidewalk, street, and parking improvements to support tourism in the town.

(2) For economic development purposes, including the pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations for economic development purposes.

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

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

SECTION 14. IC 6-9-51 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 51. Greenwood Food and Beverage Tax

Sec. 1. This chapter applies to the city of Greenwood.

Sec. 2. The definitions in IC 6-9-12-1 apply throughout this chapter.

Sec. 3. (a) The fiscal body of the city may adopt an ordinance to impose an excise tax, known as the city food and beverage tax, on transactions described in section 4 of this chapter. The fiscal body of the city 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 city food and beverage tax is the only substantive issue on the agenda for that public hearing.

(b) If the city fiscal body adopts an ordinance under subsection (a), the city fiscal body shall immediately send a certified copy of the ordinance to the department of state revenue.

(c) If the city fiscal body adopts an ordinance under subsection (a), the city food and beverage tax applies to transactions that occur after the later of the following:

(1) The day specified in the ordinance.

(2) The first day of the month following sixty (60) days after the date on which the ordinance is adopted.

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

(1) for consumption at a location or on equipment provided by a retail merchant;

(2) in the city; and

(3) by a retail merchant for consideration.

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

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

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

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

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

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

Sec. 5. The city food and beverage tax rate:

(1) must be imposed in an increment of twenty-five hundredths percent (0.25%); and

(2) may not exceed one percent (1%);

of the gross retail income received by the merchant from the food or beverage transaction described in section 4 of this chapter. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

Sec. 6. A tax imposed under this chapter 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.

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

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

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

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

Sec. 9. Money in the food and beverage tax receipts fund must be used by the city for one (1) or more of the following purposes:

(1) To reduce the city's property tax levy for a particular year at the discretion of the city, but this use does not reduce the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for the city.

(2) For economic development purposes, including the pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations for economic development purposes.

(3) Construction, renovation, improvement, equipping, or maintenance of city capital improvements.

(4) Parks and recreation.

(5) The pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations incurred for a purpose described in subdivisions (3) through (4).

Revenue derived from the imposition of a tax under this chapter may be treated by the city 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.

SECTION 15. IC 6-9-52 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 52. Whitestown Food and Beverage Tax

Sec. 1. This chapter applies to the town of Whitestown.

Sec. 2. The definitions in IC 6-9-12-1 apply throughout this chapter.

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

(b) If the town fiscal body adopts an ordinance under subsection (a), the town fiscal body shall immediately send a certified copy of the ordinance to the department of state revenue.

(c) If the town fiscal body adopts an ordinance under subsection (a), the town food and beverage tax applies to transactions that occur after the later of the following:

(1) The day specified in the ordinance.

(2) The first day of the month following sixty (60) days after the date on which the ordinance is adopted.

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

(1) for consumption at a location or on equipment provided by a retail merchant;

(2) in the town; and

(3) by a retail merchant for consideration.

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

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

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

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

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

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

Sec. 5. The town food and beverage tax rate:

(1) must be imposed in an increment of twenty-five hundredths percent (0.25%); and

(2) may not exceed one percent (1%);

of the gross retail income received by the merchant from the food or beverage transaction described in section 4 of this

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

Sec. 6. A tax imposed under this chapter 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.

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

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

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

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

Sec. 9. Money in the food and beverage tax receipts fund must be used by the town for one (1) or more of the following purposes:

(1) To reduce the town's property tax levy for a particular year at the discretion of the town, but this use does not reduce the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for the town.

(2) For economic development purposes, including the pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations for economic development purposes.

(3) Construction, renovation, improvement, equipping, or maintenance of town capital improvements.

(4) Parks and recreation.

(5) The pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations incurred for a purpose described in subdivisions (3) through (4).

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

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

Page 3, after line 42, begin a new paragraph and insert:

"SECTION 17. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1402 as introduced.)

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 House Bill 1487, 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 11 with "[EFFECTIVE OCTOBER 1, 2019]".

Page 25, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 22. IC 33-42-17-1, AS ADDED BY P.L.59-2018, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This chapter applies only to a remote notarial act performed after ~~June 30, 2019.~~ **the earlier of:**

(1) the effective date of rules adopted under IC 33-42-16-2; or

(2) July 1, 2020.

(b) To the extent that this chapter conflicts with another provision of this article concerning remote notarial acts, this chapter is controlling.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1487 as printed January 29, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 7.

Huston, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1631, 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 4, reset in roman "not".

Page 2, line 4, delete "two (2) times;" and insert ";".

Page 2, line 7, delete "maximum" and insert "**minimum**".

Page 2, line 23, reset in roman "not".

Page 2, line 23, delete "two (2) times;" and insert ";".

Page 2, line 26, delete "maximum" and insert "**minimum**".

Page 4, line 8, reset in roman "not".

Page 4, line 8, delete "two (2) times;" and insert ";".

Page 4, line 11, delete "maximum" and insert "**minimum**".

Page 5, line 12, reset in roman "not".

Page 5, line 12, delete "two (2) times;" and insert ";".

Page 5, line 15, delete "maximum" and insert "**minimum**".

Page 6, line 36, reset in roman "not".

Page 6, line 36, delete "two (2) times;" and insert ";".

Page 6, line 39, delete "maximum" and insert "**minimum**".

Page 7, line 24, reset in roman "not".

Page 7, line 24, delete "two (2) times;" and insert ";".

Page 7, line 27, delete "maximum" and insert "**minimum**".

Page 7, line 40, after "2." insert "**As used in this chapter, "PPACA" has the meaning set forth in IC 27-19-2-14.**

Sec. 3.".

Page 8, line 1, after "may" insert "**not**".

Page 8, line 1, delete "two (2) times;" and insert "**;**".

Page 8, line 3, delete "maximum" and insert "**minimum**".

Page 8, line 5, delete "3." and insert "**4. 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. 5. (a) An insurer that issues a short term insurance plan shall disclose to an applicant, in bold, ten 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 4 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. 6.".

Page 8, delete lines 27 through 31, begin a new line block indented and insert:

"**(3) The short term insurance plan must continue in force at the option of the policyholder.**".

Page 8, line 32, delete "or refuse to renew".
Page 9, line 11, delete "4." and insert "**7.**".
Page 9, line 18, delete "5." and insert "**8.**".
Page 9, line 18, delete "section" and insert "**chapter**".
Page 9, line 33, reset in roman "not".
Page 9, line 33, delete "two (2) times;" and insert ";".
Page 9, line 36, delete "maximum" and insert "**minimum**".
Page 10, line 28, reset in roman "not".
Page 10, line 28, delete "two (2) times;" and insert ";".
Page 10, line 31, delete "maximum" and insert "**minimum**".
Page 11, line 13, reset in roman "not".
Page 11, line 13, delete "two (2) times;" and insert ";".
Page 11, line 16, delete "maximum" and insert "**minimum**".
Page 12, line 4, reset in roman "not".
Page 12, line 4, delete "two (2) times;" and insert ";".
Page 12, line 7, delete "maximum" and insert "**minimum**".
Page 12, line 37, reset in roman "not".
Page 12, line 37, delete "two (2) times;" and insert ";".
Page 12, line 40, delete "maximum" and insert "**minimum**".
Page 13, line 26, reset in roman "not".
Page 13, line 26, delete "two (2) times;" and insert ";".
Page 13, line 29, delete "maximum" and insert "**minimum**".
Page 14, line 17, reset in roman "not".
Page 14, line 17, delete "two (2) times;" and insert ";".
Page 14, line 20, delete "maximum" and insert "**minimum**".
Page 15, line 8, reset in roman "not".
Page 15, line 8, delete "two (2) times;" and insert ";".
Page 15, line 11, delete "maximum" and insert "**minimum**".
Page 15, line 41, reset in roman "not".
Page 15, line 41, delete "two (2) times;" and insert ";".
Page 16, line 2, delete "maximum" and insert "**minimum**".
Page 16, line 33, reset in roman "not".
Page 16, line 33, delete "two (2) times;" and insert ";".
Page 16, line 36, delete "maximum" and insert "**minimum**".
Page 17, line 22, reset in roman "not".
Page 17, line 22, delete "two (2) times;" and insert ";".
Page 17, line 25, delete "maximum" and insert "**minimum**".
Page 18, line 9, reset in roman "not".
Page 18, line 9, delete "two (2) times;" and insert ";".
Page 18, line 12, delete "maximum" and insert "**minimum**".
Page 18, line 36, reset in roman "not".
Page 18, line 36, delete "two (2) times;" and insert ";".
Page 18, line 39, delete "maximum" and insert "**minimum**".
Page 19, line 16, reset in roman "not".
Page 19, line 16, delete "two (2) times;" and insert ";".
Page 19, line 19, delete "maximum" and insert "**minimum**".

(Reference is to HB 1631 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

CARBAUGH, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 16

Representatives Goodin, Fleming and Clere introduced House Concurrent Resolution 16:

A HOUSE RESOLUTION urging the legislative council to assign to an appropriate study committee the topic of financial security in retirement for all Hoosiers.

Whereas, The nation faces a vast retirement savings deficit in which half of all households in the U.S. are on a path that leads to financial insecurity during retirement;

Whereas, Social Security benefits for Indiana residents average only $1,308 per month, and many workers rely on employer-sponsored retirement plans to supplement their income as they age;

Whereas, Social Security is the only source of income for 3 in 10 Indiana residents over the age of 65;

Whereas, Employees who are unable to effectively build their retirement savings risk becoming dependent on social safety net programs that will cost taxpayer dollars later in their lives;

Whereas, The state of Indiana has a vested interest in helping people save their own money for retirement in order to be self-sufficient as they age;

Whereas, New research finds that Indiana taxpayers would save $55.9 million on public assistance programs between 2018 and 2032 if lower-income retirees save enough to increase their retirement income by $1,000 more per year;

Whereas, Small businesses may not offer retirement plans to their employees because of concerns about costs, complexity, time burdens, and potential liability;

Whereas, Offering retirement plans to employees will make businesses more competitive and help reduce employee turnover;

Whereas, 47.7 percent of Indiana workers in the private sector work for businesses that do not offer a retirement plan;

Whereas, More than one million workers in Indiana do not have a way to save for retirement at work;

Whereas, Workers who have a way to save for retirement by utilizing a payroll deduction are 15 times more likely to save for retirement;

Whereas, The aforementioned facts highlight a retirement security crisis that will have significant impacts on state and local government budgets and revenues as well as the economic well-being of retirees, their families, and Hoosier communities; and

Whereas, A national financial capability study found that only 35 percent of Hoosiers and 37 percent of U.S. adults answered four to five questions correctly out of a five-question survey regarding personal finance management: 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 the legislative council to assign to an appropriate study committee the tasks of: (1) studying how the state of Indiana may reduce the regulatory and operational burden on small businesses to promote payroll deduction as a retirement savings option for employees; (2) studying the preparedness of Hoosiers to retire in a financially secure manner; and (3) studying the need for a statewide financial literacy strategy.

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 Garten.

Senate Concurrent Resolution 28

The Speaker handed down Senate Concurrent Resolution 28, sponsored by Representative Carbaugh:

A CONCURRENT RESOLUTION recognizing Indiana Arts Education Day at the Statehouse.

Whereas, February 14, 2019, is Indiana Arts Education Day at the Statehouse, where the Indiana Arts Education Network, including a broad cross-section of Indiana organizations and leaders, gathers to promote that all Indiana students deserve a well-rounded education that includes music and the arts;

Whereas, The Indiana Arts Education Network, collaborating with music and arts education advocates from around the state, is committed to ensuring that every Indiana student has reliable access to music and arts education;

Whereas, The Indiana Arts Education Network is dedicated to ensuring that every Indiana child reaches their full potential so they will be equipped to lead successful lives and help make Indiana the best place in the country to live and work;

Whereas, Schools with strong music and arts programs have significantly higher graduation and attendance rates than those without strong music and arts programs;

Whereas, Students with greater arts participation are more likely to come to class, avoid being removed and graduate, as well as demonstrate greater proficiency in mathematics and communication;

Whereas, The skills gained through sequential music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for success in the 21st century workplace;

Whereas, Creative drama involvement improves adults' divergent thinking, increasing their fluency and flexibility, thereby increasing their creativity;

Whereas, The values youth obtain from working in the arts that carry over into general learning include critical thinking skills and risk-taking; and

Whereas, The Indiana Arts Education Network is dedicated to serving all Indiana students by supporting their ability to get the well-rounded education, including music and the arts, that they deserve: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes Indiana Arts Education Day at the Statehouse and the importance of arts education to all young Hoosiers.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to the Indiana Arts Education Network.

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.

HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1 , the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1075, 1177, 1181, 1224, 1350, 1354, 1369, 1406, 1500, 1594 and 1613.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1114

Representative Miller called down Engrossed House Bill 1114 for third reading:

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

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

Roll Call 172: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Head, Doriott and Rogers.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 12:16 p.m. with the Speaker in the Chair.

Upon request of Representative Hatcher, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 173: 68 present. The Speaker declared a quorum present.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1052, 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, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 5-23-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** The state or a political subdivision may enter into a public-private agreement with an operator under the terms of this article.

(b) A joint board or separate entity established under IC 36-1-7 for purposes of the design, financing, construction, acquisition, improvement, renovation, equipping, operation, and maintenance of a regional jail under IC 11-12-5.5 may enter into a public-private agreement with an operator under this article.

SECTION 2. IC 5-23-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. BOT agreements may provide the following:

(1) The design, construction, operation, management, maintenance, or financing of the cost of a public facility shall be partially or entirely the responsibility of the operator.

(2) The governmental body ~~shall~~ **may** lease the public facility and real property owned by the governmental body upon which the public facility is to be located to the operator for a predetermined period. **Except as provided in subdivision (7),** the BOT agreement must provide for ownership of all improvements by the governmental body, unless the governmental body elects to provide for ownership of the public facility by the operator during the term of the BOT agreement. In this case, ownership reverts back to the governmental body upon the termination of the BOT agreement.

(3) The BOT agreement must identify which costs are to be the responsibility of the operator and which costs are to be the responsibility of the governmental body.

(4) The operator may be authorized to retain a mutually agreed upon percentage of the revenues received in the operation and management of the public facility, or the operator may be paid an amount established by the

governmental body, which shall be applied as follows:

(A) Capital outlay costs for the public facility and public service plus interest and principal repayment for any debt incurred.

(B) Costs associated with the operation, management, and maintenance of the public facility.

(C) Payment to the governmental body for reimbursement of the costs of maintenance, law enforcement, and other services if the services are performed by the governmental body under the BOT agreement.

(D) An agreed upon return on investment to the operator.

(5) The operator may pay the governmental body either a lease payment or a percentage of gross revenue per month for the operator's operation and use of the public facility.

(6) The BOT agreement may require a performance bond and provide for the payment of contractors and subcontractors under IC 4-13.6-7, IC 5-16-5, or IC 36-1-12, whichever is applicable.

(7) If a regional jail (as defined in IC 11-12-5.5-1) is the subject of a BOT agreement under this chapter, the operator and the governmental body may mutually agree that ownership of the regional jail will remain with the operator during the term of the BOT agreement and after termination of the BOT agreement. The governmental body shall pay costs associated with the design, construction, financing, operation, management, and maintenance of the regional jail from funds identified under IC 11-12-5.5-3.

SECTION 3. IC 6-3.6-2-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14.5. "Regional jail" has the meaning set forth in IC 11-12-5.5-1.**".

Delete pages 2 through 3.

Page 4, delete lines 1 through 33.

Page 6, delete lines 22 through 36.

Page 7, line 9, delete "or in counties that formerly imposed".

Page 7, delete line 10.

Page 7, line 11, delete "this chapter".

Page 7, line 11, reset in roman "is".

Page 7, line 11, delete "are".

Page 7, line 13, delete "or 3(a)(3)".

Page 8, line 9, delete "or 3(a)(3)".

Page 9, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 7. IC 6-3.6-6-20, AS AMENDED BY P.L.247-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 20. (a) This section does not apply to distributions of revenue under section 9 of this chapter.

(b) This section applies only to the following:

(1) Any allocation or distribution of revenue under section 3(a)(2) of this chapter that is made on the basis of property tax levies in counties that formerly imposed a tax under IC 6-3.5-1.1 (before its repeal January 1, 2017).

(2) Any allocation or distribution of revenue under section 3(a)(3) of this chapter that is made on the basis of property tax levies in counties that formerly imposed a tax under IC 6-3.5-6 (before its repeal January 1, 2017).

(c) Subject to subsection (b), if a school corporation or civil taxing unit of an adopting county does not ~~impose~~ **have** a **maximum permissible** property tax levy ~~that is first due and payable in~~ **for** the calendar year preceding the year in which revenue under section 3(a)(2) or 3(a)(3) of this chapter is being allocated or distributed, that school corporation or civil taxing unit is entitled to receive a part of the revenue under section 3(a)(2) or 3(a)(3) of this chapter (as appropriate) to be distributed within the county. The fractional amount that such a school corporation or civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount of revenue under section 3(a)(2) or 3(a)(3) of this chapter to be distributed on the basis of property tax levies during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that school corporation or civil taxing unit for the distribution year. The denominator of the fraction equals the aggregate budgets of all school corporations or civil taxing units of that county for the distribution year.

(d) Subject to subsection (b), if for a calendar year a school corporation or civil taxing unit is allocated a part of a county's revenue under section 3(a)(2) or 3(a)(3) of this chapter by subsection (c), the calculations used to determine the shares of revenue of all other school corporations and civil taxing units under section (3)(a)(2) or 3(a)(3) of this chapter (as appropriate) shall be changed each month for that same year by reducing the amount of revenue to be distributed by the amount of revenue under section 3(a)(2) or 3(a)(3) of this chapter allocated under subsection (c) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

SECTION 8. IC 6-3.6-7-27, AS AMENDED BY P.L.197-2016, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 27. (a) This section applies only to an eligible county, as defined in IC 8-25-1-4.

(b) If the voters of the county approve a local public question under IC 8-25-2, the fiscal body of the county may adopt an ordinance to provide for the use of local income tax revenues attributable to an additional tax rate imposed under IC 6-3.6-6 to fund a public transportation project under IC 8-25. ~~However, a county fiscal body shall adopt an ordinance under this subsection if required by IC 8-25-6-10 to impose an additional tax rate on the county taxpayers (as defined in IC 8-24-1-10) who reside in a township in which the voters approve a public transportation project in a local public question held under IC 8-25-6.~~ An ordinance adopted under this subsection must specify an additional tax rate to be imposed in the county (or township in the case of an additional rate required by IC 8-25-6-10) of at least one-tenth percent (0.1%), but not more than twenty-five hundredths percent (0.25%). If an ordinance is adopted under this subsection, the amount of the certified distribution attributable to the additional tax rate imposed under this subsection must be:

(1) retained by the county auditor;

(2) deposited in the county public transportation project fund established under IC 8-25-3-7; and

(3) used for the purpose provided in this subsection instead of as a property tax replacement distribution.

(c) The tax rate under this section plus the tax rate under IC 6-3.6-6 may not exceed the tax rate specified in IC 6-3.6-6-2.

SECTION 9. IC 6-3.6-9-18, AS ADDED BY P.L.199-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) This section applies only to Clark County.

(b) Notwithstanding section 5 of this chapter, when determining the allocation amount and the economic development revenue allocation for each taxing unit in the county

~~(1)~~ in 2019, one hundred percent (100%) of the increase in the county's maximum permissible tax levy permitted under IC 6-1.1-18.5-13.8 shall be excluded.

(c) Notwithstanding section 5 of this chapter, when determining any allocation amount except the economic development revenue allocation for each taxing unit in the county:

~~(2)~~ **(1)** in 2020, sixty-six and sixty-seven hundredths

percent (66.67%) of the increase in the county's maximum permissible tax levy permitted under IC 6-1.1-18.5-13.8 shall be excluded; and

~~(3)~~ **(2)** in 2021, thirty-three and thirty-three hundredths percent (33.33%) of the increase in the county's maximum permissible tax levy permitted under IC 6-1.1-18.5-13.8 shall be excluded.

~~(c)~~ **(d)** This section expires June 30, 2022.

SECTION 10. IC 8-25-6-10, AS AMENDED BY P.L.247-2017, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) If the voters of a township described in section 2(a)(2)(A)(i) or 2(a)(2)(B)(i) of this chapter approve a local public question under this chapter, the fiscal body of ~~the eligible county in which~~ the township ~~is located~~ shall adopt ~~an ordinance under IC 6-3.6-6~~ **a resolution** to impose an additional local income tax rate ~~as permitted by IC 6-3.6-7-27,~~ upon the local taxpayers residing in the township for the public transportation project in the township.

(b) This subsection applies if the voters of a township described in section 2(a)(2)(A)(ii) or 2(a)(2)(B)(ii) of this chapter approve a local public question under this chapter and the voters in:

(1) the eligible county described in section 2(a)(2)(A) of this chapter approve a local public question under IC 8-25-2; or

(2) the township described in section 2(a)(2)(B) of this chapter approve a local public question under this chapter.

The fiscal body of ~~the eligible county in which~~ the township ~~is located~~ shall adopt ~~an ordinance under IC 6-3.6-6~~ **a resolution** to impose an additional local income tax rate ~~as permitted by IC 6-3.6-7-27,~~ upon the local taxpayers residing in the township for the public transportation project in the township.

(c) This subsection applies to Guilford Township in Hendricks County. If the voters of the township approve a local public question under this chapter, the township fiscal body shall adopt a resolution to impose an additional local income tax rate upon the local taxpayers residing in the township for the public transportation project in the township.

(d) A resolution adopted under this ~~subsection~~ **section** must comply with the requirements of the department of local government finance and specify an additional tax rate to be imposed in the township of at least one-tenth percent (0.1%), but not more than twenty-five hundredths percent (0.25%). If a resolution is adopted under this ~~subsection,~~ **section,** the amount of the certified distribution attributable to the additional tax rate imposed under this ~~subsection~~ **section** must be:

(1) retained by the county auditor;

(2) deposited in the county public transportation project fund established under IC 8-25-3-7; and

(3) used for the purpose provided in this subsection instead of as a property tax replacement distribution.

The tax rate under this subsection plus the tax rate under IC 6-3.6-6 may not exceed the tax rate specified in IC 6-3.6-6-2. Notwithstanding IC 6-3.6-7-27, the ~~Hendricks County~~ fiscal body **of the county in which the township is located** is not required under this section to adopt an ordinance under IC 6-3.6-7-27.

SECTION 11. IC 11-12-5.5-1, AS ADDED BY P.L.184-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

(1) "Regional jail" means a correctional facility (as defined in IC 5-1.2-2-11) for which a regional jail agreement has been entered into under section 2 of this chapter.

(2) "Regional jail agreement" means an agreement described in section 2(a) of this chapter.

SECTION 12. IC 11-12-5.5-2, AS ADDED BY P.L.184-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Subject to the requirements of this chapter, the executive of a county may enter into an agreement under IC 36-1-7 with one (1) or more entities described in IC 36-1-7-1 for the construction, maintenance, or operation of a regional jail.

(b) In the case of a county, the county executive may not enter into a regional jail agreement under this chapter unless the regional jail agreement is first approved by both the county fiscal body and the county sheriff.

(c) A regional jail may be designed, financed, constructed, operated, or maintained by any means permitted or authorized by law, including the following:

(1) IC 5-23.

(2) IC 5-30.

(3) IC 5-32.

(4) IC 36-1-12.

SECTION 13. IC 11-12-5.5-3, AS ADDED BY P.L.184-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** In addition to the provisions required under IC 36-1-7-3, a regional jail agreement must include terms concerning the following:

(1) The location of the regional jail.

(2) The acquisition, **design, financing,** construction, leasing, maintenance, repair, operation, termination of operations, and administration of the regional jail.

(3) The manner in which each participating entity's proportionate share of the funding for the regional jail will be determined.

(4) The manner in which any:

(A) per diem paid by the state; or

(B) other reimbursement paid by the state;

for the costs of incarcerating individuals in a county jail or the costs of medical care expenses incurred for individuals in a county jail will be used by the participating entities.

(5) Any pledge of local revenue that will be required to carry out the regional jail agreement or to pay bonds issued or leases entered into by a participating entity to carry out the regional jail agreement.

(6) The standards that will apply to the regional jail.

(7) The method of determining the inmate programs, activities, and services that will be provided at the regional jail.

(8) The method of resolving disputes among the participating entities concerning the regional jail agreement, if any such disputes arise.

(b) Notwithstanding IC 5-23, if a public-private agreement (as defined in IC 5-23-2-13) is entered into to design, finance, construct, maintain, or operate a regional jail, the manner of acquiring, holding, and disposing of real property under the joint agreement may include ownership by the operator of:

(1) real property on which the regional jail is constructed;

(2) personal property of the regional jail; and

(3) all improvements to the regional jail during and after the termination of the public-private agreement.

SECTION 14. IC 11-12-5.5-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. A regional jail may provide any combination of:**

(1) substance abuse treatment (as defined in IC 11-12-3.8-1.5);

(2) jail treatment (as described in IC 11-12-2);

(3) recidivism reduction programs (as described in IC 11-12-2); or

(4) any other program or service the participating entities determine is necessary or appropriate.

SECTION 15. [EFFECTIVE JULY 1, 2019] **(a) The following definitions apply throughout this SECTION:**

(1) "ADM" has the meaning set forth in IC 20-18-2-2.

(2) "Operations fund levy" means a school corporation's operations fund property levy under IC 20-46-8.

(3) "School corporation" has the meaning set forth in IC 20-18-2-16(a).

(b) Before January 1, 2020, the department of local government finance, in consultation with the fiscal and qualitative indicators committee established under IC 20-19-7-3, shall:

(1) prepare the report described in subsection (c) for the period beginning July 1, 2018, and ending June 30, 2019; and

(2) submit the report to the legislative council in an electronic format under IC 5-14-6.

(c) The report required under subsection (b) must include the following statistics for each school corporation in Indiana:

(1) The assessed value per ADM.

(2) The operations fund levy per ADM.

(3) The revenue received by the school corporation per one cent ($0.01) per ADM.

(4) An estimate of the income tax revenue per one cent ($0.01) per ADM if the school corporation could enact a school district income tax.

(d) This SECTION expires July 1, 2020.

SECTION 16. [EFFECTIVE JULY 1, 2019] **(a) The following definitions apply throughout this chapter:**

(1) "ADM" has the meaning set forth in IC 20-18-2-2.

(2) "School corporation" has the meaning set forth in IC 20-18-2-16(a).

(b) Before January 1, 2020, the department of education, in consultation with the state board of accounts, shall:

(1) prepare the report described in subsection (c) for the period beginning July 1, 2018, and ending June 30, 2019; and

(2) submit the report to the legislative council in an electronic format under IC 5-14-6.

(c) The report required under subsection (b) must include the following statistics:

(1) The amount of state and local funding for kindergarten through grade 12 for the following:

(A) Illinois.

(B) Michigan.

(C) Ohio.

(D) Kentucky.

(E) Indiana.

(F) Each school corporation in Indiana.

(2) The amounts determined under subdivision (1), adjusted for cost of living in each geographic territory.

(3) The amounts determined under subdivision (2) per ADM.

(d) This SECTION expires July 1, 2020.

SECTION 17. **An emergency is declared for this act.**".

Delete page 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1052 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1097, 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, delete lines 23 through 42, begin a new paragraph and insert:

"SECTION 2. IC 16-37-1-3.1, AS AMENDED BY P.L.156-2011, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.1. (a) Beginning January 1, 2011, the state department shall establish the Indiana birth registration system (IBRS) for recording in an electronic format live births in Indiana.

(b) Beginning January 1, 2011, the state department shall establish the Indiana death registration system (IDRS) for recording in an electronic format deaths in Indiana.

(c) Submission of records on births and deaths shall be entered by:

(1) funeral directors;

(2) physicians;

(3) coroners;

(4) medical examiners;

(5) persons in attendance at birth; ~~and~~

(6) local health departments; **and**

(7) for purposes of records on deaths, advanced practice registered nurses providing primary care (as described in IC 16-37-3-0.5);

using the electronic system created by the state department under this section.

(d) A person in attendance at a live birth shall report a birth to the local health officer in accordance with IC 16-37-2-2.

(e) Death records shall be submitted as follows, using the Indiana death registration system:

(1) The:

(A) physician last in attendance upon the deceased; ~~or~~

(B) advanced practice registered nurse providing primary care to the deceased; or

~~(B)~~ **(C)** person in charge of interment;

shall initiate the document process. If the person in charge of interment initiates the process, the person in charge of interment shall electronically submit the certificate required under IC 16-37-3-5 to the physician last in attendance upon the deceased **or the advanced practice registered nurse providing primary care to the deceased** not later than five (5) days after the death.

(2) The physician last in attendance upon the deceased **or the advanced practice registered nurse providing primary care to the deceased** shall electronically certify to the local health department the cause of death on the certificate of death not later than five (5) days after:

(A) initiating the document process; or

(B) receiving under IC 16-37-3-5 the electronic notification from the person in charge of interment.

(3) The local health officer shall submit the reports required under IC 16-37-1-5 to the state department not later than five (5) days after electronically receiving under IC 16-37-3-5 the completed certificate of death from the physician last in attendance **or the advanced practice registered nurse providing primary care.**

SECTION 3. IC 16-37-3-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. This chapter applies to an advanced practice registered nurse licensed under IC 25-23 if the advanced practice registered nurse:**

(1) had primary responsibility for the treatment and care of the deceased individual for a period longer than six (6) months; and

(2) pronounced the time of death for the deceased individual.

SECTION 4. IC 16-37-3-3, AS AMENDED BY P.L.122-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The physician last in attendance upon the deceased, **the advanced practice registered nurse who provided primary care as described in section 0.5 of this chapter,** or the person in charge of interment shall file a certificate of death or of stillbirth with the local health officer of the jurisdiction in which the

death or stillbirth occurred. The local health officer shall retain a copy of the certificate of death.

(b) Notwithstanding subsection (a), beginning January 1, 2011, for a death occurring after December 31, 2010, the physician last in attendance upon the deceased, **the advanced practice registered nurse who provided primary care as described in section 0.5 of this chapter,** or the person in charge of interment shall use the Indiana death registration system established under IC 16-37-1-3.1 to file a certificate of death with the local health officer of the jurisdiction in which the death occurred.

SECTION 5. IC 16-37-3-4, AS AMENDED BY P.L.156-2011, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The physician last in attendance upon the deceased, **the advanced practice registered nurse who provided primary care as described in section 0.5 of this chapter,** or the person in charge of interment shall secure the personal data required by the state department by rules adopted under IC 4-22-2 for preparation of the certificate of death or of stillbirth from the persons best qualified to give the information.

SECTION 6. IC 16-37-3-5, AS AMENDED BY P.L.122-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) If the person in charge of interment initiates the process, the person in charge of interment shall present a certificate of death to the physician last in attendance upon the deceased **or the advanced practice registered nurse who provided primary care as described in section 0.5 of this chapter,** who shall certify the cause of death upon the certificate of death or of stillbirth.

(b) Notwithstanding subsection (a), beginning January 1, 2011, for a death occurring after December 31, 2010, using the Indiana death registration system established under IC 16-37-1-3.1, if the person in charge of interment initiates the process, the person in charge of interment shall electronically provide a certificate of death to the physician last in attendance upon the deceased **or the advanced practice registered nurse who provided primary care as described in section 0.5 of this chapter.** The physician last in attendance upon the deceased **or the advanced practice registered nurse who provided primary care as described in section 0.5 of this chapter** shall electronically certify to the local health department the cause of death on the certificate of death, using the Indiana death registration system.

SECTION 7. IC 16-37-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) If:

(1) a death or stillbirth occurred without medical attendance; or

(2) the physician last in attendance **or the advanced practice registered nurse who provided primary care as described in section 0.5 of this chapter** is physically or mentally unable to sign the certificate of death or stillbirth;

the local health officer shall inquire into the cause of death from anyone having knowledge of the facts regarding the cause of death.

(b) The local health officer may issue a subpoena to obtain information and to employ a qualified pathologist to perform an autopsy when, in the judgment of the local health officer, those procedures are required to complete the inquiry. The local health officer shall then certify the cause of death on the basis of the information.

SECTION 8. IC 25-23-1-19.4, AS AMENDED BY P.L.129-2018, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19.4. (a) This section does not apply to certified registered nurse anesthetists.

(b) As used in this section, "practitioner" has the meaning set forth in IC 16-42-19-5. However, the term does not include the following:

(1) A veterinarian.

(2) An advanced practice registered nurse.

(3) A physician assistant.

(4) Beginning July 1, 2022:

(A) a podiatrist;

(B) an optometrist; or

(C) a dentist.

(c) **Except as provided in subsection (d),** an advanced practice registered nurse shall ~~operate:~~ **practice:**

(1) ~~in collaboration~~ with a licensed practitioner as evidenced by a practice agreement;

(2) by privileges granted by the governing board of a hospital licensed under IC 16-21 with the advice of the medical staff of the hospital that sets forth the manner in which an advanced practice registered nurse ~~and a licensed practitioner~~ will cooperate, coordinate, and consult with ~~each~~ other **practitioners** in the provision of health care to their patients; or

(3) by privileges granted by the governing body of a hospital operated under IC 12-24-1 that sets forth the manner in which an advanced practice registered nurse ~~and a licensed practitioner~~ will cooperate, coordinate, and consult with ~~each~~ other **practitioners** in the provision of health care to their patients.

(d) An advanced practice registered nurse with prescriptive authority may practice without a practice agreement if the following conditions are met:

(1) The advanced practice registered nurse has practiced under a practice agreement with a practitioner for the full time equivalent of at least three (3) years.

(2) The practitioner described in subdivision (1) has been licensed in Indiana for a minimum of five (5) years with the practitioner's respective governing board.

(3) The practitioner has reviewed at least:

(A) ten percent (10%) of the advanced practice registered nurse's prescriptive charts during the first year of the practice agreement period; and

(B) five percent (5%) of the advanced practice registered nurse's prescriptive charts during the second and third years of the practice agreement period.

(4) The advanced practice registered nurse has submitted an attestation to the board to the completion of the required three (3) year practice agreement.

(5) The advanced practice registered nurse practices in the same practice area in which the advanced practice registered nurse practiced with the practitioner under a practice agreement.

(6) The advanced practice registered nurse establishes a referral plan to other appropriate practitioners for complex medical cases, emergencies, and cases that are beyond the advanced practice registered nurse's scope of practice.

The board shall designate on the advanced practice registered nurse's prescriptive authority license, in a manner determined by the board, that the advanced practice registered nurse has completed the requirements of this subsection.

(e) If an advanced practice registered nurse practices independently without a practice agreement, the advanced practice registered nurse shall notify patients, through posting in a prominent and conspicuous place in the patient waiting area, that the advanced practice registered nurse is practicing independently.

SECTION 9. IC 25-23-1-19.6, AS AMENDED BY P.L.129-2018, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19.6. (a) When the board grants authority to an advanced practice registered

nurse to prescribe legend drugs under this chapter, the board shall assign an identification number to the advanced practice registered nurse.

(b) An advanced practice registered nurse who is granted authority by the board to prescribe legend drugs must do the following:

(1) Enter on each prescription form that the advanced practice registered nurse uses to prescribe a legend drug:

(A) the signature of the advanced practice registered nurse;

(B) initials indicating the credentials awarded to the advanced practice registered nurse under this chapter; and

(C) the identification number assigned to the advanced practice registered nurse under subsection (a).

(2) Comply with all applicable state and federal laws concerning prescriptions for legend drugs.

(c) An advanced practice registered nurse may be granted authority to prescribe legend drugs under this chapter only within the scope of practice of the advanced practice registered nurse and, **if applicable,** the scope of the licensed collaborating health practitioner.

SECTION 10. [EFFECTIVE UPON PASSAGE] **(a) Before October 1, 2019, the Indiana state board of nursing shall study and report to the general assembly in an electronic format under IC 5-14-6 the following information concerning advanced practice registered nurses:**

(1) The clinical training required for an advanced practice registered nurse in Indiana.

(2) Information concerning the implementation of this act concerning allowing advanced practice registered nurses to operate without a practice agreement with a practitioner, as specified in this act.

(b) This SECTION expires December 31, 2019.

SECTION 11. **An emergency is declared for this act.**".

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to HB 1097 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

Kirchhofer , Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1100, 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, after line 14, begin a new paragraph and insert:

"SECTION 2. IC 35-31.5-2-161.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 161.1. "Human remains", for purposes of IC 35-45-19, has the meaning set forth in IC 35-45-19-1.5.**

SECTION 3. IC 35-45-19-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.5. As used in this chapter, "human remains" means any part of the body of a deceased human being in any stage of decomposition or state of preservation.**

SECTION 4. IC 35-45-19-3, AS ADDED BY P.L.68-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. A person who:

(1) discovers ~~or has custody of the body of a deceased person~~ **or handles human remains** when it appears the deceased person died:

(A) by violence, suicide, or accident;

(B) suddenly, while in apparent good health;

(C) while unattended;

(D) from poisoning or an overdose of drugs;

(E) as the result of a disease that may constitute a threat to public health;

(F) as the result of:

(i) a disease;

(ii) an injury;

(iii) a toxic effect; or

(iv) unusual exertion;

incurred within the scope of the deceased person's employment;

(G) due to sudden infant death syndrome;

(H) as the result of a diagnostic or therapeutic procedure; or

(I) under any other suspicious or unusual circumstances; and

(2) knowingly or intentionally fails to report the ~~body of the deceased person~~ **discovery or handling of the human remains** to a:

(A) public safety officer;

(B) coroner;

(C) funeral director;

~~(C)~~ **(D)** physician; or

~~(D)~~ **(E)** 911 telephone call center;

within three (3) hours after finding the ~~body;~~ **human remains;**

commits failure to report ~~a dead body~~ **the discovery or handling of human remains,** a Class A misdemeanor.

SECTION 5. IC 36-2-14-6, AS AMENDED BY P.L.193-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Whenever the coroner is notified that a person in the county:

(1) has died from violence;

(2) has died by casualty;

(3) has died when apparently in good health;

(4) has died in an apparently suspicious, unusual, or unnatural manner; or

(5) has been found dead;

the coroner shall, before the scene of the death is disturbed, notify a law enforcement agency having jurisdiction in that area. The agency shall assist the coroner in ~~conducting an investigation of how the person died and a medical investigation of the cause of death.~~ **determining the cause, manner, and mechanism of death.** The coroner ~~may~~ **shall** hold the **human** remains ~~of the decedent~~ until the investigation of how the person died and the medical investigation of the cause of death are concluded.

(b) If the coroner reasonably suspects the cause of the person's death to be accidental or intentional overdose of a controlled substance (as defined by IC 35-48-1-9), the coroner shall do the following:

(1) Obtain any relevant information about the decedent maintained by the INSPECT program established by IC 25-1-13-4.

(2) Extract one (1) or more of the following bodily fluids from the decedent:

(A) Blood.

(B) Vitreous.

(C) Urine.

(3) Test a bodily fluid extracted under subdivision (2) to determine whether the bodily fluid contained any amount, including a trace amount, of a controlled substance at the time of the decedent's death.

(4) Report the results of the test conducted under this subsection to the state department of health after completing the medical investigation of the cause of the decedent's death.

(5) Provide the state department of health notice of the decedent's death, including any information related to the controlled substances involved, if any.

(c) The coroner:

(1) shall file a certificate of death with the county health department, or, if applicable, a multiple county health department, of the county in which the individual died, within seventy-two (72) hours after the completion of the death investigation;

(2) shall complete the certificate of death utilizing all verifiable information establishing the time and date of death; and

(3) may file a pending investigation certificate of death before completing the certificate of death, if necessary.

(d) If this section applies, the body and the scene of death may not be disturbed until:

(1) the coroner has photographed them in the manner that most fully discloses how the person died; and

(2) law enforcement and the coroner have finished their initial assessment of the scene of death.

However, a coroner or law enforcement officer may order a body to be moved before photographs are taken if the position or location of the body unduly interferes with activities carried on where the body is found, but the body may not be moved from the immediate area and must be moved without substantially destroying or altering the evidence present.

(e) When acting under this section, if the coroner considers it necessary to have an autopsy performed, is required to perform an autopsy under subsection (g), or is requested by the prosecuting attorney of the county to perform an autopsy, the coroner shall employ a:

(1) physician certified by the American Board of Pathology; or

(2) pathology resident acting under the direct supervision of a physician certified in anatomic pathology by the American Board of Pathology;

to perform the autopsy. The physician performing the autopsy shall be paid a fee of at least fifty dollars ($50) from the county treasury.

(f) If:

(1) at the request of:

(A) the decedent's spouse;

(B) a child of the decedent, if the decedent does not have a spouse;

(C) a parent of the decedent, if the decedent does not have a spouse or children;

(D) a brother or sister of the decedent, if the decedent does not have a spouse, children, or parents; or

(E) a grandparent of the decedent, if the decedent does not have a spouse, children, parents, brothers, or sisters;

(2) in any death, two (2) or more witnesses who corroborate the circumstances surrounding death are present; and

(3) two (2) physicians who are licensed to practice medicine in the state and who have made separate examinations of the decedent certify the same cause of death in an affidavit within twenty-four (24) hours after death;

an autopsy need not be performed. The affidavits shall be filed with the circuit court clerk.

(g) A county coroner may not certify the cause of death in the case of the sudden and unexpected death of a child who is less than three (3) years old unless an autopsy is performed at county expense. However, a coroner may certify the cause of death of a child described in this subsection without the performance of an autopsy if subsection (f) applies to the death of the child.

(h) After consultation with the law enforcement agency investigating the death of a decedent, the coroner shall do the following:

(1) Inform a crematory authority if a person is barred under IC 23-14-31-26(c) from serving as the authorizing agent with respect to the cremation of the decedent's body because the coroner made the determination under IC 23-14-31-26(c)(2) in connection with the death of the decedent.

(2) Inform a cemetery owner if a person is barred under IC 23-14-55-2(c) from authorizing the disposition of the body or cremated remains of the decedent because the coroner made the determination under IC 23-14-55-2(c)(2) in connection with the death of the decedent.

(3) Inform a seller of prepaid services or merchandise if a person's contract is unenforceable under IC 30-2-13-23(b) because the coroner made the determination under IC 30-2-13-23(b)(4) in connection with the death of the decedent.

SECTION 6. IC 36-2-14-6.5, AS ADDED BY P.L.157-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6.5. (a) As used in this section, "DNA analysis" means an identification process in which the unique genetic code of an individual that is carried by the individual's deoxyribonucleic acid (DNA) is compared to genetic codes carried in DNA found in bodily substance samples obtained by a law enforcement agency in the exercise of the law enforcement agency's investigative function.

(b) As used in this section, "human remains" has the meaning set forth in IC 35-45-19-1.5.

~~(b)~~ **(c)** As used in this section, "immediate family member" means, with respect to **the human remains of** a particular dead person, an individual who is at least eighteen (18) years of age and who is one (1) of the following:

(1) The dead person's spouse.

(2) The dead person's child.

(3) The dead person's parent.

(4) The dead person's grandparent.

(5) The dead person's sibling.

~~(c)~~ **(d)** The coroner shall make a positive identification of ~~a dead person~~ **human remains** unless extraordinary circumstances described in subsection ~~(d)~~ **(e)** exist. In making a positive identification, the coroner shall determine the identity of ~~a dead person~~ **the human remains** by one (1) of the following methods:

(1) Fingerprint identification.

(2) DNA analysis.

(3) Dental record analysis.

(4) Positive identification by at least one (1) of the dead person's immediate family members if the dead person's body is in a physical condition that would allow for the dead person to be reasonably recognized.

~~(d)~~ **(e)** For the purposes of subsection ~~(c),~~ **(d),** extraordinary circumstances exist if, after a thorough investigation, the coroner determines that identification of the dead person is not possible under any of the four (4) methods described in subsection ~~(c)~~ **(d).**

(f) Unless extraordinary circumstances described in subsection (e) exist, the coroner shall notify the decedent's next of kin in a timely manner. The coroner shall retain the information derived from any of the methods described in subsection (d) until the decedent's next of kin has been located.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1100 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

Morris, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1235, 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 4, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 2. IC 35-42-2-1, AS AMENDED BY P.L.80-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this section, "public safety official" means:

(1) a law enforcement officer, including an alcoholic beverage enforcement officer;
(2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);
(3) an employee of the department of correction;
(4) a probation officer;
(5) a parole officer;
(6) a community corrections worker;
(7) a home detention officer;
(8) a department of child services employee;
(9) a firefighter;
(10) an emergency medical services provider;
(11) a judicial officer;
(12) a bailiff of any court; or
(13) a special deputy (as described in IC 36-8-10-10.6).

(b) As used in this section, "relative" means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

(1) a spouse;
(2) a parent or stepparent;
(3) a child or stepchild;
(4) a grandchild or stepgrandchild;
(5) a grandparent or stepgrandparent;
(6) a brother, sister, stepbrother, or stepsister;
(7) a niece or nephew;
(8) an aunt or uncle;
(9) a daughter-in-law or son-in-law;
(10) a mother-in-law or father-in-law; or
(11) a first cousin.

(c) Except as provided in subsections (d) through (k), a person who knowingly or intentionally:

(1) touches another person in a rude, insolent, or angry manner; or
(2) in a rude, insolent, or angry manner places any bodily fluid or waste on another person;

commits battery, a Class B misdemeanor.

(d) The offense described in subsection (c)(1) or (c)(2) is a Class A misdemeanor if it:

(1) results in bodily injury to any other person; or
(2) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense.

(e) The offense described in subsection (c)(1) or (c)(2) is a Level 6 felony if one (1) or more of the following apply:

(1) The offense results in moderate bodily injury to any other person.
(2) The offense is committed against a **current or former** public safety official:
(A) while the official is engaged in the official's official duty; **or**
(B) in retaliation for the official having engaged in the official's official duty.
(3) The offense is committed against a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.
(4) The offense is committed against a person of any age who has a mental or physical disability and is committed by a person having the care of the person with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.
(5) The offense is committed against an endangered adult (as defined in IC 12-10-3-2).
(6) The offense:
(A) is committed against a member of a foster family home (as defined in IC 35-31.5-2-139.3) by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense; and
(B) results in bodily injury to the member of the foster family.

(f) The offense described in subsection (c)(2) is a Level 6 felony if the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus.

(g) The offense described in subsection (c)(1) or (c)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to another person.
(2) The offense is committed with a deadly weapon.
(3) The offense results in bodily injury to a pregnant woman if the person knew of the pregnancy.
(4) The person has a previous conviction for a battery offense:
(A) included in this chapter against the same victim; or
(B) against the same victim in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a battery offense included in this chapter.
(5) The offense results in bodily injury to one (1) or more of the following:
(A) A public safety official:
(i) while the official is engaged in the official's official duties; **or**
(ii) in retaliation for lawful actions taken by the current or former public safety official who engaged in the official's official duties.
(B) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.
(C) A person who has a mental or physical disability if the offense is committed by an individual having care of the person with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.
(D) An endangered adult (as defined in IC 12-10-3-2).

(h) The offense described in subsection (c)(2) is a Level 5 felony if:

(1) the person knew or recklessly failed to know that the bodily fluid or waste placed on another person was infected with hepatitis, tuberculosis, or human immunodeficiency virus; and
(2) the person placed the bodily fluid or waste on a public safety official.

(i) The offense described in subsection (c)(1) or (c)(2) is a Level 4 felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2).

(j) The offense described in subsection (c)(1) or (c)(2) is a Level 3 felony if it results in serious bodily injury to a person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(k) The offense described in subsection (c)(1) or (c)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A person less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.
(2) An endangered adult (as defined in IC 12-10-3-2).".

Delete pages 5 through 6.

Page 7, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

(Reference is to HB 1235 as introduced.)

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 Public Health, to which was referred House Bill 1248, 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 16-42-27-1, AS AMENDED BY P.L.129-2018, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. As used in this chapter, "prescriber" means any of the following:

(1) A physician licensed under IC 25-22.5.

(2) A physician assistant licensed under IC 25-27.5 and granted the authority to prescribe by the physician assistant's ~~supervisory~~ **collaborating** physician and in accordance with IC 25-27.5-5-4.

(3) An advanced practice registered nurse licensed and granted the authority to prescribe drugs under IC 25-23.

(4) The state health commissioner, if the state health commissioner holds an active license under IC 25-22.5.

(5) A public health authority.

SECTION 2. IC 25-1-9.5-4, AS AMENDED BY P.L.129-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. As used in this chapter, "prescriber" means any of the following:

(1) A physician licensed under IC 25-22.5.

(2) A physician assistant licensed under IC 25-27.5 and granted the authority to prescribe by the physician assistant's ~~supervisory~~ **collaborating** physician in accordance with IC 25-27.5-5-4.

(3) An advanced practice registered nurse licensed and granted the authority to prescribe drugs under IC 25-23.

(4) An optometrist licensed under IC 25-24.

(5) A podiatrist licensed under IC 25-29.".

Page 6, between lines 28 and 29, begin a new line block indented and insert:

"**However, the pharmacist must provide the patient with a written advance beneficiary notice that is signed by the patient and that states that the patient may not be eligible for reimbursement for the device or supply. The pharmacy must keep a copy of the patient's advance beneficiary notice on file for seven (7) years.**".

Page 6, after line 31, begin a new paragraph and insert:

"**(c) A pharmacist may issue a prescription for purposes of subsection (a)(5).**

SECTION 5. IC 25-27.5-1-2, AS ADDED BY P.L.90-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. This article grants a ~~supervising~~ **collaborating** physician or physician designee the authority to delegate, as the physician determines is appropriate, those tasks or services the physician typically performs and is qualified to perform.

SECTION 6. IC 25-27.5-2-4.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4.7. "Collaborating physician" means a physician licensed by the board who collaborates with and is responsible for a physician assistant.**

SECTION 7. IC 25-27.5-2-4.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4.9. (a) "Collaboration" means overseeing the activities of, and accepting responsibility for, the medical services rendered by a physician assistant and that one (1) of the following conditions is met at all times that services are rendered or tasks are performed by the physician assistant:**

(1) The collaborating physician or the physician designee is physically present at the location at which services are rendered or tasks are performed by the physician assistant.

(2) When the collaborating physician or the physician designee is not physically present at the location at which services are rendered or tasks are performed by the physician assistant, the collaborating physician or the physician designee is able to personally ensure proper care of the patient and is:

(A) immediately available through the use of telecommunications or other electronic means; and

(B) able to see the person within a medically appropriate time frame;

for consultation, if requested by the patient or the physician assistant.

(b) The term includes the use of protocols, guidelines, and standing orders developed or approved by the collaborating physician.

SECTION 8. IC 25-27.5-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. "Dependent practice" means the performance of an act, a duty, or a function delegated to a physician assistant by the ~~supervising~~ **collaborating** physician or physician designee.

SECTION 9. IC 25-27.5-2-11, AS AMENDED BY P.L.3-2008, SECTION 189, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. "Physician designee" means a physician:

(1) who:

(A) works in; or

(B) is trained in;

the same practice area as the practice area of the ~~supervising~~ **collaborating** physician; and

(2) to whom responsibility for the ~~supervision of~~ **collaboration with** a physician assistant is temporarily designated when the ~~supervising~~ **collaborating** physician is unavailable.

SECTION 10. IC 25-27.5-2-13 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 13. "Supervising physician" means a physician licensed by the board who supervises and is responsible for a physician assistant.~~

SECTION 11. IC 25-27.5-2-14 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 14. (a) "Supervision" means overseeing the activities of, and accepting responsibility for, the medical services rendered by a physician assistant and that the conditions set forth in subdivision (1) or (2) are met at all times that services are rendered or tasks are performed by the physician assistant:~~

~~(1) The supervising physician or the physician designee is physically present at the location at which services are rendered or tasks are performed by the physician assistant.~~

~~(2) Both of the following apply:~~

~~(A) The supervising physician or the physician designee is immediately available:~~

~~(i) through the use of telecommunications or other electronic means; and~~

~~(ii) for consultation, including being able to see the patient in person within twenty-four (24) hours if requested by the patient or the physician assistant.~~

~~(B) If the supervising physician or the physician designee is not present in the same facility as the physician assistant, the supervising physician or physician designee must be within a reasonable travel distance from the facility to personally ensure proper~~

~~care of the patients.~~

~~(b) The term includes the use of protocols, guidelines, and standing orders developed or approved by the supervising physician.~~

SECTION 12. IC 25-27.5-5-1, AS AMENDED BY P.L.90-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This chapter does not apply to the practice of other health care professionals set forth under IC 25-22.5-1-2(a)(1) through IC 25-22.5-1-2(a)(19).

~~(b) This chapter does not allow the independent practice by a physician assistant, including any of the activities of other health care professionals set forth under IC 25-22.5-1-2(a)(1) through IC 25-22.5-1-2(a)(19).~~

~~(c)~~ **(b)** This chapter does not exempt a physician assistant from the requirements of IC 16-41-35-29.

SECTION 13. IC 25-27.5-5-2, AS AMENDED BY P.L.168-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A physician assistant:

(1) must engage in a dependent practice with ~~physician supervision.~~ **a collaborating physician; and**

(2) may not be independent from the collaborating physician, including any of the activities of other health care providers set forth under IC 25-22.5-1-2(a)(1) through IC 25-22.5-1-2(a)(19).

A physician assistant may perform, under ~~the supervision of the supervising physician,~~ **a collaborative agreement,** the duties and responsibilities that are delegated by the ~~supervising~~ **collaborating** physician and that are within the ~~supervising~~ **collaborating** physician's scope of practice, including prescribing and dispensing drugs and medical devices. A patient may elect to be seen, examined, and treated by the ~~supervising~~ **collaborating** physician.

(b) If a physician assistant determines that a patient needs to be examined by a physician, the physician assistant shall immediately notify the ~~supervising~~ **collaborating** physician or physician designee.

(c) If a physician assistant notifies the ~~supervising~~ **collaborating** physician that the physician should examine a patient, the ~~supervising~~ **collaborating** physician shall:

(1) schedule an examination of the patient ~~in a timely manner~~ unless the patient declines; or

(2) arrange for another physician to examine the patient.

~~(d) If a patient is subsequently examined by the supervising physician or another physician because of circumstances described in subsection (b) or (c), the visit must be considered as part of the same encounter except for in the instance of a medically appropriate referral.~~

~~(c)~~ **(d)** A ~~supervising~~ **collaborating** physician or physician assistant who does not comply with subsections (b) ~~through (d)~~ **and (c)** is subject to discipline under IC 25-1-9.

~~(f)~~ **(e)** A physician assistant's ~~supervisory~~ **collaborative** agreement with a ~~supervising~~ **collaborating** physician must:

(1) be in writing;

(2) include all the tasks delegated to the physician assistant by the ~~supervising~~ **collaborating** physician;

(3) set forth the ~~supervisory plans~~ **collaborative agreement** for the physician assistant, including the emergency procedures that the physician assistant must follow; and

(4) specify the protocol the physician assistant shall follow in prescribing a drug.

~~(g)~~ **(f)** The physician shall submit the ~~supervisory~~ **collaborative** agreement to the board. The physician assistant may prescribe a drug under the ~~supervisory~~ **collaborative** agreement unless the board denies the ~~supervisory~~ **collaborative** agreement. Any amendment to the ~~supervisory~~ **collaborative** agreement must be resubmitted to the board, and the physician assistant may operate under any new prescriptive authority under the amended ~~supervisory~~ **collaborative** agreement unless the agreement has been denied by the board.

~~(h)~~ **(g)** A physician or a physician assistant who violates the ~~supervisory~~ **collaborative** agreement described in this section may be disciplined under IC 25-1-9.

SECTION 14. IC 25-27.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. A physician assistant is the agent of the ~~supervising~~ **collaborating** physician in the performance of all practice related activities, including the ordering of diagnostic, therapeutic, and other medical services.

SECTION 15. IC 25-27.5-5-4, AS AMENDED BY P.L.135-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as provided in this section, a physician assistant may prescribe, dispense, and administer drugs and medical devices or services to the extent delegated by the ~~supervising~~ **collaborating** physician.

(b) A physician assistant may not prescribe, dispense, or administer ophthalmic devices, including glasses, contact lenses, and low vision devices.

(c) A physician assistant may use or dispense only drugs prescribed or approved by the ~~supervising~~ **collaborating** physician. A physician assistant may not prescribe or dispense a schedule I controlled substance listed in IC 35-48-2-4.

(d) A physician assistant may request, receive, and sign for professional samples and may distribute professional samples to patients if the samples are within the scope of the physician assistant's prescribing privileges delegated by the ~~supervising~~ **collaborating** physician.

(e) A physician assistant may not prescribe drugs unless the physician assistant has: ~~successfully completed at least thirty (30) contact hours in pharmacology from an educational program that is approved by the committee.~~

(1) graduated from an accredited physician assistant program;

(2) received the required pharmacology training from the accredited program; and

(3) the collaborating physician perform the review required by IC 25-27.5-6-1(c)(1).

(f) A physician assistant may not prescribe, administer, or monitor general anesthesia, regional anesthesia, or deep sedation as defined by the board. A physician assistant may not administer moderate sedation:

(1) if the moderate sedation contains agents in which the manufacturer's general warning advises that the drug should be administered and monitored by an individual who is:

(A) experienced in the use of general anesthesia; and

(B) not involved in the conduct of the surgical or diagnostic procedure; and

(2) during diagnostic tests, surgical procedures, or obstetric procedures unless the following conditions are met:

(A) A physician is physically present in the area, is immediately available to assist in the management of the patient, and is qualified to rescue patients from deep sedation.

(B) The physician assistant is qualified to rescue patients from deep sedation and is competent to manage a compromised airway and provide adequate oxygenation and ventilation by reason of meeting the following conditions:

(i) The physician assistant is certified in advanced cardiopulmonary life support.

(ii) The physician assistant has knowledge of and training in the medications used in moderate sedation, including recommended doses, contraindications, and adverse reactions.

~~(g) Before a physician assistant may prescribe a controlled substance, the physician assistant must have practiced as a~~

~~physician assistant for at least one thousand eight hundred (1,800) hours.~~

SECTION 16. IC 25-27.5-5-6, AS AMENDED BY P.L.135-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Except as provided in section 4(d) of this chapter, a ~~supervising~~ **collaborating** physician may delegate authority to a physician assistant to prescribe:

(1) legend drugs except as provided in section 4(c) of this chapter; and

(2) medical devices (except ophthalmic devices, including glasses, contact lenses, and low vision devices).

~~(b) Any prescribing authority delegated to a physician assistant must be expressly delegated in writing by the physician assistant's supervising physician, including the protocols the physician assistant shall use when prescribing the drug.~~

~~(c)~~ **(b)** A physician assistant who is delegated the authority to prescribe legend drugs or medical devices must do the following:

(1) Enter the following on each prescription form that the physician assistant uses to prescribe a legend drug or medical device:

(A) The signature of the physician assistant.

(B) The initials indicating the credentials awarded to the physician assistant by the NCCPA.

(C) The physician assistant's state license number.

(2) Comply with all applicable state and federal laws concerning prescriptions for legend drugs and medical devices.

~~(d)~~ **(c)** A ~~supervising~~ **collaborating** physician may delegate to a physician assistant the authority to prescribe only legend drugs and medical devices that are within the scope of practice of the licensed ~~supervising~~ **collaborating** physician or the physician designee.

~~(e)~~ **(d)** A physician assistant who is delegated the authority to prescribe controlled substances under subsection (a) and in accordance with the limitations specified in section 4(c) of this chapter must do the following:

(1) Obtain an Indiana controlled substance registration and a federal Drug Enforcement Administration registration.

(2) Enter the following on each prescription form that the physician assistant uses to prescribe a controlled substance:

(A) The signature of the physician assistant.

(B) The initials indicating the credentials awarded to the physician assistant by the NCCPA.

(C) The physician assistant's state license number.

(D) The physician assistant's federal Drug Enforcement Administration (DEA) number.

(3) Comply with all applicable state and federal laws concerning prescriptions for controlled substances.

~~(f)~~ **(e)** A ~~supervising~~ **collaborating** physician may only delegate to a physician assistant the authority to prescribe controlled substances:

(1) that may be prescribed within the scope of practice of the licensed ~~supervising~~ **collaborating** physician or the physician designee; **and**

~~(2) in an aggregate amount that does not exceed a thirty (30) day supply; the prescription may be refilled by the physician assistant as allowed for under the physician assistant's supervisory agreement; and~~

~~(3)~~ **(2)** in accordance with the limitations set forth in section 4(c) of this chapter.

~~(g)~~ **(f)** Unless the pharmacist has specific knowledge that filling the prescription written by a physician assistant will violate a ~~supervising~~ **collaborative** agreement or is illegal, a pharmacist shall fill a prescription written by a physician assistant without requiring to see the physician assistant's ~~supervising~~ **collaborative** agreement.

~~(h)~~ **(g)** A prescription written by a physician assistant that complies with this chapter does not require a cosignature from the ~~supervising~~ **collaborative** physician or physician designee.

SECTION 17. IC 25-27.5-6-1, AS AMENDED BY P.L.135-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) ~~Supervision~~ **Collaboration** by the ~~supervising~~ **collaborating** physician or the physician designee must be continuous but does not require the physical presence of the ~~supervising~~ **collaborating** physician at the time and the place that the services are rendered.

(b) A ~~supervising~~ **collaborating** physician or physician designee shall review patient encounters not later than ten (10) business days, and within a reasonable time, as established in the ~~supervising~~ **collaborative** agreement, after the physician assistant has seen the patient, that is appropriate for the maintenance of quality medical care.

(c) The ~~supervising~~ **collaborating** physician or physician designee shall review within a reasonable time that is not later than ten (10) business days after a patient encounter, that is appropriate for the maintenance of quality medical care, at least the following percentages of the patient charts:

(1) ~~For the first year of practice of the physician assistant, at least twenty-five percent (25%).~~ **For the first year in which a physician assistant obtains authority to prescribe, at least ten percent (10%) of the patient's records for any prescription prescribed or administered by the physician assistant.**

(2) For each subsequent year of practice of the physician assistant, the percentage of charts that the **collaborating** physician or physician designee determines to be reasonable for the particular practice setting and level of experience of the physician assistant, as stated in the ~~supervising~~ **collaborative** agreement, that is appropriate for the maintenance of quality medical care.

~~(3) For the first year in which a physician assistant obtains authority to prescribe a Schedule II controlled substance under IC 25-27.5-5-4, fifty percent (50%) of the patient records for which a Schedule II controlled substance is being dispensed or prescribed.~~

~~However, if the physician assistant's employment changes to a different practice speciality, the chart review described in subdivision (1) is required for the first year.~~

SECTION 18. IC 25-27.5-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. It is the obligation of each team of **collaborating** physician and physician assistant to ensure the following:

(1) That the physician assistant's scope of practice is identified.

(2) That delegation of medical tasks is appropriate to the physician assistant's level of competence and within the ~~supervising~~ **collaborating** physician's scope of practice.

(3) That the relationship of and access to the ~~supervising~~ **collaborating** physician is defined.

~~(4) That a process for evaluation of the physician assistant's performance is established and maintained.~~

SECTION 19. IC 25-27.5-6-4, AS AMENDED BY P.L.102-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A physician ~~supervising~~ **collaborating with** a physician assistant must do the following:

(1) Be licensed under IC 25-22.5.

(2) Register with the board the physician's intent to ~~supervise~~ **enter into a collaborative agreement with** a physician assistant.

~~(3) Submit a statement to the board that the physician will exercise supervision over the physician assistant in accordance with rules adopted by the board and retain professional and legal responsibility for the care rendered by the physician assistant.~~

~~(4)~~ **(3)** Not have a disciplinary action restriction that limits

the physician's ability to ~~supervise~~ **collaborate with** a physician assistant.

~~(5)~~ **(4)** Maintain a written agreement with the physician assistant that states the physician will:

(A) ~~exercise supervision over~~ **work in collaboration with** the physician assistant in accordance with any rules adopted by the board; and

(B) retain responsibility for the care rendered by the physician assistant.

The **collaborative** agreement must be signed by the physician and physician assistant, updated annually, and made available to the board upon request.

~~(6)~~ **(5)** Submit to the board a list of locations that the ~~supervising~~ **collaborating** physician and the physician assistant may practice. The board may request additional information concerning the practice locations to assist the board with considering the written agreement described in subdivision ~~(5).~~ **(4).**

(b) Except as provided in this section, this chapter may not be construed to limit the employment arrangement with a ~~supervising~~ **collaborating** physician under this chapter.

SECTION 20. IC 25-27.5-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Before initiating practice the ~~supervising~~ **collaborating** physician and the physician assistant must submit, on forms approved by the board, the following information:

(1) The name, the business address, and the telephone number of the ~~supervising~~ **collaborating** physician.

(2) The name, the business address, and the telephone number of the physician assistant.

(3) A brief description of the setting in which the physician assistant will practice.

(4) Any other information required by the board.

(b) A physician assistant must notify the committee of any changes or additions in practice sites or ~~supervising~~ **collaborating** physicians not more than thirty (30) days after the change or addition.

SECTION 21. IC 25-27.5-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. The ~~supervising~~ **collaborating** physician may delegate authority for the physician assistant to provide volunteer work, including charitable work and migrant health care.

SECTION 22. IC 25-27.5-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. If a physician assistant is employed by a physician, a group of physicians, or another legal entity, the physician assistant must be ~~supervised by~~ **in collaboration with** and be the legal responsibility of the ~~supervising~~ **collaborating** physician. The legal responsibility for the physician assistant's patient care activities are that of the ~~supervising~~ **collaborating** physician, including when the physician assistant provides care and treatment for patients in health care facilities. If a physician assistant is employed by a health care facility or other entity, the legal responsibility for the physician assistant's actions is that of the ~~supervising~~ **collaborating** physician. A physician assistant employed by a health care facility or entity must be ~~supervised by~~ **in collaboration with** a licensed physician.

SECTION 23. IC 25-27.5-6-8, AS ADDED BY P.L.105-2008, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) This section applies to a physician assistant:

(1) licensed in Indiana or licensed or authorized to practice in any other state or territory of the United States; or

(2) credentialed as a physician assistant by a federal employer.

(b) As used in this section, "emergency" means an event or a condition that is an emergency, a disaster, or a public health emergency under IC 10-14.

(c) A physician assistant who responds to a need for medical care created by an emergency may render care that the physician assistant is able to provide without the ~~supervision~~ **collaboration** required under this chapter, but with such ~~supervision~~ **collaboration** as is available.

(d) A physician who ~~supervises~~ **collaborates with** a physician assistant providing medical care in response to an emergency is not required to meet the requirements under this chapter for a ~~supervising~~ **collaborating** physician.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1248 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

Kirchhofer, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1296, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1296 as introduced.)

Committee Vote: Yeas 12, Nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1299, 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 1 with "[EFFECTIVE JANUARY 1, 2020]".

Page 4, delete lines 8 through 25, begin a new line block indented and insert:

"**(14) Develop and implement a standard protocol to electronically send or receive criminal case information between the office of judicial administration's court case management system and an electronic repository to determine if an individual is a veteran:**

(A) in the United States Department of Defense data base of individuals with prior active military service (as defined in IC 25-1-17-2); and

(B) in the national guard registries, in collaboration with the national guard (as defined in IC 10-16-1-13);

at least one (1) time each week. Information, including personal identifiers, obtained under this subdivision may be shared with county prosecutors, a veterans' court, and other entities for use in helping to address the needs of veterans in the court system.".

(Reference is to HB 1299 as introduced.)

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 Courts and Criminal Code, to which was referred House Bill 1323, 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.

Delete page 2.

Page 3, delete lines 1 through 7.

Page 3, line 24, delete "person;" and insert "**person acting as**

an enterprise engaged in racketeering activity (as described in IC 35-45-6-1); or".

Page 3, line 27, reset in roman "and".

Page 3, delete lines 28 through 37.

Page 4, delete lines 15 through 42, begin a new line double block indented and insert:

"**(D) the:**

(i) person exerts unauthorized control over property, and then uses the Internet to sell, deliver, or distribute the property to another person acting as an enterprise engaged in racketeering activity (as described in IC 35-45-6-1); and

(ii) value of the property is at least seven hundred fifty dollars ($750).".

Page 5, delete lines 1 through 13.

Page 5, line 14, reset in roman "(b)".

Page 5, line 14, delete "(c)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1323 as introduced.)

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 Public Health, to which was referred House Bill 1325, 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 16-18-2-49 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 49. "Carrier", for purposes of IC 16-41, means a person who has:~~

~~(1) tuberculosis in a communicable stage; or~~

~~(2) another dangerous communicable disease.~~

SECTION 2. IC 16-18-2-91 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 91. "Dangerous communicable disease", for purposes of IC 16-41, means a communicable disease that is classified by the state department as dangerous under IC 16-41-2-1.~~

SECTION 3. IC 16-18-2-188.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 188.3. "Individual with a communicable disease", for purposes of IC 16-41, means a person who has:**

(1) tuberculosis in a communicable stage; or

(2) another serious communicable disease.

SECTION 4. IC 16-18-2-194.5, AS ADDED BY P.L.138-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 194.5. "Isolation", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction, of an individual or a group of individuals from the general public if the individual or group is infected with a ~~dangerous~~ **serious** communicable disease (as described in ~~IC 16-18-2-91~~ **IC 16-18-2-327.7** and 410 IAC 1-2.3-47), in order to prevent or limit the transmission of the disease to an uninfected individual.

SECTION 5. IC 16-18-2-288.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 288.1. "Practical means to prevent transmission", for purposes of IC 16-41-7-1, has the meaning set forth in IC 16-41-7-1.**

SECTION 6. IC 16-18-2-302.6, AS ADDED BY P.L.138-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 302.6. "Quarantine", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction of movement, of an individual or a group of individuals who have been exposed to a ~~dangerous~~ **serious** communicable disease (as described in ~~IC 16-18-2-91~~ **IC 16-18-2-327.7** and 410 IAC 1-2.3-47), during the disease's period of communicability, in order to prevent or limit the transmission of the disease to an uninfected individual.

SECTION 7. IC 16-18-2-327.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 327.7. "Serious communicable disease", for purposes of IC 16-41, means a communicable disease that is classified by the state department as dangerous under IC 16-41-2-1.**

SECTION 8. IC 16-41-3-1, AS AMENDED BY P.L.1-2006, SECTION 304, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The state department may adopt rules under IC 4-22-2 concerning the compilation for statistical purposes of information collected under IC 16-41-2.

(b) The state department shall adopt procedures to gather, monitor, and tabulate case reports of incidents involving ~~dangerous~~ **serious** communicable diseases or unnatural outbreaks of diseases known or suspected to be used as weapons. The state department shall specifically engage in medical surveillance, tabulation, and reporting of confirmed or suspected cases set forth by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and the United States Public Health Service of the United States Department of Health and Human Services.

(c) The state department shall notify the:

(1) department of homeland security;

(2) Indiana State Police; and

(3) county health department and local law enforcement agency having jurisdiction of each unnatural outbreak or reported case described in subsection (b);

as soon as possible after the state department receives a report under subsection (b). Notification under this subsection must be made not more than twenty-four (24) hours after receiving a report.

SECTION 9. IC 16-41-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The state department shall tabulate all case reports of tuberculosis and other ~~dangerous~~ **serious** communicable diseases reported under this article or under rules adopted under this article. The state department shall determine the prevalence and distribution of disease in Indiana and devise methods for restricting and controlling disease.

(b) The state department shall include the information on the prevalence and distribution of tuberculosis and other ~~dangerous~~ **serious** communicable diseases in the state department's annual report.

(c) The state department shall disseminate the information prepared under this section.

(d) The state department shall develop capabilities and procedures to perform preliminary analysis and identification in as close to a real time basis as is scientifically possible of unknown bacterial substances that have been or may be employed as a weapon. The state department shall implement the developed capacity and procedures immediately after the state department achieves a Level B capability as determined by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and the United States Public Health Service of the United States Department of Health and Human Services.

SECTION 10. IC 16-41-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The health officer may make an investigation of each ~~carrier of a dangerous~~ **individual with a** communicable disease to determine whether the environmental conditions surrounding the ~~carrier~~ **individual** or the conduct of the ~~carrier~~ **individual** requires intervention by the health officer or designated health official to prevent the

spread of disease to others.

SECTION 11. IC 16-41-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) The state department shall adopt rules under IC 4-22-2 that include procedures:

(1) to inform the woman of the test results under this chapter, whether they are positive or negative;

(2) for explaining the side effects of any treatment for HIV if the test results under this chapter are positive; and

(3) to establish a process for a woman who tests positive under this chapter to appeal the woman's status on a waiting list on a treatment program for which the woman is eligible. The rule must:

(A) include a requirement that the state department make a determination in the process described in this subdivision not later than seventy-two (72) hours after the state department receives all the requested medical information; and

(B) set forth the necessary medical information that must be provided to the state department and reviewed by the state department in the process described in this subdivision.

(b) The state department shall maintain rules under IC 4-22-2 that set forth standards to provide to women who are pregnant, before delivery, at delivery, and after delivery, information concerning HIV. The rules must include:

(1) an explanation of the nature of AIDS and HIV;

(2) information concerning discrimination and legal protections;

(3) information concerning the duty to notify persons at risk as described in IC 16-41-7-1;

(4) information about risk behaviors for HIV transmission;

(5) information about the risk of transmission through breast feeding;

(6) notification that if the woman chooses not to be tested for HIV before delivery, at delivery the child will be tested subject to section 4 of this chapter;

(7) procedures for obtaining informed, written consent for testing under this chapter;

(8) procedures for post-test counseling by a health care provider when the test results are communicated to the woman, whether the results are positive or negative;

(9) procedures for referral for physical and emotional services if the test results are positive;

(10) procedures for explaining the importance of immediate entry into medical care if the test results are positive; and

(11) procedures for explaining that ~~giving birth by cesarean section may~~ **the use of antiretroviral drugs and other medical interventions** lessen the likelihood of passing on HIV to the child during childbirth. ~~especially when done in combination with medications, if the test results are positive.~~

SECTION 12. IC 16-41-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This section applies to the following ~~dangerous~~ **serious** communicable diseases:

~~(1) Acquired immune deficiency syndrome (AIDS).~~

~~(2)~~ **(1)** Human immunodeficiency virus (HIV).

~~(3)~~ **(2)** Hepatitis B.

(b) As used in this section, "high risk activity" means sexual or needle sharing contact that has been demonstrated epidemiologically, ~~to transmit~~ **as determined by the federal Centers for Disease Control and Prevention or other comparable epidemiological evidence, to bear a significant risk of transmitting** a ~~dangerous~~ **serious** communicable disease described in subsection (a).

(c) As used in this section, "person at risk" means:

(1) past and present sexual or needle sharing partners who may have engaged in high risk activity; or

(2) sexual or needle sharing partners before engaging in high risk activity;

with the ~~carrier of~~ **individual with** a ~~dangerous~~ **serious** communicable disease described in subsection (a).

(d) ~~Carriers~~ **Individuals with a communicable disease** who know of their status as ~~a carrier~~ **an individual with a** ~~of a dangerous~~ **serious** communicable disease described in subsection (a) have a duty to warn or cause to be warned by a third party a person at risk of the following:

(1) The ~~carrier's~~ **individual's** disease status.

(2) The need to seek health care such as counseling and testing.

(e) As used in this section, "practical means to prevent transmission" means any method, device, behavior, or activity demonstrated scientifically to measurably limit, reduce, or eliminate the risk of transmission of a communicable disease, including the use of a prophylactic device or adherence to an appropriate medical treatment regimen for the communicable disease as determined by a physician.

(f) An individual may not intentionally transmit a communicable disease described in subsection (a) to another person. An individual commits intentionally transmitting a communicable disease if all of the following conditions are met:

(1) The individual knows that the individual has a communicable disease described in subsection (a).

(2) The individual acts with the specific intent to transmit that communicable disease to another person.

(3) The individual engages in a high risk activity with the other person.

(4) The individual transmits the communicable disease to the other person.

(5) The other person was unaware that the individual had a communicable disease.

(g) An individual does not act with the specific intent required in subsection (f)(2) if the individual takes, or attempts to take, practical means to prevent transmission. However, the failure by an individual to use practical means to prevent transmission alone is not sufficient to prove the intent required under subsection (f)(2).

(h) A person does not violate subsection (f) for any of the following reasons:

(1) Becoming pregnant while having a communicable disease.

(2) Acquiring a communicable disease while pregnant.

(3) Continuing a pregnancy while having a communicable disease.

(4) Declining treatment for a communicable disease while pregnant.

SECTION 13. IC 16-41-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) ~~A carrier~~ **An individual with a communicable disease** is a "serious and present danger to the health of others" under the following conditions:

(1) The ~~carrier~~ **individual** engages repeatedly in a behavior that has been demonstrated epidemiologically (as defined by rules adopted by the state department under IC 4-22-2) to transmit a ~~dangerous~~ **serious** communicable disease or that indicates a careless disregard for the transmission of the disease to others.

(2) The ~~carrier's~~ **individual's** past behavior or statements indicate an imminent danger that the ~~carrier~~ **individual** will engage in behavior that transmits a ~~dangerous~~ **serious** communicable disease to others.

(3) The ~~carrier~~ **individual** has failed or refused to carry out the ~~carrier's~~ **individual's** duty to warn under section 1 of this chapter.

(b) A person who has reasonable cause to believe that a person:

(1) is a serious and present danger to the health of others as described in subsection (a);

(2) has engaged in noncompliant behavior; or

(3) is suspected of being a person at risk (as described in section 1 of this chapter);

may report that information to a health officer.

(c) A person who makes a report under subsection (b) in good faith is not subject to liability in a civil, an administrative, a disciplinary, or a criminal action.

(d) A person who knowingly or recklessly makes a false report under subsection (b) is civilly liable for actual damages suffered by a person reported on and for punitive damages.

SECTION 14. IC 16-41-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A licensed physician who diagnoses, treats, or counsels a patient with a ~~dangerous~~ **serious** communicable disease shall inform the patient of the patient's duty under section 1 of this chapter.

(b) A physician described in subsection (a) may notify the following:

(1) A health officer if the physician has reasonable cause to believe that a patient:

(A) is a serious and present danger to the health of others as described in section 2(a) of this chapter;

(B) has engaged in noncompliant behavior; or

(C) is suspected of being a person at risk (as defined in section 1 of this chapter).

(2) A person at risk (as defined in section 1 of this chapter) or a person legally responsible for the patient if the physician:

(A) has medical verification that the patient is ~~a carrier;~~ **an individual with a communicable disease;**

(B) knows the identity of the person at risk;

(C) has a reasonable belief of a significant risk of harm to the identified person at risk;

(D) has reason to believe the identified person at risk has not been informed and will not be informed of the risk by the patient or another person; and

(E) has made reasonable efforts to inform the ~~carrier~~ **individual** of the physician's intent to make or cause the state department of health to make a disclosure to the person at risk.

(c) A physician who notifies a person at risk under this section shall do the following:

(1) Identify the ~~dangerous~~ **serious** communicable disease.

(2) Inform the person of available health care measures such as counseling and testing.

(d) A physician who in good faith provides notification under this section is not subject to liability in a civil, an administrative, a disciplinary, or a criminal action.

(e) A patient's privilege with respect to a physician under IC 34-46-3-1 is waived regarding:

(1) notification under subsection (b); and

(2) information provided about a patient's noncompliant behavior in an investigation or action under this chapter, IC 16-41-2, IC 16-41-3, IC 16-41-5, IC 16-41-6, IC 16-41-8, IC 16-41-9, IC 16-41-13, IC 16-41-14, and IC 16-41-16.

(f) A physician's immunity from liability under subsection (d) applies only to the provision of information reasonably calculated to protect an identified person who is at epidemiological risk of infection.

(g) A physician who notifies a person under this section is also required to satisfy the reporting requirements under IC 16-41-2-2 through IC 16-41-2-8.

SECTION 15. IC 16-41-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) As used in this section, "person at risk" means an individual who in the best judgment of a licensed physician:

(1) has engaged in high risk activity (as defined in section 1 of this chapter); or

(2) is in imminent danger of engaging in high risk activity (as defined in section 1 of this chapter).

(b) If a health officer is notified in writing by a physician under section 3(b)(1)(A) of this chapter of a patient:

(1) for whom the physician has medical verification that the patient is ~~a carrier;~~ **an individual with a communicable disease;** and

(2) who, in the best judgment of the physician, is a serious and present danger to the health of others;

the health officer shall make an investigation of the ~~carrier~~ **individual** as authorized in IC 16-41-5-2 to determine whether the environmental conditions surrounding the ~~carrier~~ **individual** or the conduct of the ~~carrier~~ **individual** requires the intervention by the health officer or designated health official to prevent the spread of disease to others.

(c) If the state department is requested in writing by a physician who has complied with the requirements of section 3(b)(2) of this chapter to notify a person at risk, the state department shall notify the person at risk unless, in the opinion of the state department, the person at risk:

(1) has already been notified;

(2) will be notified; or

(3) will otherwise be made aware that the person is a person at risk.

(d) The state department shall establish a confidential registry of all persons submitting written requests under subsection (c).

(e) The state department shall adopt rules under IC 4-22-2 to implement this section. Local health officers may submit advisory guidelines to the state department to implement this chapter, IC 16-41-1, IC 16-41-3, IC 16-41-5, IC 16-41-8, or IC 16-41-9. The state department shall fully consider such advisory guidelines before adopting a rule under IC 4-22-2-29 implementing this chapter, IC 16-41-1, IC 16-41-3, IC 16-41-5, IC 16-41-8, or IC 16-41-9.

SECTION 16. IC 16-41-7-5, AS AMENDED BY P.L.158-2013, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in IC 35-45-21-3, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

~~(b) Each day a violation continues constitutes a separate offense.~~

(b) An information or indictment alleging a violation of this chapter shall be filed in accordance with rules adopted by the supreme court. All records related to a proceeding of the defendant described in this section shall be redacted so that it does not include the defendant's name (in the same manner that cases involving juveniles are redacted):

(1) permanently, if the defendant is not convicted of the offense; or

(2) until the court enters a judgment of conviction, if the defendant is convicted of the offense.

(c) Unless the defendant objects, the court shall close any proceeding in which there is a possibility that identifying information (as defined in IC 35-43-5-1) of the defendant will be disclosed and prohibit every person present during a closed proceeding from disclosing identifying information of the defendant until the conclusion of the trial.

(d) Confidentiality of the medical information of the complainant and the individual accused shall be maintained as required by IC 16-41-8-1.

SECTION 17. IC 16-41-8-1, AS AMENDED BY P.L.65-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, "potentially disease transmitting offense" means any of the following:

(1) Battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving placing a bodily fluid or waste on another person.

(2) An offense relating to a criminal sexual act (as defined

in IC 35-31.5-2-216), if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred.

The term includes an attempt to commit an offense, if sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) occurred, and a delinquent act that would be a crime if committed by an adult.

(b) Except as provided in this chapter, a person may not disclose or be compelled to disclose medical or epidemiological information involving a communicable disease or other disease that is a danger to health (as defined under rules adopted under IC 16-41-2-1). This information may not be released or made public upon subpoena or otherwise, except under the following circumstances:

(1) Release may be made of medical or epidemiologic information for statistical purposes if done in a manner that does not identify an individual.

(2) Release may be made of medical or epidemiologic information with the written consent of all individuals identified in the information released.

(3) Release may be made of medical or epidemiologic information to the extent necessary to enforce public health laws, laws described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23, **and** IC 35-38-1-7.1 ~~and IC 35-45-21-1~~ or to protect the health or life of a named party.

(4) Release may be made of the medical information of a person in accordance with this chapter.

(c) Except as provided in this chapter, a person responsible for recording, reporting, or maintaining information required to be reported under IC 16-41-2 who recklessly, knowingly, or intentionally discloses or fails to protect medical or epidemiologic information classified as confidential under this section commits a Class A misdemeanor.

(d) In addition to subsection (c), a public employee who violates this section is subject to discharge or other disciplinary action under the personnel rules of the agency that employs the employee.

(e) Release shall be made of the medical records concerning an individual to:

(1) the individual;

(2) a person authorized in writing by the individual to receive the medical records; or

(3) a coroner under IC 36-2-14-21.

(f) An individual may voluntarily disclose information about the individual's communicable disease.

(g) The provisions of this section regarding confidentiality apply to information obtained under IC 16-41-1 through IC 16-41-16.

SECTION 18. IC 16-41-8-5, AS AMENDED BY P.L.65-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) This section does not apply to medical testing of an individual for whom an indictment or information is filed for a sex crime and for whom a request to have the individual tested under section 6 of this chapter is filed.

(b) The following definitions apply throughout this section:

(1) "Bodily fluid" means blood, human waste, or any other bodily fluid.

(2) ~~"Dangerous~~ **"Serious** disease" means any of the following:

(A) Chancroid.

(B) Chlamydia.

(C) Gonorrhea.

(D) Hepatitis.

(E) Human immunodeficiency virus (HIV).

(F) Lymphogranuloma venereum.

(G) Syphilis.

(H) Tuberculosis.

(3) "Offense involving the transmission of a bodily fluid" means any offense (including a delinquent act that would be a crime if committed by an adult) in which a bodily fluid is transmitted from the defendant to the victim in connection with the commission of the offense.

(c) This subsection applies only to a defendant who has been charged with a potentially disease transmitting offense. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of a potentially disease transmitting offense to submit to a screening test to determine whether the defendant is infected with a ~~dangerous~~ **serious** disease. In the petition, the prosecuting attorney must set forth information demonstrating that the defendant has committed a potentially disease transmitting offense. The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed a potentially disease transmitting offense, the court may order the defendant to submit to a screening test for one (1) or more ~~dangerous~~ **serious** diseases. ~~If the defendant is charged with battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving placing a bodily fluid or waste on another person, the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate.~~ The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(d) This subsection applies only to a defendant who has been charged with an offense involving the transmission of a bodily fluid. At the request of an alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney shall petition a court to order a defendant charged with the commission of an offense involving the transmission of a bodily fluid to submit to a screening test to determine whether the defendant is infected with a ~~dangerous~~ **serious** disease. In the petition, the prosecuting attorney must set forth information demonstrating that:

(1) the defendant has committed an offense; and

(2) a bodily fluid was transmitted from the defendant to the victim in connection with the commission of the offense.

The court shall set the matter for hearing not later than forty-eight (48) hours after the prosecuting attorney files a petition under this subsection. The alleged victim of the offense, the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, and the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2) are entitled to receive notice of the hearing and are entitled to attend the hearing. The defendant and the defendant's counsel are entitled to receive notice of the hearing and are entitled to attend the hearing. If, following the hearing, the court finds probable cause to believe that the defendant has committed an offense and that a bodily fluid was transmitted from the defendant to the alleged victim in connection with the commission of the offense, the court may order the defendant to submit to a screening test for one (1) or

more ~~dangerous~~ **serious** diseases. ~~If the defendant is charged with battery (IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving placing bodily fluid or waste on another person, the court may limit testing under this subsection to a test only for human immunodeficiency virus (HIV). However, the court may order additional testing for human immunodeficiency virus (HIV) as may be medically appropriate.~~ The court shall take actions to ensure the confidentiality of evidence introduced at the hearing.

(e) The testimonial privileges applying to communication between a husband and wife and between a health care provider and the health care provider's patient are not sufficient grounds for not testifying or providing other information at a hearing conducted in accordance with this section.

(f) A health care provider (as defined in IC 16-18-2-163) who discloses information that must be disclosed to comply with this section is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.

(g) The results of a screening test conducted under this section shall be kept confidential if the defendant ordered to submit to the screening test under this section has not been convicted of the potentially disease transmitting offense or offense involving the transmission of a bodily fluid with which the defendant is charged. The results may not be made available to any person or public or private agency other than the following:

(1) The defendant and the defendant's counsel.

(2) The prosecuting attorney.

(3) The department of correction or the penal facility, juvenile detention facility, or secure private facility where the defendant is housed.

(4) The alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the alleged victim's counsel.

The results of a screening test conducted under this section may not be admitted against a defendant in a criminal proceeding or against a child in a juvenile delinquency proceeding.

(h) As soon as practicable after a screening test ordered under this section has been conducted, the alleged victim or the parent, guardian, or custodian of an alleged victim who is less than eighteen (18) years of age, or the parent, guardian, or custodian of an alleged victim who is an endangered adult (as defined in IC 12-10-3-2), and the victim's counsel shall be notified of the results of the test.

(i) An alleged victim may disclose the results of a screening test to which a defendant is ordered to submit under this section to an individual or organization to protect the health and safety of or to seek compensation for:

(1) the alleged victim;

(2) the alleged victim's sexual partner; or

(3) the alleged victim's family.

(j) The court shall order a petition filed and any order entered under this section sealed.

(k) A person that knowingly or intentionally:

(1) receives notification or disclosure of the results of a screening test under this section; and

(2) discloses the results of the screening test in violation of this section;

commits a Class B misdemeanor.

SECTION 19. IC 16-41-9-1.5, AS AMENDED BY P.L.109-2015, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) If a public health authority has reason to believe that:

(1) an individual:

(A) has been infected with; or

(B) has been exposed to;

a ~~dangerous~~ **serious** communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the public health authority may petition a circuit or superior court for an order imposing isolation or quarantine on the individual. A petition for isolation or quarantine filed under this subsection must be verified and include a brief description of the facts supporting the public health authority's belief that isolation or quarantine should be imposed on an individual, including a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(b) Except as provided in subsections (e) and (k), an individual described in subsection (a) is entitled to notice and an opportunity to be heard, in person or by counsel, before a court issues an order imposing isolation or quarantine. A court may restrict an individual's right to appear in person if the court finds that the individual's personal appearance is likely to expose an uninfected person to a ~~dangerous~~ **serious** communicable disease or outbreak.

(c) If an individual is restricted from appearing in person under subsection (b), the court shall hold the hearing in a manner that allows all parties to fully and safely participate in the proceedings under the circumstances.

(d) If the public health authority proves by clear and convincing evidence that:

(1) an individual has been infected or exposed to a ~~dangerous~~ **serious** communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the court may issue an order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(e) If the public health authority has reason to believe that an individual described in subsection (a) is likely to expose an uninfected individual to a ~~dangerous~~ **serious** communicable disease or outbreak before the individual described in subsection (a) can be provided with notice and an opportunity to be heard, the public health authority may seek in a circuit or superior court an emergency order of quarantine or isolation by filing a verified petition for emergency quarantine or isolation. The verified petition must include a brief description of the facts supporting the public health authority's belief that:

(1) isolation or quarantine should be imposed on an individual; and

(2) the individual described in subsection (a) may expose an uninfected individual to a ~~dangerous~~ **serious** communicable disease or outbreak before the individual described in subsection (a) can be provided with notice and an opportunity to be heard.

The verified petition must include a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(f) If the public health authority proves by clear and convincing evidence that:

(1) an individual has been infected or exposed to a ~~dangerous~~ **serious** communicable disease or outbreak;

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual; and

(3) the individual may expose an uninfected individual to a ~~dangerous~~ **serious** communicable disease or outbreak

before the individual can be provided with notice and an opportunity to be heard;

the court may issue an emergency order imposing isolation or quarantine on the individual. The court shall establish the duration and other conditions of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(g) A court may issue an emergency order of isolation or quarantine without the verified petition required under subsection (e) if the court receives sworn testimony of the same facts required in the verified petition:

(1) in a nonadversarial, recorded hearing before the judge;

(2) orally by telephone or radio;

(3) in writing by facsimile transmission (fax); or

(4) through other electronic means approved by the court.

If the court agrees to issue an emergency order of isolation or quarantine based upon information received under subdivision (2), the court shall direct the public health authority to sign the judge's name and to write the time and date of issuance on the proposed emergency order. If the court agrees to issue an emergency order of isolation or quarantine based upon information received under subdivision (3), the court shall direct the public health authority to transmit a proposed emergency order to the court, which the court shall sign, add the date of issuance, and transmit back to the public health authority. A court may modify the conditions of a proposed emergency order.

(h) If an emergency order of isolation or quarantine is issued under subsection (g)(2), the court shall record the conversation on audiotape and order the court reporter to type or transcribe the recording for entry in the record. The court shall certify the audiotape, the transcription, and the order retained by the judge for entry in the record.

(i) If an emergency order of isolation or quarantine is issued under subsection (g)(3), the court shall order the court reporter to retype or copy the facsimile transmission for entry in the record. The court shall certify the transcription or copy and order retained by the judge for entry in the record.

(j) The clerk shall notify the public health authority who received an emergency order under subsection (g)(2) or (g)(3) when the transcription or copy required under this section is entered in the record. The public health authority shall sign the typed, transcribed, or copied entry upon receiving notice from the court reporter.

(k) The public health authority may issue an immediate order imposing isolation or quarantine on an individual if exigent circumstances, including the number of affected individuals, exist that make it impracticable for the public health authority to seek an order from a court, and obtaining the individual's voluntary compliance is or has proven impracticable or ineffective. An immediate order of isolation or quarantine expires after seventy-two (72) hours, excluding Saturdays, Sundays, and legal holidays, unless renewed in accordance with subsection (l). The public health authority shall establish the other conditions of isolation or quarantine. The public health authority shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public. If the immediate order applies to a group of individuals and it is impracticable to provide individual notice, the public health authority shall post a copy of the order where it is likely to be seen by individuals subject to the order.

(l) The public health authority may seek to renew an order of isolation or quarantine or an immediate order of isolation or quarantine issued under this section by doing the following:

(1) By filing a petition to renew the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with:

(A) the court that granted the emergency order of isolation or quarantine; or

(B) a circuit or superior court, in the case of an immediate order.

The petition for renewal must include a brief description of the facts supporting the public health authority's belief that the individual who is the subject of the petition should remain in isolation or quarantine and a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(2) By providing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with a copy of the petition and notice of the hearing at least twenty-four (24) hours before the time of the hearing.

(3) By informing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine that the individual has the right to:

(A) appear, unless the court finds that the individual's personal appearance may expose an uninfected person to a ~~dangerous~~ **serious** communicable disease or outbreak;

(B) cross-examine witnesses; and

(C) counsel, including court appointed counsel in accordance with subsection (c).

(4) If:

(A) the petition applies to a group of individuals; and

(B) it is impracticable to provide individual notice;

by posting the petition in a conspicuous location on the isolation or quarantine premises.

(m) If the public health authority proves by clear and convincing evidence at a hearing under subsection (l) that:

(1) an individual has been infected or exposed to a ~~dangerous~~ **serious** communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the court may renew the existing order of isolation or quarantine or issue a new order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(n) Unless otherwise provided by law, a petition for isolation or quarantine, or a petition to renew an immediate order for isolation or quarantine, may be filed in a circuit or superior court in any county. Preferred venue for a petition described in this subsection is:

(1) the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located; or

(2) a county adjacent to the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located.

This subsection does not preclude a change of venue for good cause shown.

(o) Upon the motion of any party, or upon its own motion, a court may consolidate cases for a hearing under this section if:

(1) the number of individuals who may be subject to isolation or quarantine, or who are subject to isolation or quarantine, is so large as to render individual participation impractical;

(2) the law and the facts concerning the individuals are similar; and

(3) the individuals have similar rights at issue.

A court may appoint an attorney to represent a group of similarly situated individuals if the individuals can be adequately represented. An individual may retain his or her own

counsel or proceed pro se.

(p) A public health authority that imposes a quarantine that is not in the person's home:

(1) shall allow the parent or guardian of a child who is quarantined under this section; and

(2) may allow an adult;

to remain with the quarantined individual in quarantine. As a condition of remaining with the quarantined individual, the public health authority may require a person described in subdivision (2) who has not been exposed to a ~~dangerous~~ **serious** communicable disease to receive an immunization or treatment for the disease or condition, if an immunization or treatment is available and if requiring immunization or treatment does not violate a constitutional right.

(q) If an individual who is quarantined under this section is the sole parent or guardian of one (1) or more children who are not quarantined, the child or children shall be placed in the residence of a relative, friend, or neighbor of the quarantined individual until the quarantine period has expired. Placement under this subsection must be in accordance with the directives of the parent or guardian, if possible.

(r) State and local law enforcement agencies shall cooperate with the public health authority in enforcing an order of isolation or quarantine.

(s) The court shall appoint an attorney to represent an indigent individual in an action brought under this chapter or under IC 16-41-6. If funds to pay for the court appointed attorney are not available from any other source, the state department may use the proceeds of a grant or loan to reimburse the county, state, or attorney for the costs of representation.

(t) A person who knowingly or intentionally violates a condition of isolation or quarantine under this chapter commits violating quarantine or isolation, a Class A misdemeanor.

(u) The state department shall adopt rules under IC 4-22-2 to implement this section, including rules to establish guidelines for:

(1) voluntary compliance with isolation and quarantine;

(2) quarantine locations and logistical support; and

(3) moving individuals to and from a quarantine location.

The absence of rules adopted under this subsection does not preclude the public health authority from implementing any provision of this section.

SECTION 20. IC 16-41-9-1.7, AS ADDED BY P.L.138-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.7. (a) An immunization program established by a public health authority to combat a public health emergency involving a ~~dangerous~~ **serious** communicable disease must comply with the following:

(1) The state department must develop and distribute or post information concerning the risks and benefits of immunization.

(2) No person may be required to receive an immunization without that person's consent. No child may be required to receive an immunization without the consent of the child's parent, guardian, or custodian. The state department may implement the procedures described in section 1.5 of this chapter concerning a person who refuses to receive an immunization or the child of a parent, guardian, or custodian who refuses to consent to the child receiving an immunization.

(b) The state department shall adopt rules to implement this section. The absence of rules adopted under this subsection does not preclude the public health authority from implementing any provision of this section.

SECTION 21. IC 16-41-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The local health officer may exclude from school a student who has a ~~dangerous~~ **serious** communicable disease that:

(1) is transmissible through normal school contacts; and

(2) poses a substantial threat to the health and safety of the school community.

(b) If the local health officer subsequently determines that a student who has been excluded from school under subsection (a) does not have a ~~dangerous~~ **serious** communicable disease that:

(1) is transmissible through normal school contacts; and

(2) poses a substantial threat to the health and safety of the school community;

the local health officer shall issue a certificate of health to admit or readmit the student to school.

(c) A person who objects to the determination made by the local health officer under this section may appeal to the executive board of the state department, which is the ultimate authority. IC 4-21.5 applies to proceedings under this section.

SECTION 22. IC 16-41-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) If a designated health official determines that ~~a carrier~~ **an individual with a communicable disease** has a ~~dangerous~~ **serious** communicable disease and has reasonable grounds to believe that the ~~carrier~~ **individual** is mentally ill and either dangerous or gravely disabled, the designated health official may request:

(1) immediate detention under IC 12-26-4; or

(2) emergency detention under IC 12-26-5;

for the purpose of having the ~~carrier~~ **individual** apprehended, detained, and examined. The designated health official may provide to the superintendent of the psychiatric hospital or center or the attending physician information about the ~~carrier's~~ **individual's** communicable disease status. Communications under this subsection do not constitute a breach of confidentiality.

(b) If the written report required under IC 12-26-5-5 states there is probable cause to believe the ~~carrier~~ **individual with a communicable disease** is mentally ill and either dangerous or gravely disabled and requires continuing care and treatment, proceedings may continue under IC 12-26.

(c) If the written report required under IC 12-26-5-5 states there is not probable cause to believe the ~~carrier~~ **individual with a communicable disease** is mentally ill and either dangerous or gravely disabled and requires continuing care and treatment, the ~~carrier~~ **individual** shall be referred to the designated health official who may take action under this article.

SECTION 23. IC 16-41-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The chief medical officer of a hospital or other institutional facility may direct that ~~a carrier~~ **an individual with a communicable disease** detained under this article be placed apart from the others and restrained from leaving the facility. ~~A carrier~~ **An individual with a communicable disease** detained under this article shall observe all the rules of the facility or is subject to further action before the committing court.

(b) ~~A carrier~~ **An individual with a communicable disease** detained under this article who leaves a tuberculosis hospital or other institutional facility without being authorized to leave or who fails to return from an authorized leave without having been formally discharged is considered absent without leave.

(c) The sheriff of the county in which ~~a carrier~~ **an individual with a communicable disease** referred to in subsection (b) is found shall apprehend the ~~carrier~~ **individual** and return the ~~carrier~~ **individual** to the facility at which the ~~carrier~~ **individual** was being detained upon written request of the superintendent of the facility. Expenses incurred under this section are treated as expenses described in section 13 of this chapter.

SECTION 24. IC 16-41-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) ~~A carrier~~ **An individual with a communicable disease** who:

(1) poses a serious and present danger to the health of others;

(2) has been voluntarily admitted to a hospital or other facility for the treatment of tuberculosis or another ~~dangerous~~ **serious** communicable disease; and

(3) who leaves the facility without authorized leave or against medical advice or who fails to return from authorized leave;

shall be reported to a health officer by the facility not more than twenty-four (24) hours after discovery of the ~~carrier's~~ **individual's** absence.

(b) If a health officer fails or refuses to institute or complete necessary legal measures to prevent a health threat (as defined in IC 16-41-7-2) by the ~~carrier,~~ **individual,** the case shall be referred to a designated health official for appropriate action under this article.

SECTION 25. IC 16-41-9-8, AS AMENDED BY P.L.1-2007, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) A local health officer may file a report with the court that states that ~~a carrier~~ **an individual with a communicable disease** who has been detained under this article may be discharged without danger to the health or life of others.

(b) The court may enter an order of release based on information presented by the local health officer or other sources.

SECTION 26. IC 16-41-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) Not more than thirty (30) days after the proposed release from a state penal institution of a prisoner who is known to have:

(1) tuberculosis in a communicable stage; or

(2) ~~other dangerous~~ **another serious** communicable disease;

the chief administrative officer of the penal institution shall report to the state department the name, address, age, sex, and date of release of the prisoner.

(b) The state department shall provide the information furnished the state department under subsection (a) to the health officer having jurisdiction over the prisoner's destination address.

(c) Each health officer where the prisoner may be found has jurisdiction over the released prisoner.

SECTION 27. IC 16-41-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) The administrator of a hospital or other facility for the treatment of tuberculosis or other ~~dangerous~~ **serious** communicable disease may transfer or authorize the transfer of a nonresident indigent ~~carrier~~ **individual with a communicable disease** to the ~~carrier's~~ **individual's** state or county of legal residence if the ~~carrier~~ **individual** is able to travel. If the ~~carrier~~ **individual with a communicable disease** is unable to travel, the administrator may have the ~~carrier~~ **individual** hospitalized until the ~~carrier~~ **individual** is able to travel.

(b) Costs for the travel and hospitalization authorized by this section shall be paid by the:

(1) ~~carrier~~ **individual** under section 13 of this chapter; or

(2) state department if the ~~carrier~~ **individual with a communicable disease** cannot pay the full cost.

SECTION 28. IC 16-41-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) The superintendent or the chief executive officer of the facility to which ~~a carrier~~ **an individual with a communicable disease** has been ordered under this chapter may decline to admit a patient if the superintendent or chief executive officer determines that there is not available adequate space, treatment staff, or treatment facilities appropriate to the needs of the patient.

(b) The state department may commence an action under IC 4-21.5-3-6 or IC 4-21.5-4 for issuance of an order of compliance and a civil penalty not to exceed one thousand dollars ($1,000) per violation per day against a person who:

(1) fails to comply with IC 16-41-1 through IC 16-41-3, IC 16-41-5 through IC 16-41-9, IC 16-41-13, IC 16-41-14, or IC 16-41-16 or a rule adopted under these chapters; or

(2) interferes with or obstructs the state department or the state department's designated agent in the performance of official duties under IC 16-41-1 through IC 16-41-3, IC 16-41-5 through IC 16-41-9, IC 16-41-13, IC 16-41-14, or IC 16-41-16 or a rule adopted under these chapters.

(c) The state department may commence an action against a facility licensed by the state department under either subsection (b) or the licensure statute for that facility, but the state department may not bring an action arising out of one (1) incident under both statutes.

SECTION 29. IC 16-41-9-13, AS AMENDED BY P.L.138-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) The court shall determine what part of the cost of care or treatment ordered by the court, if any, the ~~carrier~~ **individual with a communicable disease** can pay and whether there are other available sources of public or private funding responsible for payment of the ~~carrier's~~ **individual's** care or treatment. The ~~carrier~~ **individual with a communicable disease** shall provide the court documents and other information necessary to determine financial ability. If the ~~carrier~~ **individual with a communicable disease** cannot pay the full cost of care and other sources of public or private funding responsible for payment of the ~~carrier's~~ **individual's** care or treatment are not available, the county is responsible for the cost. If the ~~carrier:~~ **individual with a communicable disease:**

(1) provides inaccurate or misleading information; or

(2) later becomes able to pay the full cost of care;

the ~~carrier~~ **individual** becomes liable to the county for costs paid by the county.

(b) Except as provided in subsections (c) and (d), the costs incurred by the county under this chapter are limited to the costs incurred under section 1.5 of this chapter.

(c) However, subsection (b) does not relieve the county of the responsibility for the costs of ~~a carrier~~ **an individual with a communicable disease** who is ordered by the court under this chapter to a county facility.

(d) Costs, other than costs described in subsections (b) and (c) that are incurred by the county for care ordered by the court under this chapter, shall be reimbursed by the state under IC 16-21-7 to the extent funds have been appropriated for reimbursement.

SECTION 30. IC 16-41-9-15, AS ADDED BY P.L.16-2009, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. In carrying out its duties under this chapter, a public health authority shall attempt to seek the cooperation of cases, ~~carriers,~~ **individuals with a communicable disease,** contacts, or suspect cases to implement the least restrictive but medically necessary procedures to protect the public health.

SECTION 31. IC 16-41-10-2, AS AMENDED BY P.L.131-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) This section applies to the following:

(1) An emergency medical services provider who is exposed to blood and body fluids while providing emergency medical services to a patient.

(2) A law enforcement officer who is exposed to blood and body fluids while performing the law enforcement officer's official duties.

(b) An emergency medical services provider or a law enforcement officer may request notification concerning exposure to a ~~dangerous~~ **serious** communicable disease under this chapter if the exposure is of a type that has been demonstrated epidemiologically to transmit a ~~dangerous~~ **serious** communicable disease.

(c) If an emergency medical services provider or a law enforcement officer desires to be notified of results of testing following a possible exposure to a ~~dangerous~~ **serious** communicable disease under this chapter, the emergency

medical services provider or law enforcement officer shall notify the emergency medical services provider's or law enforcement officer's employer not more than twenty-four (24) hours after the emergency medical services provider or law enforcement officer is exposed on a form that is prescribed by the state department and the Indiana emergency medical services commission.

(d) The emergency medical services provider or law enforcement officer shall distribute a copy of the completed form required under subsection (c) to the following:

(1) If applicable, the medical director of the emergency department of the medical facility:

(A) to which the patient was admitted following the exposure; or

(B) in which the patient was located at the time of the exposure.

(2) The emergency medical services provider's or law enforcement officer's employer.

(3) The state department.

SECTION 32. IC 16-41-10-2.5, AS AMENDED BY P.L.131-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.5. (a) A patient (including a patient who is unable to consent due to physical or mental incapacity) to whose blood or body fluids an emergency medical services provider or a law enforcement officer is exposed as described in section 2 of this chapter is considered to have consented to:

(1) testing for the presence of a ~~dangerous~~ **serious** communicable disease of a type that has been epidemiologically demonstrated to be transmittable by an exposure of the kind experienced by the emergency medical services provider or law enforcement officer; and

(2) release of the testing results to a medical director or physician described in section 3 of this chapter.

The medical director or physician shall notify the emergency medical services provider or law enforcement officer of the test results.

(b) If a patient described in subsection (a) refuses to provide a blood or body fluid specimen for testing for a ~~dangerous~~ **serious** communicable disease, the exposed emergency medical services provider or law enforcement officer, the exposed emergency medical services provider's or law enforcement officer's employer, or the state department may petition the circuit or superior court having jurisdiction in the county:

(1) of the patient's residence; or

(2) where the employer of the exposed emergency medical services provider or law enforcement officer has the employer's principal office;

for an order requiring that the patient provide a blood or body fluid specimen.

SECTION 33. IC 16-41-10-3, AS AMENDED BY P.L.131-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (b), if a patient to whose blood or body fluids an emergency medical services provider or a law enforcement officer is exposed as described in section 2 of this chapter:

(1) is admitted to a medical facility following the exposure or is located in a medical facility at the time of the exposure, a physician designated by the medical facility shall, not more than seventy-two (72) hours after the medical facility is notified under section 2 of this chapter:

(A) cause a blood or body fluid specimen to be obtained from the patient and testing to be performed for a ~~dangerous~~ **serious** communicable disease of a type that has been epidemiologically demonstrated to be transmittable by an exposure of the kind experienced by the emergency medical services provider or law enforcement officer; and

(B) notify the medical director of the emergency medical services provider's employer or a physician as designated under subsection (b) or (c); or

(2) is not described in subdivision (1), the exposed emergency medical services provider or law enforcement officer, the exposed emergency medical services provider's or law enforcement officer's employer, or the state department may:

(A) arrange for testing of the patient as soon as possible; or

(B) petition the circuit or superior court having jurisdiction in the county of the patient's residence or where the employer of the exposed emergency medical services provider or law enforcement officer has the employer's principal office for an order requiring that the patient provide a blood or body fluid specimen.

(b) An emergency medical services provider may, on the form described in section 2 of this chapter, designate a physician other than the medical director of the emergency medical services provider's employer to receive the test results.

(c) A law enforcement officer shall, on the form described in section 2 of this chapter, designate a physician to receive the test results.

(d) The medical director or physician described in this section shall notify the emergency medical services provider or law enforcement officer of the test results not more than forty-eight (48) hours after the medical director or physician receives the test results.

SECTION 34. IC 16-41-10-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.5. (a) A medical facility may not physically restrain a patient described in section 2.5 of this chapter in order to test the patient for the presence of a ~~dangerous~~ **serious** communicable disease.

(b) Nothing in this chapter prohibits a patient from being discharged from a medical facility before:

(1) a test is performed under section 2.5 or 3 of this chapter; or

(2) the results of a test are released under section 3 of this chapter.

(c) A provider or a facility that tests a patient for the presence of a ~~dangerous~~ **serious** communicable disease under section 2.5 or ~~section~~ 3 of this chapter is immune from liability for the performance of the test over the patient's objection or without the patient's consent. However, this subsection does not apply to an act or omission that constitutes gross negligence or willful or wanton misconduct.

SECTION 35. IC 16-41-10-4, AS AMENDED BY P.L.131-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A medical director or physician notified under section 3 of this chapter shall, not more than forty-eight (48) hours after receiving the notification under section 3 of this chapter, contact the emergency medical services provider or law enforcement officer described in section 2 of this chapter to do the following:

(1) Explain, without disclosing information about the patient, the ~~dangerous~~ **serious** communicable disease to which the emergency medical services provider or law enforcement officer was exposed.

(2) Provide for any medically necessary treatment and counseling to the emergency medical services provider or law enforcement officer.

(b) Expenses of testing or treatment and counseling are the responsibility of the emergency medical services provider or the provider's or law enforcement officer's employer.

SECTION 36. IC 16-41-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. As used in this chapter, "universal precautions" means procedures specified by rule adopted by the state department under IC 4-22-2 that are used to prevent the transmission of ~~dangerous~~ **serious** communicable diseases ~~including acquired immune deficiency syndrome (AIDS),~~ through blood or other body fluids.

SECTION 37. IC 16-41-12-15, AS AMENDED BY

P.L.168-2014, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) A blood center shall require a blood donor to provide to the blood center the following information:

(1) Name.

(2) Address.

(3) Date of birth.

(4) The blood donor's Social Security number, if the blood donor is receiving monetary compensation for the donation.

(b) A blood center shall report the name and address of a blood donor to the state department when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

(c) A blood center shall provide to a blood donor information to enable the blood donor to give informed consent to the procedures required by this chapter or IC 16-36. The information required by this subsection must be in the following form:

NOTICE

(1) This blood center performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.

(2) This blood center reports to the state department of health the name and address of a blood donor when a confirmatory test of the blood donor's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

~~(3) A person who recklessly, knowingly, or intentionally donates (excluding self-donations for stem cell transplantation, other autologous donations, or donations not intended by the blood center for distribution or use), sells, or transfers blood that contains antibodies for the human immunodeficiency virus (HIV) commits transferring contaminated blood, a Level 5 felony. The offense is a Level 4 felony if the offense results in the transmission of the virus to another person.~~

SECTION 38. IC 16-41-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The attending physician or health care provider shall prepare and attach to the body of a deceased individual a conspicuous notice with the statement: "Observe Body Fluid Precautions" whenever the physician or provider knows that at least one (1) of the following disease processes was present in the deceased at the time of death:

(1) Hepatitis (Types B, non A, non B).

(2) Human immunodeficiency virus (HIV) infection. ~~(acquired immune deficiency syndrome and AIDS related complex).~~

(3) Tuberculosis.

(4) Herpes.

(5) Gonorrhea.

(6) Syphilis (primary and secondary).

(7) Burkett's lymphoma.

(8) Kaposi's sarcoma.

(9) Arthropod-borne viral diseases.

(10) Babesiosis.

(11) Creutzfeldt-Jakob disease.

(12) Leptospirosis.

(13) Malaria.

(14) Rat-bite fever.

(15) Relapsing fever.

(16) Y. Pestis.

(17) Hemorrhagic fevers.

(18) Rabies.

(19) Any other communicable disease (as defined in IC 16-41-2).

(b) The notice required in this chapter must accompany the body when the body is picked up for disposition.

SECTION 39. IC 16-41-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) Except as provided in subsection (b), a practitioner may not use a donation of semen until the following conditions are met:

(1) The specimen has been frozen and quarantined for at least one hundred eighty (180) days.

(2) The donor is retested after one hundred eighty (180) days for the HIV antibody.

(b) If the recipient indicates that the donor is in a mutually monogamous relationship with the recipient, the practitioner:

(1) shall perform the HIV test required under this chapter for the donor at least annually as long as artificial insemination procedures are continuing; and

(2) may not perform artificial insemination unless ~~the tests for HIV antibody performed under this chapter produce negative results.~~ **safer conception practices are used and the practices are endorsed by the federal Centers for Disease Control and Prevention or other generally accepted experts.**

SECTION 40. IC 16-41-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) **Except as provided in subsection (b),** a practitioner shall dispose of a donation of semen after a confirmatory test indicates the presence of the HIV antibody. The disposal must be made according to the rules concerning the disposal of infectious waste.

(b) Subsection (a) does not apply if a donation of semen that indicates the presence of the HIV antibody is used according to safer conception practices and the practices are endorsed by the federal Centers for Disease Control and Prevention or other generally accepted experts.

SECTION 41. IC 16-41-14-13, AS AMENDED BY P.L.158-2013, SECTION 244, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. A practitioner shall provide information to a semen donor to enable the semen donor to give informed consent to the procedures required by this chapter. The information required by this section must be in the following form:

NOTICE

(1) This facility performs a screening test for the human immunodeficiency virus (HIV) on every donor's blood.

(2) This facility reports to the state department of health the name and address of a semen donor or recipient when a confirmatory test of the semen donor's blood or the recipient's blood confirms the presence of antibodies to the human immunodeficiency virus (HIV).

~~(3) A person who, for the purpose of artificial insemination, recklessly, knowingly, or intentionally donates, sells, or transfers semen that contains antibodies for the human immunodeficiency virus (HIV) commits transferring contaminated semen, a Level 5 felony. The offense is a Level 4 felony if the offense results in the transmission of the virus to another person.~~

SECTION 42. IC 16-41-14-17 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 17. (a) This section does not apply to a person who transfers for research purposes semen that contains antibodies for the human immunodeficiency virus (HIV).~~

~~(b) A person who, for the purpose of artificial insemination, recklessly, knowingly, or intentionally donates, sells, or transfers semen that contains antibodies for the human immunodeficiency virus (HIV) commits transferring contaminated semen, a Level 5 felony. The offense is a Level 4 felony if the offense results in the transmission of the virus to another person.~~

SECTION 43. IC 16-41-16-4, AS AMENDED BY P.L.213-2016, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as provided in subsections (c) and (d), as used in this chapter, "infectious waste" means waste that epidemiologic evidence indicates is capable of transmitting a ~~dangerous~~ **serious** communicable disease (as defined by rule adopted under

IC 16-41-2-1).

(b) The term includes the following:

(1) Pathological wastes.

(2) Biological cultures and associated biologicals.

(3) Contaminated sharps.

(4) Infectious agent stock and associated biologicals.

(5) Blood and blood products in liquid or semiliquid form.

(6) Laboratory animal carcasses, body parts, and bedding.

(7) Wastes (as described under section 8 of this chapter).

(c) "Infectious waste", as the term applies to a:

(1) home health agency; or

(2) hospice service delivered in the home of a hospice patient;

includes only contaminated sharps.

(d) The term does not include an aborted fetus or a miscarried fetus.

SECTION 44. IC 34-30-2-80 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 80. IC 16-41-2-6 (Concerning physicians, hospitals, and laboratories for reporting communicable or ~~dangerous~~ **other** diseases).

SECTION 45. IC 34-30-2-81, AS AMENDED BY P.L.86-2018, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 81. (a) IC 16-41-7-2 (Concerning the good faith reporting to a health officer of an individual thought to present a serious and present danger to the health of others, to have engaged in noncompliant behavior, or to be at risk of carrying a ~~dangerous~~ **serious** communicable disease).

(b) IC 16-41-7-3 (Concerning a physician who provides notification to certain individuals regarding a patient's ~~dangerous~~ **serious** communicable disease).

SECTION 46. IC 34-30-2-81.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 81.5. IC 16-41-10-3.5 (Concerning a provider who tests a patient for the presence of a ~~dangerous~~ **serious** communicable disease).

SECTION 47. IC 34-30-2-82 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 82. IC 16-41-10-6 (Concerning a person reporting that an emergency medical services provider has been exposed to a ~~dangerous~~ **serious** communicable disease during the course of emergency duties).

SECTION 48. IC 34-30-2-149.5, AS AMENDED BY P.L.86-2018, SECTION 320, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 149.5. (a) IC 35-38-1-10.5 (Concerning a person who makes a report or testifies in court regarding the results of a test for the human immunodeficiency virus (HIV) or ~~another dangerous~~ **other** disease performed on an individual convicted of certain crimes).

(b) IC 35-38-1-28(d) (Concerning a clerk, court, law enforcement officer, or prosecuting attorney for an error or omission in the transportation of fingerprints, case history data, or sentencing data).

SECTION 49. IC 34-46-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. IC 16-41-2-4 (Concerning reports of communicable or ~~dangerous~~ **serious** diseases).

SECTION 50. IC 34-46-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. IC 16-41-7-3 (Concerning warning by physician of ~~dangerous~~ **serious** communicable disease).

SECTION 51. IC 35-31.5-2-52 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 52. "Component", for purposes of IC 35-45-21-1, has the meaning set forth in IC 35-45-21-1(a).~~

SECTION 52. IC 35-38-1-10.5, AS AMENDED BY P.L.86-2018, SECTION 333, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10.5. (a) The court:

(1) shall order that a person undergo a screening test for the human immunodeficiency virus (HIV) if the person is:

(A) convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or

(B) convicted of an offense relating to controlled substances and the offense involved:

(i) the delivery by any person to another person; or

(ii) the use by any person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact; and

(2) may order that a person undergo a screening test for a ~~dangerous~~ **serious** disease (as defined in IC 16-41-8-5) in accordance with IC 16-41-8-5.

(b) If the screening test required by this section indicates the presence of antibodies to HIV, the court shall order the person to undergo a confirmatory test.

(c) If the confirmatory test confirms the presence of the HIV antibodies, the court shall report the results to the state department of health and require a probation officer to conduct a presentence investigation to:

(1) obtain the medical record of the convicted person from the state department of health under IC 16-41-8-1(b)(3); and

(2) determine whether the convicted person had received risk counseling that included information on the behavior that facilitates the transmission of HIV.

(d) A person who, in good faith:

(1) makes a report required to be made under this section; or

(2) testifies in a judicial proceeding on matters arising from the report;

is immune from both civil and criminal liability due to the offering of that report or testimony.

(e) The privileged communication between a husband and wife or between a health care provider and the health care provider's patient is not a ground for excluding information required under this section.

(f) A mental health service provider (as defined in IC 34-6-2-80) who discloses information that must be disclosed to comply with this section is immune from civil and criminal liability under Indiana statutes that protect patient privacy and confidentiality.".

SECTION 53. IC 35-45-21-1 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 1. (a) As used in this section, "blood" has the meaning set forth in IC 16-41-12-2.5.~~

~~(b) A person who recklessly, knowingly, or intentionally donates, sells, or transfers blood or semen for artificial insemination (as defined in IC 16-41-14-2) that contains the human immunodeficiency virus (HIV) commits transferring contaminated body fluids, a Level 5 felony.~~

~~(c) However, the offense under subsection (b) is a Level 3 felony if it results in the transmission of the human immunodeficiency virus (HIV) to any person other than the defendant.~~

~~(d) This section does not apply to:~~

~~(1) a person who, for reasons of privacy, donates, sells, or transfers blood at a blood center (as defined in IC 16-41-12-3) after the person has notified the blood center that the blood must be disposed of and may not be used for any purpose;~~

~~(2) a person who transfers blood semen, or another body fluid that contains the human immunodeficiency virus (HIV) for research purposes; or~~

~~(3) a person who is an autologous blood donor for stem cell transplantation.~~

SECTION 54. IC 35-52-16-51 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 51. IC 16-41-12-15 defines a crime concerning communicable diseases.~~

SECTION 55. IC 35-52-16-55 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 55. IC 16-41-14-13 defines a crime concerning communicable diseases.~~

SECTION 56. IC 35-52-16-58 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 58. IC 16-41-14-17 defines a crime concerning communicable diseases.~~

(Reference is to HB 1325 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

Kirchhofer, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1331, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 29 and 30, begin a new line block indented and insert:

"**(9) The solar energy system is installed in a fenced yard or patio owned and maintained by the owner of the dwelling unit, as described in subdivision (5)(B), but is not obscured from adjacent residences, unless the owner of the dwelling unit complies with any screening requirements that:**

(A) are imposed by the homeowners association;

(B) consist of:

(i) shrubbery, trees, or other noninvasive plant species; or

(ii) decorative fencing that meets the requirements of any local ordinances applicable to fences; and

(C) provide a visual screen.

(10) The solar energy system is installed such that it is distinctly visible from a public street or right-of-way.".

Page 3, line 30, delete "(9)" and insert "**(11)**".

Page 3, line 32, delete "(10)" and insert "**(12)**".

(Reference is to HB 1331 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

Soliday, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1333, 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 35-31.5-2-100, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 100. **(a) "Distribute", for purposes of IC 35-45-4-8, has the meaning set forth in IC 35-45-4-8.**

~~(a)~~ **(b)** "Distribute", for purposes of IC 35-46-1-10, has the meaning set forth in IC 35-46-1-10(e).

~~(b)~~ **(c)** "Distribute", for purposes of IC 35-46-1-10.2, has the meaning set forth in IC 35-46-1-10.2(e).

~~(c)~~ **(d)** "Distribute", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-6.

~~(d)~~ **(e)** "Distribute", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-14.

~~(e)~~ **(f)** "Distribute", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-2.

SECTION 2. IC 35-31.5-2-176.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 176.2. "Intimate image", for purposes of IC 35-45-4-8, has the meaning set forth in IC 35-45-4-8.**

SECTION 3. IC 35-45-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 8. (a) This section does not apply to a photograph, digital image, or video that is distributed:**

(1) to report a possible criminal act;

(2) in connection with a criminal investigation; or

(3) under a court order.

(b) As used in this section, "distribute" means to transfer to another person in, or by means of, any medium, forum, telecommunications device or network, or Internet web site, including posting an image on an Internet web site or application.

(c) As used in this section, "intimate image" means a photograph, digital image, or video:

(1) that depicts:

(A) sexual intercourse;

(B) other sexual conduct (as defined in IC 35-31.5-2-221.5); or

(C) exhibition of the uncovered buttocks, genitals, or female breast;

of a person; and

(2) that was created with the consent of the person depicted in the image.

(d) A person who:

(1) knows that a person depicted in an intimate image does not consent to the distribution of the intimate image; and

(2) knowingly or intentionally distributes the intimate image with the intent to:

(A) annoy;

(B) harm;

(C) harass;

(D) intimidate;

(E) threaten; or

(F) coerce;

the other person;

commits distribution of an intimate image, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

Renumber all SECTIONS consecutively.

(Reference is to HB 1333 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

McNamara, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1345, 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 5, delete "(i)" and insert "(i),".

Page 2, line 5, strike "and".

Page 2, line 5, after "(j)," insert "**and (k),**".

Page 2, line 16, delete "Subject" and insert "**Except as provided in subsection (k) and** subject".

Page 2, delete lines 26 through 32.

Page 2, after line 34, begin a new paragraph and insert:

"**(k) This subsection applies to land in inventory that a for-profit land developer acquires from a school corporation or a local unit of government (as defined in IC 14-22-31.5-1). Land in inventory to which this subsection applies shall be assessed on the first assessment date**

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

SECTION 2. IC 6-1.1-10-16, AS AMENDED BY P.L.181-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2018 (RETROACTIVE)]: Sec. 16. (a) All or part of a building is exempt from property taxation if it is owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes.

(b) A building is exempt from property taxation if it is owned, occupied, and used by a town, city, township, or county for educational, literary, scientific, fraternal, or charitable purposes.

(c) A tract of land, including the campus and athletic grounds of an educational institution, is exempt from property taxation if:

(1) a building that is exempt under subsection (a) or (b) is situated on it;

(2) a parking lot or structure that serves a building referred to in subdivision (1) is situated on it; or

(3) the tract:

(A) is owned by a nonprofit entity established for the purpose of retaining and preserving land and water for their natural characteristics;

(B) does not exceed five hundred (500) acres; and

(C) is not used by the nonprofit entity to make a profit.

(d) A tract of land is exempt from property taxation if:

(1) it is purchased for the purpose of erecting a building that is to be owned, occupied, and used in such a manner that the building will be exempt under subsection (a) or (b); and

(2) not more than four (4) years after the property is purchased, and for each year after the four (4) year period, the owner demonstrates substantial progress and active pursuit towards the erection of the intended building and use of the tract for the exempt purpose. To establish substantial progress and active pursuit under this subdivision, the owner must prove the existence of factors such as the following:

(A) Organization of and activity by a building committee or other oversight group.

(B) Completion and filing of building plans with the appropriate local government authority.

(C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within four (4) years.

(D) The breaking of ground and the beginning of actual construction.

(E) Any other factor that would lead a reasonable individual to believe that construction of the building is an active plan and that the building is capable of being completed within eight (8) years considering the circumstances of the owner.

If the owner of the property sells, leases, or otherwise transfers a tract of land that is exempt under this subsection, the owner is liable for the property taxes that were not imposed upon the tract of land during the period beginning January 1 of the fourth year following the purchase of the property and ending on December 31 of the year of the sale, lease, or transfer. The county auditor of the county in which the tract of land is located may establish an installment plan for the repayment of taxes due under this subsection. The plan established by the county auditor may allow the repayment of the taxes over a period of years equal to the number of years for which property taxes must be repaid under this subsection.

(e) Personal property is exempt from property taxation if it is owned and used in such a manner that it would be exempt under subsection (a) or (b) if it were a building.

(f) A hospital's property that is exempt from property taxation under subsection (a), (b), or (e) shall remain exempt from property taxation even if the property is used in part to furnish goods or services to another hospital whose property qualifies for exemption under this section.

(g) Property owned by a shared hospital services organization that is exempt from federal income taxation under Section 501(c)(3) or 501(e) of the Internal Revenue Code is exempt from property taxation if it is owned, occupied, and used exclusively to furnish goods or services to a hospital whose property is exempt from property taxation under subsection (a), (b), or (e).

(h) This section does not exempt from property tax an office or a practice of a physician or group of physicians that is owned by a hospital licensed under IC 16-21-2 or other property that is not substantially related to or supportive of the inpatient facility of the hospital unless the office, practice, or other property:

(1) provides or supports the provision of charity care (as defined in IC 16-18-2-52.5), including providing funds or other financial support for health care services for individuals who are indigent (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or

(2) provides or supports the provision of community benefits (as defined in IC 16-21-9-1), including research, education, or government sponsored indigent health care (as defined in IC 16-21-9-2).

However, participation in the Medicaid or Medicare program alone does not entitle an office, practice, or other property described in this subsection to an exemption under this section.

(i) ~~The exemption provided in this subsection applies only for an assessment date occurring before January 2, 2017.~~ A tract of land or a tract of land plus all or part of a structure on the land is exempt from property taxation if:

(1) the tract is acquired for the purpose of erecting, renovating, or improving a single family residential structure that is to be given away or sold:

(A) in a charitable manner;

(B) by a nonprofit organization; and

(C) to low income individuals who will:

(i) use the land as a family residence; and

(ii) not have an exemption for the land under this section;

(2) the tract does not exceed three (3) acres; and

(3) the tract of land or the tract of land plus all or part of a structure on the land is not used for profit while exempt under this section.

~~This subsection expires January 1, 2028.~~

(j) An exemption under subsection (i) terminates

~~(1)~~ when the property is conveyed by the nonprofit organization to another owner. ~~or~~

~~(2) January 2, 2017,~~

~~whichever occurs first. This subsection expires January 1, 2028.~~

(k) When property that is exempt in any year under subsection (i) is conveyed to another owner, the nonprofit organization receiving the exemption must file a certified statement with the auditor of the county, notifying the auditor of the change not later than sixty (60) days after the date of the conveyance. The county auditor shall immediately forward a copy of the certified statement to the county assessor. A nonprofit organization that fails to file the statement required by this subsection is liable for the amount of property taxes due on the property conveyed if it were not for the exemption allowed under this chapter.

(l) If property is granted an exemption in any year under subsection (i) and the owner:

(1) fails to transfer the tangible property within eight (8)

years after the assessment date for which the exemption is initially granted; or

(2) transfers the tangible property to a person who:

(A) is not a low income individual; or

(B) does not use the transferred property as a residence for at least one (1) year after the property is transferred;

the person receiving the exemption shall notify the county recorder and the county auditor of the county in which the property is located not later than sixty (60) days after the event described in subdivision (1) or (2) occurs. The county auditor shall immediately inform the county assessor of a notification received under this subsection. ~~This subsection expires January 1, 2028.~~

(m) If subsection (l)(1) or (l)(2) applies, the owner shall pay, not later than the date that the next installment of property taxes is due, an amount equal to the sum of the following:

(1) The total property taxes that, if it were not for the exemption under subsection (i), would have been levied on the property in each year in which an exemption was allowed.

(2) Interest on the property taxes at the rate of ten percent (10%) per year.

~~This subsection expires January 1, 2028.~~

(n) The liability imposed by subsection (m) is a lien upon the property receiving the exemption under subsection (i). An amount collected under subsection (m) shall be collected as an excess levy. If the amount is not paid, it shall be collected in the same manner that delinquent taxes on real property are collected. ~~This subsection expires January 1, 2028.~~

(o) Property referred to in this section shall be assessed to the extent required under IC 6-1.1-11-9.

(p) A for-profit provider of early childhood education services to children who are at least four (4) but less than six (6) years of age on the annual assessment date may receive the exemption provided by this section for property used for educational purposes only if all the requirements of section 46 of this chapter are satisfied. A for-profit provider of early childhood education services that provides the services only to children younger than four (4) years of age may not receive the exemption provided by this section for property used for educational purposes.

SECTION 3. IC 6-1.1-10-48 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 48. (a) This section applies to assessment dates occurring after December 31, 2016.**

(b) Tangible property is exempt from property taxation if:

(1) it is owned by an Indiana nonprofit public benefit corporation exempt from taxation under Section 501(c)(3) of the Internal Revenue Code;

(2) the property is used in the operation of a nonprofit health, fitness, aquatics, and community center; and

(3) funds for the acquisition and development of the property have been provided in part under the regional cities initiative of the Indiana economic development corporation under IC 5-28-38.

(c) The property that is exempt under this section also includes any part of the property that is leased or licensed by the owner to another nonprofit or municipal entity for use as a nonprofit health, fitness, aquatics, or community center and property used for storage and parking.

(d) For purposes of this section, a tract of land and any improvements on the land are exempt from taxation if not more than four (4) years after the property is purchased, and for each year after the four (4) year period, the owner demonstrates substantial progress and active pursuit towards the use of the tract of land and any improvements on the tract as a nonprofit health, fitness, aquatics, and community center. To establish substantial progress and active pursuit under this subsection, the owner must prove the existence of factors such as the following:

(1) Organization of and activity by a building committee or other oversight group.

(2) Completion and filing of building plans with the appropriate local government authority.

(3) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe actual construction can and will begin within four (4) years.

(4) The breaking of ground and the beginning of actual construction.

(5) Any other factor that would lead a reasonable individual to believe that construction of the improvement is an active plan and that the improvement is capable of being completed within eight (8) years considering the circumstances of the owner.

(e) To the extent the owner of property that is exempt from taxation as provided in this section has paid any property taxes, penalties, or interest with respect to the property for the 2017 assessment date through the 2018 assessment date, the owner of the exempt property is entitled to a refund of the amounts paid on the exempt property. Notwithstanding the filing deadlines for a claim under IC 6-1.1-26, any claim for a refund filed by the owner of exempt property under this subsection before September 1, 2019, is considered timely filed. The county auditor shall pay the refund due under this subsection in one (1) installment.

(f) If a refund is due under subsection (e) to an owner of property that is exempt under this section, the owner is not entitled to interest on the refund under this article or any other law to the extent interest has not been paid by or on behalf of the owner.

SECTION 4. [EFFECTIVE JANUARY 1, 2018 (RETROACTIVE)] **(a) IC 6-1.1-10-16, as amended by this act, applies only to assessment dates occurring after December 31, 2017.**

(b) This SECTION expires July 1, 2021.

SECTION 5. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1345 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

Huston, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1347, 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 4, delete lines 5 through 42, begin a new paragraph and insert:

"SECTION 2. IC 36-9-23-32, AS AMENDED BY P.L.196-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 32. (a) Except as otherwise provided in a provision included in an ordinance under section 25(f)(3) of this chapter, fees assessed against real property under this chapter or under any statute repealed by IC 19-2-5-30 (repealed September 1, 1981) constitute a lien against the property assessed. The lien is superior to all other liens except tax liens. Except as provided in subsections (b) and (c), the lien attaches when notice of the lien is filed in the county recorder's office under section 33 of this chapter.

(b) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with

the county recorder before the conveyance to the subsequent owner. If the property is conveyed before the lien can be filed, the municipality shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not more than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.

(c) Except as otherwise provided in a provision included in an ordinance under section 25(f)(3) of this chapter, **and subject to subsection (e),** a lien attaches against real property occupied by someone other than the owner only if the utility notifies the owner not later than twenty (20) days after the time the utility fees become sixty (60) days delinquent. A notice sent to the owner under this subsection must be sent by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under IC 1-1-7-1) to:

(1) the owner of record of real property with a single owner; or

(2) at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice of the delinquency, or to another address specified by the owner, in a written notice to the utility, at which the owner requests to receive a notice of delinquency under this subsection. The cost of sending notice under this subsection is an administrative cost that may be billed to the owner.

(d) The municipality shall release:

(1) liens filed with the county recorder after the recorded date of conveyance of the property; and

(2) delinquent fees incurred by the seller;

upon receipt of a verified demand in writing from the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner, and that the purchaser has not been paid by the seller for the delinquent fees.

(e) This subsection applies to real property that is occupied by someone other than the owner and with respect to which fees assessed under this chapter become sixty (60) days delinquent after June 30, 2019. Except as otherwise provided in a provision included in an ordinance under section 25(f)(3) of this chapter, a lien attaches to real property subject to this subsection only if the utility provides notice of the delinquency to:

(1) the owner, in the manner prescribed in subsection (c); and

(2) any first lien mortgage holder of record, by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under IC 1-1-7-1);

not later than twenty (20) days after the time the utility fees become sixty (60) days delinquent. The cost of sending notice under this subsection is an administrative cost that may be billed to the owner.

SECTION 3. 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.

(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:

(1) subsection (h);

(2) section 11.2(b) of this chapter; or ~~in~~

(3) 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.

SECTION 4. IC 36-9-25-11.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11.2. **(a)** If a fee established under section 11 of this chapter is not paid within thirty (30) days after it is due, a copy of any notice of delinquency sent to a delinquent user who is a tenant must be sent to the owner of the property occupied by the tenant at the latest address of the owner as shown on the property tax records of the county in which the property is located.

(b) This subsection applies to real property that is occupied by someone other than the owner and with respect to which fees established under section 11 of this chapter become sixty (60) days delinquent after June 30, 2019. Except as otherwise provided in section 11(h) of this chapter or in a provision included in an ordinance under section 11(l)(3) of this chapter, a lien attaches to real property subject to this subsection only if the board provides notice of the delinquency to any first lien mortgage holder of record, by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under IC 1-1-7-1), not later than twenty (20) days after the time the fees become sixty (60) days delinquent. The cost of sending notice under this subsection is an administrative cost that may be billed to the owner of the property.".

Page 5, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1347 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

Soliday, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1358, 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 6 through 17, begin a new paragraph and insert:

"SECTION 2. IC 35-31.5-2-257.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 257.5. "Public event", for purposes of IC 35-33-5-9 and IC 35-44.1-4-1.5, has the meaning set forth in IC 35-33-5-9(a).**

SECTION 3. IC 35-33-5-9, AS AMENDED BY P.L.57-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) **As used in this section, "public event" means an event:**

(1) for which a state or local government permit has been issued; and

(2) that is held:

(A) on a public street;

(B) in a public park; or

(C) in a building or place where people are likely to gather.

(b) Except as provided in subsection ~~(b),~~ **(c),** a law enforcement officer must obtain a search warrant in order to use an unmanned aerial vehicle.

~~(b)~~ **(c)** A law enforcement officer or governmental entity may use an unmanned aerial vehicle without obtaining a search warrant if the law enforcement officer determines that the use of the unmanned aerial vehicle:

(1) is required due to:

(A) the existence of exigent circumstances necessitating a warrantless search;

(B) the substantial likelihood of a terrorist attack;

(C) the need to conduct a search and rescue or recovery operation;
(D) the need to conduct efforts:
(i) in response to; or
(ii) to mitigate;
the results of a natural disaster or any other disaster; ~~or~~
(E) the need to perform a geographical, an environmental, or any other survey for a purpose that is not a criminal justice purpose;
(F) the need to:
(i) assist public safety efforts; and
(ii) safeguard the public;
at a public event;
(G) the need to conduct efforts:
(i) in response to; or
(ii) to mitigate;
a person or a group of persons committing the offense of rioting or disorderly conduct; or
(H) the need to collect evidence as a result of a criminal investigation:
(i) where there is probable cause that a crime has been committed; and
(ii) at a location where there is no reasonable expectation of privacy;
(2) is required to obtain aerial photographs or video images of a motor vehicle accident site **or a crime scene located:**
(A) on a public street; ~~or~~
(B) on a public highway; **or**
(C) at a public event; or
(3) will be conducted with the consent of any affected property owner.

SECTION 4. IC 35-44.1-4-1.5, AS ADDED BY P.L.63-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. As used in this chapter, "emergency incident" includes:
(1) a structure or vehicle that is on fire;
(2) a motor vehicle accident;
(3) an accident involving hazardous materials;
(4) a crime scene;
(5) a police investigation; ~~and~~
(6) a location where an individual is being arrested; **and**
(7) a public event that involves the emergency dispatch of:
(A) a law enforcement agency; or
(B) emergency medical services.".

Delete pages 2 through 3.
Renumber all SECTIONS consecutively.
(Reference is to HB 1358 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1367, 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 "to file a complaint" and insert "**and the state department**".

Page 1, line 11, delete "shall" and insert "**shall, at the request of the resident, facilitate the inclusion of a resident representative.**".

Page 1, delete lines 12 through 16.
(Reference is to HB 1367 as introduced.)
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 House Bill 1404, 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, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 2. IC 20-30-10-5, AS AMENDED BY P.L.215-2018(ss), SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. **(a)** Notwithstanding any other law, a high school may:
(1) replace high school courses on the high school transcript with dual credit courses (as defined in IC 21-43-1-2.5), Cambridge International courses, **international baccalaureate,** or advanced placement courses on the same subject matter with equal or greater rigor to the required high school course; and ~~may~~
(2) count: ~~such a~~
(A) a course **described in subdivision (1);**
(B) a:
(i) work based learning course (as defined in IC 20-43-8-0.7); or
(ii) career and technical education course that is an approved high school course under the rules established by the state board;
whose subject matter is substantially similar to and whose rigor is equal to or greater than that of the required course; or
(C) any career and technical course, program, or educational experience approved by the state board;
as satisfying an Indiana diploma with a Core 40 with academic honors designation or another designation requirement.

(b) A course described in subsection (a)(2)(B) that does not fully align with the required course standards must be augmented with instruction to include the remaining standards of the required course. A parent of a student and the student who intends to enroll in a course described in subsection (a)(2)(B) must provide consent to the high school to enroll in the course. The consent form used by the high school, which shall be developed by the department in collaboration with the commission for higher education, must notify the parent and the student that enrollment in the course may affect the student's ability to attend a particular postsecondary educational institution or enroll in a particular course at a particular postsecondary educational institution.

(c) A dual credit course **described in subsection (a)(1)** must be authorized by an eligible institution (as described in IC 21-43-4-3.5) that is a member of a national dual credit accreditation organization, or the eligible institution must make assurances that the final assessment for the course given for dual credit under this section is substantially equivalent to the final assessment given in the college course in that subject.

SECTION 3. IC 20-31-8-1, AS AMENDED BY P.L.192-2018, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) **This subsection expires June 30, 2022. Subject to section 5.5 of this chapter,** the performance of a school's students on the statewide assessment program test and other assessments recommended by the department of education and approved by the state board are the primary and majority means of assessing a school's improvement.

(b) This subsection applies after June 30, 2022. The performance of a school's students on the statewide assessment program test and other assessments

recommended by the department of education and approved by the state board are the primary and majority means of assessing an elementary school's improvement. The state board may establish other categories of assessing an elementary school's improvement under rules adopted under IC 4-22-2.

~~(b)~~ **(c)** The department of education shall examine and make recommendations to the state board concerning:

(1) performance indicators to be used as a secondary means of determining school progress;

(2) expected progress levels, continuous improvement measures, distributional performance levels, and absolute performance levels for schools; and

(3) an orderly transition from the performance based accreditation system to the assessment system set forth in this article.

~~(c)~~ **(d)** The department of education shall consider methods of measuring improvement and progress used in other states in developing recommendations under this section.

~~(d)~~ **(e)** The department of education may consider:

(1) the likelihood that a student may fail a graduation exam (before July 1, 2022) or fail to meet a postsecondary readiness competency established by the state board under IC 20-32-4-1.5(c) and require a graduation waiver under IC 20-32-4-4, IC 20-32-4-4.1, or IC 20-32-4-5; and

(2) remedial needs of students who are likely to require remedial work while the students attend a postsecondary educational institution or workforce training program;

when making recommendations under this section.".

Page 3, delete lines 1 through 38.

Page 6, line 11, delete "2020." and insert "**2022.**".

Page 6, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 8. IC 20-31-8-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) Before July 1, 2022, the state board shall establish new categories or designations of high school performance under this section to replace 511 IAC 6.2-10. The new standards of assessing high school performance are limited to the following requirements:**

(1) Postsecondary preparation indicators aligned to graduation pathways.

(2) An on-track indicator based upon student credits.

(3) Postsecondary outcomes as determined by the state board, in consultation with the department, the department of workforce development, the commission for higher education, and the governor's workforce cabinet established by IC 4-3-27-3. In developing requirements under this subdivision, the state board shall consider at least the following:

(A) Successful completion of at least twelve (12) credit hours at a higher education institution and a student's continued enrollment and status of good standing at a higher education institution.

(B) Successful completion of a high wage, high demand certificate as defined by the department of workforce development.

(C) Enlistment in, and continued service in, any branch of the armed forces of the United States or their reserves, the national guard, or a state's national guard.

(D) How to account for adverse life experiences or other unique circumstances that occur after graduation.

(b) 511 IAC 6.2-10 is void on the earlier of:

(1) the effective date of the emergency or final rules adopted under this section; or

(2) July 1, 2022.

(c) The state board:

(1) shall adopt rules under IC 4-22-2; and

(2) may adopt emergency rules in the manner provided in IC 4-22-2-37.1;

to implement this section.

(d) An emergency rule adopted under subsection (c) expires on the earlier of:

(1) July 1, 2022; or

(2) the effective date of a rule that establishes categories or designations of school improvement described in this section and supersedes the emergency rule.".

Delete page 7.

Page 8, delete lines 1 through 19.

Renumber all SECTIONS consecutively.

(Reference is to HB 1404 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1405, 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 15, strike "Indiana that is located in an area designated as a high".

Page 1, line 16, strike "technology district area." and insert "**Indiana.**".

Page 2, line 2, strike "ten million dollars ($10,000,000)" and insert "**twenty-five million dollars ($25,000,000)**".

Page 2, strike lines 24 through 28.

Page 2, line 29, strike "(f)" and insert "**(e)**".

Page 2, line 31, strike "(g)" and insert "**(f)**".

Page 2, strike lines 34 through 42.

Page 3, strike lines 1 through 8.

Page 3, line 9, delete "or after June 30, 2019, and before January 1, 2021,".

Page 3, line 9, strike "determining".

Page 3, strike lines 10 through 14.

Page 3, line 15, before "enter" insert "**(g) A designating body may**".

Page 3, line 27, strike "adopts a final resolution under subsection (h) and".

Page 3, line 31, strike "(j)" and insert "**(h)**".

Page 3, line 31, strike "adopts a final resolution under subsection".

Page 3, line 32, strike "(h) and".

Page 3, line 32, strike "(i)" and insert "**(g)**".

Page 3, line 34, strike "agreement, notwithstanding the January 1, 2017,".

Page 3, line 35, strike "deadline".

Page 3, line 35, delete "or the January 1, 2021, deadline".

Page 3, line 35, strike "to adopt a final resolution".

Page 3, line 36, strike "under subsection (h)." and insert "**agreement.**".

Page 5, delete lines 2 through 3, begin a new line block indented and insert:

"**(12) All electricity used by qualified data center equipment, excluding electricity used in the administration of the facility.**".

Page 5, delete line 42.

Page 6, line 1, delete "or existing facility that:" and insert "**one (1) or more buildings that:**".

Page 6, delete lines 2 through 4, begin a new line block indented and insert:

"**(1) are rehabilitated or constructed to house a group of networked server computers in one physical**

location in order to centralize the storage, management, and dissemination of data and information pertaining to a particular business, taxonomy, or body of knowledge; and".

Page 6, line 5, delete "(3)" and insert "**(2)**".

Page 6, line 8, delete "one hundred million dollars ($100,000,000)" and insert "**one hundred fifty million dollars ($150,000,000)**".

Page 6, line 9, delete "fifty" and insert "**one hundred thousand (100,000);**".

Page 6, delete line 10.

Page 6, line 11, delete "seventy-five million dollars ($75,000,000)," and insert "**one hundred million dollars ($100,000,000),**".

Page 6, line 12, delete "thirty" and insert "**fifty thousand (50,000) and not more than one hundred thousand (100,000); or**".

Page 6, delete lines 13 through 14.

Page 6, line 15, delete "fifty million dollars ($50,000,000)," and insert "**twenty-five million dollars ($25,000,000),**".

Page 6, line 16, delete "thirty" and insert "**fifty thousand (50,000).**".

Page 6, delete line 17.

Page 6, between lines 41 and 42, begin a new paragraph and insert:

"**(d) The certificate of eligibility issued by the IEDC must be in effect for:**

(1) twenty-five (25) years if the qualified investment is less than seven hundred fifty million dollars ($750,000,000); or

(2) fifty (50) years if the qualified investment is seven hundred fifty million dollars ($750,000,000) or greater. Upon the expiration of the original certificate of eligibility, the IEDC may, at the agency's discretion, extend the certificate of eligibility for any number of subsequent periods not to exceed ten (10) years, if the data center continues to meet the requirements outlined in this chapter.".

Page 6, line 42, delete "(d)" and insert "**(e)**".

Page 7, line 5, delete "(e)" and insert "**(f)**".

Page 8, between lines 9 and 10, begin a new paragraph and insert:

"**Sec. 18. For each data center that has received a certificate of eligibility issued by the IEDC, on each ten (10) year anniversary of the issuance of the certificate, the IEDC shall submit to the legislative council an economic and fiscal impact study in an electronic format under IC 5-14-6 for each data center project.**".

Page 8, line 10, delete "18." and insert "**19.**".

Page 8, delete line 15.

Renumber all SECTIONS consecutively.

(Reference is to HB 1405 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1422, 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.

Delete page 2.

Page 3, delete lines 1 through 26.

Page 4, delete lines 21 through 23.

Page 4, line 24, reset in roman "(5)".

Page 4, line 24, delete "(6)".

Page 4, line 33, reset in roman "(6)".

Page 4, line 33, delete "(7)".

Page 4, line 34, reset in roman "(7)".

Page 4, line 34, delete "(8)".

Page 4, line 36, reset in roman "(8)".

Page 4, line 36, delete "(9)".

Page 4, line 41, reset in roman "(9)".

Page 4, line 41, delete "(10)".

Page 5, line 1, reset in roman "(10)".

Page 5, line 1, delete "(11)".

Page 5, line 2, reset in roman "and".

Page 5, line 3, reset in roman "(11)".

Page 5, line 3, delete "(12)".

Page 5, line 5, after "state" delete ";" and insert ".".

Page 5, delete lines 6 through 10.

Page 7, delete lines 6 through 42.

Delete pages 8 through 13.

Page 14, delete lines 1 through 40.

Page 17, delete lines 15 through 42.

Delete pages 18 through 21.

(Reference is to HB 1422 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1488, 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 14 through 17, begin a new line block indented and insert:

"**(4) Before July 1, 2020, in coordination with the task force established by IC 12-11-15-2, developing a plan to establish a statewide crisis assistance program not later than July 1, 2021, for individuals with developmental disabilities.**".

Page 2, delete lines 1 through 8.

Page 6, delete lines 7 through 42.

Delete page 7.

Page 8, delete lines 1 through 25.

Renumber all SECTIONS consecutively.

(Reference is to HB 1488 as printed February 1, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1518, 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, delete lines 4 through 12.

Page 6, line 19, strike "two thousand (2,000)" and insert "**eight hundred (800)**".

Page 8, between lines 7 and 8, begin a new line block indented and insert:

"**However, this subdivision does not apply to a conviction that has been expunged under IC 35-38-9.**".

Page 10, between lines 9 and 10, begin a new line block indented and insert:

"**However, this subdivision does not apply to a conviction that has been expunged under IC 35-38-9.**".

Page 10, between lines 31 and 32, begin a new line block indented and insert:

"**However, this subdivision does not apply to a conviction that has been expunged under IC 35-38-9.**".

Page 16, line 20, after "A" insert "**county,**".

Page 16, line 25, after "the" insert "**county,**".

Page 19, delete lines 5 through 12.

Page 24, line 33, after "facilities." insert "**If the law applicable to one (1) of the permits under subsection (a)(2) that the person has an interest in is more prohibitive or restrictive regarding the presence of a minor in the bar area of the licensed premises than the law applicable to the other premises under subsection (a)(2) that the person has an interest in, the more prohibitive or restrictive law applies to the single bar area.**".

Page 26, between lines 23 and 24, begin a new line block indented and insert:

"**However, this subdivision does not apply to a conviction that has been expunged under IC 35-38-9.**".

Page 29, line 33, after "only," insert "**including at an additional farm winery location that is separate from the winery as described in subsection (b),**".

Page 31, line 31, after "facilities." insert "**If the law applicable to one (1) of the permits under subsection (a)(2) that the person has an interest in is more prohibitive or restrictive regarding the presence of a minor in the bar area of the licensed premises than the law applicable to the other premises under subsection (a)(2) that the person has an interest in, the more prohibitive or restrictive law applies to the single bar area.**".

Page 33, delete lines 15 through 28.

Page 34, line 36, delete "is".

Page 34, line 37, delete "at least twenty-one (21) years of age and".

Page 35, line 7, delete "permit, but must be at least" and insert "permit".

Page 35, line 8, delete "twenty-one (21) years of age".

Page 35, line 9, delete "(before July 1, 2021) or subsection (b) (after June" and insert ".".

Page 35, delete line 10.

Page 37, delete lines 4 through 17.

Page 41, line 16, reset in roman "Subject to section 16.1 of this chapter and except as provided in".

Page 41, line 17, reset in roman "section 16.3 of this chapter,".

Page 41, line 17, delete "Before July 1, 2019,".

Page 41, line 36, delete "The commission".

Page 41, delete lines 37 through 40.

Page 45, delete lines 36 through 42.

Delete page 46.

Page 47, delete lines 1 through 16.

Page 48, delete lines 41 through 42, begin a new paragraph and insert:

"**(b) A municipality may designate not more than one (1) entertainment revitalization area. However, as long as the municipality has a riverfront development project district under sections 16 and 16.1 of this chapter, the municipality may not designate an entertainment revitalization area. To designate an entertainment revitalization area, the municipality must adopt an ordinance that does the following:**".

Page 49, delete line 1.

Page 53, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 46. IC 7.1-3-21-11, AS AMENDED BY P.L.196-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. **(a) This section does not apply to premises for which a permit was issued for the premises under the provisions of Acts 1933, Chapter 80.**

~~(a)~~ **(b)** As used in this section, "wall" means a wall of a building. The term does not include a boundary wall.

~~(b)~~ **(c)** Except as provided in subsections ~~(c)~~ **(d)** and ~~(g)~~ **(h) and section 11.5 of this chapter,** the commission may not issue a permit for a premises if a wall of the premises is situated within two hundred (200) feet from a wall of a school or church. ~~if no permit has been issued for the premises under the provisions of Acts 1933, Chapter 80.~~

~~(c)~~ **(d)** This section does not apply to the premises of a:

(1) grocery store, drug store, restaurant, hotel, catering hall, or location for which the use of a supplemental catering permit has been approved if:

(A) a wall of the premises is situated within two hundred (200) feet from a wall of a church or school;

(B) the commission receives a written statement from the authorized representative of the church or school stating expressly that the church or school does not object to the issuance of the permit for the premises; and

(C) the commission determines that the church or school does not object to the issuance of the permit for the premises; ~~or~~

(2) retailer under section 11.5 of this chapter; or

~~(2)~~ **(3)** church or school that applies for a temporary beer or wine permit.

~~(d)~~ **(e)** The commission shall base its determination under subsection ~~(c)(1)(C)~~ **(d)(1)(C)** solely on the written statement of the authorized representative of the church or school.

~~(e)~~ **(f)** If the commission does not receive the written statement of the authorized representative of the church or school, the premises of the grocery store, drug store, restaurant, hotel, catering hall, or location for which the use of a supplemental catering permit has been approved may not obtain the waiver allowed under this section.

~~(f)~~ **(g)** If the commission determines that the church or school does not object, this section and IC 7.1-3-21-10 do not apply to the permit premises of the grocery store, drug store, restaurant, hotel, or catering hall on a subsequent renewal or transfer of ownership.

~~(g)~~ **(h)** If the commission:

(1) receives a written statement from the authorized representative of a church or school as described in subsection ~~(c)(1)(B),~~ **(d)(1)(B);** and

(2) determines the church or school does not object as described in subsection ~~(c)(1)(C),~~ **(d)(1)(C);**

the commission may not consider subsequent objections from the church or school to the issuance of the same permit type at the same premises location.

SECTION 47. IC 7.1-3-21-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 11.5. (a) As used in this section, "permit" means a retailer's permit.**

(b) The following permits that are issued for premises located within two hundred (200) feet of the wall of a church are not subject to section 11 of this chapter:

(1) A permit described in section 11(a) of this chapter.

(2) A permit issued before the church occupies the location.

(3) A permit issued in an area where at least one (1) other permit described in subdivision (1) or subdivision (2) is:

(A) active; and

(B) issued for premises located within two hundred (200) feet of a wall of the same church.

(c) A permit issued under subsection (b)(3) remains exempt from section 11 of this chapter if:

(1) there are no permits described in subsection (b)(1) or (b)(2) that are active; and

(2) the permit issued under subsection (b)(3) does not change locations.

SECTION 46. IC 7.1-3-21-14, AS AMENDED BY P.L.28-2014, SECTION 1, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) The commission shall issue a permit for the sale of alcoholic beverages on the Indiana state fair grounds to the Indiana state fair commission.

(b) The **following applies to a** holder of a permit under this section: ~~is~~

(1) **A permit holder is** entitled to sell alcoholic beverages on the state fair grounds to consumers by the glass.

(2) A permit holder that is a brewery under IC 7.1-3-2-7(5), a farm winery under IC 7.1-3-12, or an artisan distillery under IC 7.1-3-27 may sell alcoholic beverages produced by the permit holder for consumption off the state fair grounds, in addition to selling alcoholic beverages by the glass.

~~(2)~~ **(3) A permit holder is** entitled to permit multiple vendors of the state fair commission with separate permits at different locations on the state fair grounds to sell alcoholic beverages by the glass under the permit.

~~(3)~~ **(4) A permit holder is** entitled to receive the permit directly from the commission without local board approval.

~~(4)~~ **(5) A permit holder is** not subject to quota restrictions under IC 7.1-3-22-3. ~~and~~

~~(5)~~ **(6) A permit holder is** entitled to allow a minor to be present in the places where alcoholic beverages are sold.

(c) The holder of a permit under this section must comply with the following requirements:

(1) File a floor plan of the premises where alcoholic beverages will be served and consumed.

(2) Provide that service of alcoholic beverages may be performed only by servers certified under IC 7.1-3-1.5.

(3) Allow sales during the times prescribed under IC 7.1-3-1-14.

(4) Prohibit sales prohibited under IC 7.1-5-10-1.

(5) Operate under rules adopted by the commission to protect the public interest under IC 7.1-1-1.".

Page 54, line 29, delete "IC 7.1-3-4-2(a)(3);" and insert "**IC 7.1-3-4-2(a)(3) that has not been expunged under IC 35-38-9;**".

Page 56, delete lines 24 through 36, begin a new paragraph and insert:

"SECTION 50. IC 7.1-3-27-6, AS AMENDED BY P.L.79-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) A holder of an artisan distiller's permit may also hold one (1) **or more of one (1)** of the following:

(1) ~~A~~ Farm winery ~~permit.~~ **permits.**

(2) ~~A~~ Brewer's ~~permit~~ **permits** issued under IC 7.1-3-2-2(b).

(3) ~~A~~ Distiller's ~~permit~~ **permits** 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).".

Page 57, line 16, after "facilities." insert "**If the law applicable to one (1) of the permits under subsection (a)(2) that the person has an interest in is more prohibitive or restrictive regarding the presence of a minor in the bar area of the licensed premises than the law applicable to the other premises under subsection (a)(2) that the person has an interest in, the more prohibitive or restrictive law applies to the single bar area.**".

Page 58, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 53. IC 7.1-3-29 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1 2019]:

Chapter 29. College Stadiums

Sec. 1. As used in this chapter, "stadium" means an intercollegiate stadium that has a permanent seating capacity of at least seventy thousand (70,000) people.

Sec. 2. (a) A stadium may:

(1) submit a floor plan of proposed storage locations to the commission for approval; and

(2) indicate the primary concessionaire operating at the stadium;

if a stadium intends to allow alcoholic beverages to be stored at the stadium for use by a retailer permittee or supplemental caterer operating at the stadium.

(b) The stadium may change the primary concessionaire operating at the stadium with notification to the commission.

Sec. 3. A retailer permittee or a holder of a supplemental caterer's permit that operates at a stadium may purchase alcoholic beverages from a wholesaler or a brewery described in IC 7.1-3-2-7(5), and the wholesaler or brewery described in IC 7.1-3-2-7(5) may deliver the alcoholic beverages to the stadium to be stored in an area that has been approved by the commission. The alcoholic beverages may be stored temporarily or permanently to be served later by a retailer permittee or a holder of a supplemental caterer's permit.

Sec. 4. This chapter does not restrict or limit the use of a supplemental caterer's permit at a stadium.".

Page 60, line 39, delete "one hundred dollars ($100)" and insert "**two hundred fifty dollars ($250)**".

Page 60, delete line 42.

Page 61, delete lines 1 through 19, begin a new paragraph and insert:

"SECTION 63. IC 7.1-4-4.1-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20. (a) The initial fee for a food hall master permit is fifty thousand dollars ($50,000).**

(b) The annual renewal fee for a food hall master permit is five thousand dollars ($5,000).

(c) The commission shall deposit all fees collected under this section into the enforcement and administration fund established under IC 7.1-4-10.

SECTION 64. IC 7.1-4-4.1-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. (a) The initial application fee for a food hall vendor's permit is as follows:**

(1) For a vending space that is less than one thousand (1,000) square feet, the cost of an initial permit is two thousand five hundred dollars ($2,500).

(2) For a vending space that is at least one thousand (1,000) square feet but not more than two thousand (2,000) square feet, the cost of an initial permit fee is five thousand dollars ($5,000).

(b) The annual renewal fee for a food hall vendor's permit under subsection (a) is one thousand dollars ($1,000). The commission shall deposit all fees collected for a food hall vendor's permit under subsection (a) and this subsection into the enforcement and administration fund established under IC 7.1-4-10.

(c) If a vending space is more than two thousand (2,000) square feet, a vendor must purchase a one-way, two-way, or three-way permit, subject to:

(1) availability under IC 7.1-3-22; and

(2) the annual renewal fees under section 9 of this chapter.".

Page 62, delete lines 1 through 7.

Page 62, delete lines 17 through 26.

Page 66, delete lines 5 through 42.

Page 67, delete lines 1 through 33.

Page 69, delete lines 10 through 11, begin a new paragraph and insert:

"**(c) The permit holder may charge a corkage fee for each**

bottle of wine that is brought into the licensed premises by a patron, regardless of whether the permit holder actually opens the bottle or serves the wine.".

Page 72, delete lines 27 through 37.

Renumber all SECTIONS consecutively.

(Reference is to HB 1518 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

Smaltz, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1547, 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 26, delete "Treatment under this section".

Page 2, delete line 27, begin a new paragraph and insert:

"**(c) Before a health care provider may provide care to a minor described in subsection (b), the health care provider shall, before or at the initial appointment for treatment, make a reasonable effort to contact the minor's parent or guardian for consent to provide the treatment. If, after the health care provider has made a reasonable attempt to contact the minor's parent or guardian before or at the initial appointment for treatment, either:**

(1) the health care provider is unable to make contact; or

(2) the parent or guardian of the minor refuses to provide consent for treatment;

the health care provider shall act in the manner that is in the best interests of the minor and the fetus.".

(Reference is to HB 1547 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1548, 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, after line 38, begin a new paragraph and insert:

"SECTION 6. IC 12-15-33-3, AS AMENDED BY P.L.114-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. **(a)** The committee shall be appointed as follows:

(1) One (1) member shall be appointed by the administrator of the office to represent each of the following organizations:

(A) Indiana Council of Community Mental Health Centers.

(B) Indiana State Medical Association.

(C) Indiana State Chapter of the American Academy of Pediatrics.

(D) Indiana Hospital Association.

(E) Indiana Dental Association.

(F) Indiana State Psychiatric Association.

(G) Indiana State Osteopathic Association.

(H) Indiana State Nurses Association.

(I) Indiana State Licensed Practical Nurses Association.

(J) Indiana State Podiatry Association.

(K) Indiana Health Care Association.

(L) Indiana Optometric Association.

(M) Indiana Pharmaceutical Association.

(N) Indiana Psychological Association.

(O) Indiana State Chiropractic Association.

(P) Indiana Ambulance Association.

(Q) Indiana Association for Home Care.

(R) Indiana Academy of Ophthalmology.

(S) Indiana Speech and Hearing Association.

(T) Indiana Academy of Physician Assistants.

(U) Indiana Association of Rehabilitation Facilities.

(V) Indiana Association of Health Plans.

(2) Ten (10) members shall be appointed by the governor as follows:

(A) One (1) member who represents agricultural interests.

(B) One (1) member who represents business and industrial interests.

(C) One (1) member who represents labor interests.

(D) One (1) member who represents insurance interests.

(E) One (1) member who represents a statewide taxpayer association.

(F) Two (2) members who are parent advocates.

(G) Three (3) members who represent Indiana citizens.

(3) ~~One (1) member~~ **Six (6) members** shall be appointed by the president pro tempore of the senate acting in the capacity as president pro tempore of the senate to represent the senate. **Three (3) of the members appointed under this subdivision shall serve on the standing fiscal subcommittee created under section 8(b) of this chapter.**

(4) ~~One (1) member~~ **Six (6) members** shall be appointed by the speaker of the house of representatives to represent the house of representatives. **Three (3) of the members appointed under this subdivision shall serve on the standing fiscal subcommittee created under section 8(b) of this chapter.**

(b) Notwithstanding subsection (a)(3), after consultation with the minority leader of the senate, the president pro tempore of the senate shall appoint three (3) of the members from the minority party of the senate.

(c) Notwithstanding subsection (a)(4), after consultation with the minority leader of the house of representatives, the speaker of the house shall appoint three (3) of the members from the minority party of the house.

SECTION 7. IC 12-15-33-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. **(a)** A subcommittee may be created as the committee considers necessary.

(b) The committee shall create a standing fiscal subcommittee.

(c) The chairman of each subcommittee must be a member of the committee.

(d) Subcommittees may convene as often as needed.

SECTION 8. IC 12-15-33-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9.5 (a) The committee shall review, study, and make advisory recommendations concerning the following subjects:**

(1) Review emergency department coverage and reimbursement to providers.

(2) The reporting of Medicaid prior authorization denials by Medicaid managed care entities, excluding pharmacies.

(3) The reporting of Medicaid denials based on:

(A) administrative and medically necessary criteria; or

(B) errors or omissions made by the managed care entity.

(4) Prompt payment to providers for claims:

(A) within thirty (30) days;

(B) within ninety (90) days;

(C) within one hundred eighty (180) days; and
(D) over three hundred sixty-five (365) days.
(5) The provider appeals process for administrative and medically necessary Medicaid denials and the resolution of appeals, including rates of reversal.
(6) The central credentialing portal.
(7) Policy changes to the Medicaid program with an implementation period for providers or managed care entities of more than thirty (30) days.
(8) The reporting of Medicaid denials due to retro-eligibility status.
(9) Other subjects, as the committee considers necessary.
(b) This section expires July 1, 2021.".
Renumber all SECTIONS consecutively.
(Reference is to HB 1548 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

Kirchhofer, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1643, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1643 as printed February 8, 2019.)

Committee Vote: Yeas 16, Nays 6.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1652, 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 14, delete "training" and insert "**an optional training module**".

Page 2, line 15, delete "insulin." and insert "**insulin, including:**
(A) at least four (4), and not more than eight (8), hours of classroom training; and
(B) at least two (2), and not more than four (4), hours of practical training;
in insulin administration to be completed before a qualified medication aide may administer insulin.".

Page 2, line 41, after "employed" insert "**:**
(A)".

Page 2, line 42, delete "insulin." and insert "**insulin;**
(B) retains documentation that the qualified medication aide has completed the optional training module described in section 11(c)(2) of this chapter; and
(C) notifies each patient upon admission to the health facility that the health facility may allow qualified medication aides to administer insulin.
(c) The state department may require a qualified medication aide who administers insulin under this section to annually complete not more than one (1) hour of inservice training specific to administration of insulin.".

Page 3, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2019] **(a) The state department of health, not later than December 31, 2019, shall approve at least one (1) program for education and the optional training module described in IC 16-28-1-11(c), as amended by this act.**
(b) This SECTION expires July 1, 2020.".
Renumber SECTIONS consecutively.
(Reference is to HB 1652 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

KIRCHHOFER, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1125

Representative Ellington called down House Bill 1125 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1125–1)

Mr. Speaker: I move that House Bill 1125 be amended to read as follows:

Page 2, line 8, delete "program." and insert "**program or other similar program.**".
(Reference is to HB 1125 as printed February 12, 2019.)

ELLINGTON

Motion prevailed. The bill was ordered engrossed.

House Bill 1223

Representative Steuerwald called down House Bill 1223 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1223–1)

Mr. Speaker: I move that House Bill 1223 be amended to read as follows:

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

"SECTION 1. IC 4-2-7-3, AS AMENDED BY P.L.72-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The inspector general shall do the following:
(1) Initiate, supervise, and coordinate investigations.
(2) Recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government.
(3) Receive complaints alleging the following:
(A) A violation of the code of ethics.
(B) Bribery (IC 35-44.1-1-2).
(C) Official misconduct (IC 35-44.1-1-1).
(D) Conflict of interest (IC 35-44.1-1-4).
(E) Profiteering from public service (IC 35-44.1-1-5).
(F) A violation of the executive branch lobbying rules.
(G) A violation of a statute or rule relating to the purchase of goods or services by a current or former employee, state officer, special state appointee, lobbyist, or person who has a business relationship with an agency.
(4) If the inspector general has reasonable cause to believe that a crime has occurred or is occurring, report the suspected crime to:
(A) the governor; and
(B) appropriate state or federal law enforcement agencies and prosecuting authorities having jurisdiction over the matter.
(5) Adopt rules under IC 4-22-2 to implement IC 4-2-6 and this chapter.
(6) Adopt rules under IC 4-22-2 and section 5 of this chapter to implement a code of ethics.
(7) Ensure that every:
(A) employee;

(B) state officer;
(C) special state appointee; and
(D) person who has a business relationship with an agency;
is properly trained in the code of ethics.
(8) Provide advice to an agency on developing, implementing, and enforcing policies and procedures to prevent or reduce the risk of fraudulent or wrongful acts within the agency.
(9) Recommend legislation to the governor and general assembly to strengthen public integrity laws, including the code of ethics for state officers, employees, special state appointees, and persons who have a business relationship with an agency, including whether additional specific state officers, employees, or special state appointees should be required to file a financial disclosure statement under IC 4-2-6-8.
(10) Annually submit a report to the legislative council detailing the inspector general's activities. The report must be in an electronic format under IC 5-14-6.
(11) Prescribe and provide forms for statements required to be filed under IC 4-2-6 or this chapter.
(12) Accept and file information that:
(A) is voluntarily supplied; and
(B) exceeds the requirements of this chapter.
(13) Inspect financial disclosure forms.
(14) Notify persons who fail to file forms required under IC 4-2-6 or this chapter.
(15) Develop a filing, a coding, and an indexing system required by IC 4-2-6 and IC 35-44.1-1.
(16) Prepare interpretive and educational materials and programs.
~~(17) Adopt rules under IC 4-22-2 and section 9 of this chapter to implement a statewide code of judicial conduct for administrative law judges. The inspector general may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement a statewide code of judicial conduct for administrative law judges.~~

SECTION 2. IC 4-2-7-9 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 9. (a) The inspector general shall adopt rules under IC 4-22-2 establishing a statewide code of judicial conduct for administrative law judges. The statewide code of judicial conduct for administrative law judges must apply to every person acting as an administrative law judge for a state agency.~~

~~(b) The inspector general:~~
~~(1) shall review 312 IAC 3-1-2.5 and 315 IAC 1-1-2 in adopting a statewide code of judicial conduct for administrative law judges; and~~
~~(2) may base the statewide code of judicial conduct for administrative law judges on 312 IAC 3-1-2.5 and 315 IAC 1-1-2.~~

~~(c) A state agency may adopt rules under IC 4-22-2 to establish a supplemental code of judicial conduct for a person acting as an administrative law judge for that agency, if the supplemental code is at least as restrictive as the statewide code of judicial conduct for administrative law judges.~~

~~(d) The inspector general may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement a statewide code of judicial conduct for administrative law judges.~~

~~(e) The statewide code of judicial conduct for administrative law judges shall be enforced under IC 4-21.5. The inspector general is not responsible for enforcing the statewide code of judicial conduct for administrative law judges or for investigating a possible violation of the statewide code.~~".

Renumber all SECTIONS consecutively.
(Reference is to HB 1223 as printed February 12, 2019.)
STEUERWALD

Motion prevailed. The bill was ordered engrossed.

House Bill 1253

Representative Lucas called down House Bill 1253 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1253–1)

Mr. Speaker: I move that House Bill 1253 be amended to read as follows:
Page 7, after line 37, begin a new paragraph and insert:
"**Sec. 10. (a) The identity of a person who:**
(1) has received a grant from the institute under section 3 of this chapter; or
(2) has enrolled in, participated in, or completed the firearms training described under section 4 of this chapter;
is confidential.
(b) A charter school, nonpublic school, or school corporation may not disclose the identity of any person described in subsection (a) unless otherwise required by law.".
Renumber all SECTIONS consecutively.
(Reference is to HB 1253 as printed February 12, 2019.)
JUDY

Motion prevailed.

HOUSE MOTION
(Amendment 1253–2)

Mr. Speaker: I move that House Bill 1253 be amended to read as follows:
Page 7, after line 37, begin a new paragraph and insert:
"SECTION 4. IC 35-47-9-1, AS AMENDED BY P.L.157-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This chapter does not apply to the following:
(1) A:
(A) federal;
(B) state; or
(C) local;
law enforcement officer.
(2) A person who:
(A) may legally possess a firearm;
(B) who has completed specialized firearms instruction for teachers, school staff, and school employees under IC 10-21-2; and ~~who~~
(C) has been authorized by:
~~(A)~~ **(i)** a school board (as defined by IC 20-26-9-4); or
~~(B)~~ **(ii)** the body that administers a charter school established under IC 20-24;
to carry a firearm in or on school property.
(3) Except as provided in subsection (b) or (c), a person who:
(A) may legally possess a firearm; and
(B) possesses the firearm in a motor vehicle.
(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.
(5) Except as provided in subsection (b) or (c), a person who:
(A) may legally possess a firearm; and
(B) possesses only a firearm that is:
(i) locked in the trunk of the person's motor vehicle;
(ii) kept in the glove compartment of the person's locked motor vehicle; or
(iii) stored out of plain sight in the person's locked motor vehicle.

(b) For purposes of subsection (a)(3) and (a)(5), a person does not include a person who is:
(1) enrolled as a student in any high school except if the person is a high school student and is a member of a shooting sports team and the school's principal has

approved the person keeping a firearm concealed in the person's motor vehicle on the days the person is competing or practicing as a member of a shooting sports team; or

(2) a former student of the school if the person is no longer enrolled in the school due to a disciplinary action within the previous twenty-four (24) months.

(c) For purposes of subsection (a)(3) and (a)(5), a motor vehicle does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.".

(Reference is to HB 1253 as printed February 12, 2019.)

DELANEY

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 174: yeas 31, nays 57. Motion failed.

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

HOUSE MOTION
(Amendment 1253–4)

Mr. Speaker: I move that House Bill 1253 be amended to read as follows:

Page 4, delete lines 36 through 38, begin a new line block indented and insert:

"**(1) is taught by an instructor who is or instructors who are:**

(A) qualified to provide instruction in the topics described in subdivision (2);

(B) certified by the law enforcement training board (as described under IC 5-2-1-3); and

(C) employed by or affiliated with an Indiana law enforcement training academy; and".

Page 7, delete lines 17 through 18, begin a new line block indented and insert:

"**(2) is provided by any person who is not:**

(A) certified by the law enforcement training board (as described under IC 5-2-1-3); or

(B) employed by or affiliated with an Indiana law enforcement training academy."

Renumber all SECTIONS consecutively.

(Reference is to HB 1253 as printed February 12, 2019.)

FORESTAL

Upon request of Representatives GiaQuinta and Porter, the Speaker ordered the roll of the House to be called. Roll Call 175: yeas 28, nays 63. Motion failed.

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

HOUSE MOTION
(Amendment 1253–14)

Mr. Speaker: I move that House Bill 1253 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 33.

Page 3, line 41, after "IC 20-24-1-4." insert "**However, the term does not include a virtual charter school.**".

Page 4, line 14, delete "is".

Page 4, delete lines 25 through 35, begin a new line blocked left and insert:

"**may participate in specialized firearms instruction described in this chapter in order to be authorized by a governing body (or the equivalent for a charter school) to possess a firearm on school property under IC 35-47-9-1(a)(2).**

Sec 3. Notwithstanding IC 35-47-9-1(a)(2), in order for a person to be authorized to possess a firearm on school property by a governing body (or the equivalent for a charter school) under IC 35-47-9-1(a)(2), the person must complete specialized firearms instruction that:".

Page 5, line 9, delete "twenty four" and insert "**twenty-four**".

Page 6, delete lines 27 through 29, begin a new paragraph and insert:

"**Sec. 4. A teacher, school staff member, or school employee who wishes to apply for specialized firearms instruction under this chapter must:**".

Page 6, line 36, delete "Sec. 6." and insert "**Sec. 5.**".

Page 6, line 36, delete "who:".

Page 6, delete lines 37 through 40.

Page 6, run in lines 36 through 41.

Page 7, line 1, delete "7." and insert "6.".

Page 7, line 3, delete "4" and insert "**3**".

Page 7, delete lines 13 through 37.

Page 7, after line 37, begin a new paragraph and insert:

"SECTION 4. IC 35-31.5-2-37, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 37. **(a)** "Charter school", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(c).

(b) "Charter school" for purposes of IC 35-47-9-1 has the meaning set forth in IC 20-24-1-4.

SECTION 5. IC 35-31.5-2-78, AS AMENDED BY P.L.181-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 78. "Crime of domestic violence", for purposes of IC 5-2-6.1, IC 35-38-9, ~~and~~ IC 35-47-4-7, **and IC 35-47-9-1,** means an offense or the attempt to commit an offense that:

(1) has as an element the:

(A) use of physical force; or

(B) threatened use of a deadly weapon; and

(2) is committed against a:

(A) current or former spouse, parent, or guardian of the defendant;

(B) person with whom the defendant shared a child in common;

(C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or

(D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant.

SECTION 6. IC 35-31.5-2-210.7, AS ADDED BY P.L.66-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 210.7. "NICS", for purposes of IC 35-36-2-4, IC 35-36-2-5, IC 35-36-3-1, **IC 35-47-9-1,** IC 35-47-2-7, IC 35-47-2.5, and IC 35-47-8.5, has the meaning set forth in IC 35-47-2.5-2.5.

SECTION 7. IC 35-31.5-2-211, AS AMENDED BY P.L.208-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 211. **(a)** "Nonpublic school", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(h).

(b) "Nonpublic school", for purposes of IC 35-47-9-1, means a school that:

(A) is not maintained by a school corporation or charter school; and

(B) employs one (1) or more employees.

SECTION 8. IC 35-31.5-2-284, AS AMENDED BY P.L.208-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 284. **(a)** "School corporation", for purposes of IC 35-42-4-7, has the meaning set forth in IC 35-42-4-7(j).

(b) "School corporation", for purposes of IC 35-47-9-1, has the meaning set forth in IC 20-26-2-4.

SECTION 9. IC 35-47-9-1, AS AMENDED BY P.L.157-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This chapter does not apply to the following:

(1) A:

(A) federal;

(B) state; or
(C) local;
law enforcement officer.
(2) A: ~~person who may legally possess a firearm and who has been authorized by:~~
(A) person who may legally possess a firearm, who has successfully completed the course of specialized firearms instruction described under IC 10-21-2-4(2), and who has been authorized by:
~~(A)~~ **(i)** a school board (as defined by IC 20-26-9-4); or
~~(B)~~ **(ii)** the body that administers a charter school established under IC 20-24;
to carry a firearm in or on school property; **or**
(B) teacher, school staff member, or school employee employed by a nonpublic school, a school corporation, or a charter school who:
(i) is able to successfully pass a NICS background check performed by a local law enforcement agency or the state police department;
(ii) does not have a criminal conviction for a crime of violence (as defined under IC 35-50-1-2(a));
(iii) does not have a criminal conviction for domestic battery (as defined under IC 35-42-2-1.3);
(iv) does not have a criminal conviction for a crime of domestic violence (as defined under IC 35-31.5-2-78);
(v) does not have a conviction for carrying a handgun without a license (as defined under IC 35-47-2-1);
(vi) does not have a criminal conviction for unlawful possession of a firearm by a serious violent felon (as defined under IC 35-47-4-5); and
(vii) does not have a criminal conviction for an offense from any other jurisdiction that is the same or substantially similar to any offense described under items (ii) through (vi); and
who has been authorized by a school board (as defined by IC 20-26-9-4) or the body that administers a charter school established under IC 20-24 to carry a firearm in or on school property.
(3) Except as provided in subsection (b) or (c), a person who:
(A) may legally possess a firearm; and
(B) possesses the firearm in a motor vehicle.
(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.
(5) Except as provided in subsection (b) or (c), a person who:
(A) may legally possess a firearm; and
(B) possesses only a firearm that is:
(i) locked in the trunk of the person's motor vehicle;
(ii) kept in the glove compartment of the person's locked motor vehicle; or
(iii) stored out of plain sight in the person's locked motor vehicle.

(b) For purposes of subsection (a)(3) and (a)(5), a person does not include a person who is:
(1) enrolled as a student in any high school except if the person is a high school student and is a member of a shooting sports team and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on the days the person is competing or practicing as a member of a shooting sports team; or
(2) a former student of the school if the person is no longer enrolled in the school due to a disciplinary action within the previous twenty-four (24) months.

(c) For purposes of subsection (a)(3) and (a)(5), a motor vehicle does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.

(d) The NICS background check described under subsection (a)(2)(B) shall be performed by a local law enforcement agency or the state police department. The law enforcement agency responsible for performing the NICS background check required under subsection (a)(2)(B) may charge a reasonable fee for the performance of the NICS background check.".

Renumber all SECTIONS consecutively.
(Reference is to HB 1253 as printed February 12, 2019.)
CHYUNG

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 176: yeas 27, nays 62. Motion failed. The bill was ordered engrossed.

House Bill 1165

Representative Bauer called down House Bill 1165 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1165–2)

Mr. Speaker: I move that House Bill 1165 be amended to read as follows:
Page 3, delete lines 35 through 40, begin a new paragraph and insert:
"**Sec. 12. Nothing in this chapter or in an agricultural conservation easement created under this chapter affects the ability of a public utility (as defined in IC 8-1-2-1(a)), a municipally owned utility (as defined in IC 8-1-2-1(h)), or a communications service provider (as defined in IC 8-1-32.6-3) to acquire property or property rights to be used in connection with the provision of utility services or communications service (as defined in IC 8-1-32.6-2) to the public.**".
(Reference is to HB 1165 as printed February 12, 2019.)
BAUER

Motion prevailed.

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

HOUSE MOTION
(Amendment 1165–3)

Mr. Speaker: I move that House Bill 1165 be amended to read as follows:
Page 1, delete lines 1 through 17.
Delete pages 2 through 3.
Page 4, delete lines 1 through 26.
Page 5, after line 16, begin a new paragraph and insert:
"SECTION 2. [EFFECTIVE JULY 1, 2019] **(a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**
(b) The legislative council is urged to assign to the appropriate interim study committee during the 2019 legislative interim the topic of achieving farmland preservation in Indiana, including preservation through agricultural conservation easements.
(c) If the topic described in subsection (b) is assigned to an interim study committee, the interim study committee shall issue a final report to the legislative council containing the interim study committee's findings and

recommendations, including any recommended legislation, in an electronic format under IC 5-14-6 not later than November 1, 2019.(d) This SECTION expires December 31, 2019.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1165 as printed February 12, 2019.)

MILLER

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 177: yeas 56, nays 34. Motion prevailed. The bill was ordered engrossed.

House Bill 1278

Representative Wolkins called down House Bill 1278 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1278–2)

Mr. Speaker: I move that House Bill 1278 be amended to read as follows:

Page 2, line 21, delete "42" and insert "**40**".

(Reference is to HB 1278 as printed February 1, 2019.)

WOLKINS

Motion prevailed.

HOUSE MOTION
(Amendment 1278–3)

Mr. Speaker: I move that House Bill 1278 be amended to read as follows:

Page 5, after line 32, begin a new paragraph and insert:

"SECTION 13. IC 16-44-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019] Sec. 8. (a) The inspections and tests made by the state department under this chapter shall be conducted in accordance with the methods outlined by the American Society for Testing and Materials.

(b) The inspections and tests as to gasoline, gasohol, and kerosene must reflect the following minimum specifications necessary for the approval of the product:

(1) Gasoline or gasohol:

(A) Corrosion Test – Method ASTM D-130. A clean copper strip may not show more than extremely slight discoloration when submerged in the gasoline for three (3) hours at one hundred twenty-two (122) degrees Fahrenheit.

(B) Distillation Range – Method ASTM D-86. When the thermometer reads one hundred sixty-seven (167) degrees Fahrenheit, not less than ten percent (10%) may be evaporated. When the thermometer reads two hundred eighty-four (284) degrees Fahrenheit, not less than fifty percent (50%) may be evaporated. When the thermometer reads three hundred ninety-two (392) degrees Fahrenheit, not less than ninety percent (90%) may be evaporated. The residue may not exceed two percent (2%). Percent evaporated is found by adding the distillation loss to the amount collected in the receiver at each specification temperature.

(C) Sulphur – Method ASTM D-1266 or D-2622. Sulphur may not exceed twenty-five hundredths of one percent (0.25%).

(D) Vapor Pressure – Method ASTM D-4953, ASTM D-5191, or any other ASTM method to determine vapor pressure approved by the United States Environmental Protection Agency. For gasoline, the Reid vapor pressure at one hundred (100) degrees Fahrenheit may not exceed the following:

(i) Fifteen (15) pounds per square inch at the normal barometric pressure at the point of delivery during November, December, January, February, and March.

(ii) ~~Fourteen (14)~~ **Thirteen and five-tenths (13.5)** pounds per square inch during April and October.

(iii) Eleven and five-tenths (11.5) pounds per square inch during September 16 through September 30.

~~(iii)~~ **(iv)** ~~Twelve (12)~~ **Nine (9)** pounds per square inch during May, June, July, August, and September **1 through September 15, as regulated by the United States Environmental Protection Agency.**

(v) Compliant conventional gasoline under 326 IAC 13: Rule 3 is subject to more stringent vapor pressure requirements.

(E) For gasohol (a blend of gasoline and alcohol permitted under federal tax requirements), the vapor pressure may not exceed the following:

(i) Sixteen (16) pounds per square inch during November, December, January, February, and March.

(ii) ~~Fifteen (15)~~ **Fourteen and five-tenths (14.5)** pounds per square inch during April and October.

(iii) Twelve and five-tenths (12.5) pounds per square inch during September 16 through September 30.

~~(iii)~~ **(iv)** ~~Thirteen (13)~~ **Ten (10)** pounds per square inch during May, June, July, August, and September **1 through September 15, as regulated by the United States Environmental Protection Agency.**

(v) Compliant conventional gasoline under 326 IAC 13: Rule 3 and federal reformulated gasoline is subject to more stringent vapor pressure requirements.

(F) After July 23, 2004, gasoline may not contain more than one-half percent (0.5%) of MTBE by volume.

(2) Kerosene:

(A) Flash Test – Method ASTM D-56. Flash point may not be lower than one hundred (100) degrees Fahrenheit.

(B) For the purpose of this chapter, any petroleum product designated by name or reference as "kerosene" must meet the federal specifications for kerosene VV-K-211d in effect on March 1, 1977.

(c) Gasoline, gasohol, and kerosene products that do not comply with the minimum specifications described in subsection (b) may not be sold, offered for sale, or used in Indiana.

(d) Petroleum products other than gasoline, gasohol, or kerosene shall be inspected and tested by the methods as are necessary to determine the contents and characteristics of the product.".

(Reference is to HB 1278 as printed February 1, 2019.)

WOLKINS

Motion prevailed. The bill was ordered engrossed.

House Bill 1492

Representative Baird called down House Bill 1492 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1492–1)

Mr. Speaker: I move that House Bill 1492 be amended to read as follows:

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

"**(13) Phragmites (Phragmites australis).**

(14) Honeysuckle (Lonicera spp.).

(15) Purple loosestrife (Lythrum salicaria).".

Page 2, line 2, delete "(13)" and insert "**(16)**".

(Reference is to HB 1492 as printed February 12, 2019.)

BOY

Motion failed. The bill was ordered engrossed.

House Bill 1517

Representative Smaltz called down House Bill 1517 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1517–1)

Mr. Speaker: I move that House Bill 1517 be amended to read as follows:

Page 11, line 1, delete "state" and insert "**stated**".

(Reference is to HB 1517 as printed February 12, 2019.)

BOY

Motion prevailed. The bill was ordered engrossed.

House Bill 1625

Representative Clere called down House Bill 1625 for second reading. The bill was re-read a second time by title.

HOUSE MOTION
(Amendment 1625–2)

Mr. Speaker: I move that House Bill 1625 be amended to read as follows:

Page 9, line 25, after "3." insert "**(a)**".

Page 9, between lines 29 and 30, begin a new paragraph and insert:

"**(b) The term does not include the following:**

(1) An impact fee ordinance adopted under IC 36-7-4-1300.

(2) A zoning or land use:

(A) ordinance;

(B) regulation; or

(C) approval;

that is requested voluntarily by or on behalf of a property owner to which the action would apply.".

Page 11, delete lines 2 through 42, begin a new paragraph and insert:

"**Chapter 24.4. Housing Fee Reports**".

Page 12, delete lines 1 through 10.

Page 12, line 11, delete "2. (a)" and insert "**1.**".

Page 12, line 17, delete "(b)" and insert "**Sec. 2.**".

Page 12, line 17, delete "subsection (a)" and insert "**section 1 of this chapter**".

Page 13, line 2, delete "(c)" and insert "**Sec. 3.**".

Page 13, line 2, delete "subsection (d)," and insert "**section 4 of this chapter,**".

Page 13, line 3, delete "section" and insert "**chapter**".

Page 13, line 7, delete "(d)" and insert "**Sec. 4.**".

Page 13, line 9, delete "section" and insert "**chapter**".

Page 13, line 11, delete "section," and insert "**chapter,**".

Page 13, line 12, delete "(e)" and insert "**Sec. 5.**".

Page 13, line 14, delete "(f)" and insert "**Sec. 6.**".

Page 13, line 15, delete "section:" and insert "**chapter:**".

Page 13, line 16, delete "subsection (b)(1); and" and insert "**section 2(1) of this chapter; and**".

Page 13, line 19, delete "subsection (c); or" and insert "**section 3 of this chapter; or**".

Page 13, line 20, delete "subsection (d);" and insert "**section 4 of this chapter;**".

Page 13, line 21, delete "section;" and insert "**chapter;**".

(Reference is to HB 1625 as reprinted February 6, 2019.)

CLERE

Motion prevailed. The bill was ordered engrossed.

House Bill 1628

Representative Behning called down House Bill 1628 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1628–1)

Mr. Speaker: I move that House Bill 1628 be amended to read as follows:

Page 7, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 10. IC 12-17.2-7.2-13.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 13.1. The office shall post monthly on the office's Internet web site the total enrollment of and number of grants awarded to:**

(1) all eligible children (before January 1, 2020); and

(2) after December 31, 2019, both:

(A) all eligible children; and

(B) all limited eligibility children;

for each county that participates in the prekindergarten pilot program.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1628 as printed February 12, 2019.)

AUSTIN

Motion prevailed. The bill was ordered engrossed.

House Bill 1641

Representative Behning called down House Bill 1641 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1641–1)

Mr. Speaker: I move that House Bill 1641 be amended to read as follows:

Page 18, line 30, after "conduct" insert "**kindergarten through grade 12**".

Page 22, line 14, delete "or" and insert "**for any combination of kindergarten through grade 12**".

Page 22, line 18, delete "(c)." and insert "**(c) and uses the vacant or unused school building to provide classroom instruction to students in any combination of kindergarten through grade 12.**".

Page 22, line 36, after "(b)" insert "**A charter school or neighboring school corporation that purchases a school building assumes total control of the school building and must ensure that the charter school or neighboring school corporation maintains the school building, including utilities, insurance, maintenance, and repairs.**".

(Reference is to HB 1641 as printed February 12, 2019.)

BEHNING

Motion prevailed.

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

HOUSE MOTION
(Amendment 1641–4)

Mr. Speaker: I move that House Bill 1641 be amended to read as follows:

Page 2, between lines 13 and 14, begin a new paragraph and insert:

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

(1) Disability.

(2) Race.

(3) Color.

(4) Gender.

(5) Gender identity or expression.

(6) Sexual orientation.

~~(5)~~ **(7)** National origin.

~~(6)~~ **(8)** Religion.

~~(7)~~ **(9)** Ancestry.".

Page 3, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 4. IC 20-24-4-1, AS AMENDED BY P.L.192-2018, SECTION 7, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A charter must meet the following requirements:

(1) Be a written instrument.

(2) Be executed by an authorizer and an organizer.

(3) Confer certain rights, franchises, privileges, and obligations on a charter school.

(4) Confirm the status of a charter school as a public school.

(5) Subject to subdivision (6)(E), be granted for:

(A) not less than three (3) years or more than seven (7) years; and

(B) a fixed number of years agreed to by the authorizer and the organizer.

(6) Provide for the following:

(A) A review by the authorizer of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect.

(B) Renewal, if the authorizer and the organizer agree to renew the charter.

(C) The renewal application must include guidance from the authorizer, and the guidance must include the performance criteria that will guide the authorizer's renewal decisions.

(D) The renewal application process must, at a minimum, provide an opportunity for the charter school to:

(i) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(ii) describe improvements undertaken or planned for the charter school; and

(iii) detail the charter school's plans for the next charter term.

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

(7) Specify the grounds for the authorizer to:

(A) revoke the charter before the end of the term for which the charter is granted; or

(B) not renew a charter.

(8) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:

(A) Evidence of improvement in:

(i) assessment measures, including the statewide assessment program measures;

(ii) attendance rates;

(iii) graduation rates (if appropriate);

(iv) increased numbers of Indiana diplomas with a Core 40 designation and other college and career ready indicators including advanced placement participation and passage, dual credit participation and passage, and International Baccalaureate participation and passage (if appropriate);

(v) increased numbers of Indiana diplomas with Core 40 with academic honors and technical honors designations (if appropriate);

(vi) student academic growth;

(vii) financial performance and stability; and

(viii) governing board performance and stewardship, including compliance with applicable laws, rules and regulations, and charter terms.

(B) Evidence of progress toward reaching the educational goals set by the organizer.

(9) Describe the method to be used to monitor the charter school's:

(A) compliance with applicable law; and

(B) performance in meeting targeted educational performance.

(10) Specify that the authorizer and the organizer may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter.

(11) Describe specific operating requirements, including all the matters set forth in the application for the charter.

(12) Specify a date when the charter school will:

(A) begin school operations; and

(B) have students attending the charter school.

(13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.

(14) Specify that records provided by the charter school to the department or authorizer that relate to compliance by the organizer with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.

(15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.

(16) This subdivision applies to a charter established or renewed for an adult high school after June 30, 2014. The charter must require:

(A) that the school will offer flexible scheduling;

(B) that students will not complete the majority of instruction of the school's curriculum online or through remote instruction;

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

(D) a plan:

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

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

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

(A) Disability.

(B) Race.

(C) Color.

(D) Gender.

(E) Gender identity or expression.

(F) Sexual orientation.

(G) National origin.

(H) Religion.

(I) Ancestry.

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

applicable federal, state, and authorizer expectations.

SECTION 5. IC 20-24-5-5, AS AMENDED BY P.L.215-2018(ss), SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in subsections (b), (c), (d), (e), and (f), a charter school must enroll any eligible student who submits a timely application for enrollment.

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

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

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

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

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

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

(5) allow each student who qualifies for free or reduced price lunch under the national school lunch program to receive preference for admission to a charter school if the preference is specifically provided for in the charter school's charter and is approved by the authorizer; **and**

(6) allow each student who attends a charter school that is co-located with the charter school to receive preference for admission to the charter school if the preference is specifically provided for in the charter school's charter and is approved by the charter school's authorizer.

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

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

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

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

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

(1) Disability.

(2) Race.

(3) Color.

(4) Gender.

(5) Gender identity or expression.

(6) Sexual orientation.

~~(5)~~ **(7)** National origin.

~~(6)~~ **(8)** Religion.

~~(7)~~ **(9)** Ancestry.

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

SECTION 6. IC 20-24.5-3-5, AS ADDED BY P.L.2-2007, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A student who applies for admission to the academy must:

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

(2) demonstrate exceptional intellectual ability; and

(3) demonstrate a commitment to scholarship.

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

Delete page 4.

Page 5, delete lines 1 through 3.

Page 27, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 25. IC 20-33-1-1, AS AMENDED BY P.L.3-2008, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following is the public policy of the state:

(1) To provide:

(A) equal;

(B) nonsegregated; and

(C) nondiscriminatory;

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

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

(3) To reaffirm the principles of:

(A) the Bill of Rights;

(B) civil rights; and

(C) the Constitution of the State of Indiana.

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

(5) To:

(A) abolish;

(B) eliminate; and

(C) prohibit;

segregated and separate schools or school districts on the basis of race, creed, or color.

(6) To eliminate and prohibit:

(A) segregation;

(B) separation; and

(C) discrimination;

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

Page 29, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 27. IC 20-51-1-4.7, AS AMENDED BY P.L.242-2017, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.7. "Eligible school" refers to a public or nonpublic elementary school or high school that:

(1) is located in Indiana;

(2) requires an eligible choice scholarship student to pay tuition or transfer tuition to attend;

(3) voluntarily agrees to enroll an eligible choice scholarship student;

(4) is accredited by either the state board or a national or regional accreditation agency that is recognized by the state board;

(5) administers the statewide assessment program;

(6) is not a charter school or the school corporation in which an eligible choice scholarship student has legal settlement under IC 20-26-11; ~~and~~

(7) submits to the department only the student performance data required for a category designation under IC 20-31-8-3; **and**

(8) complies with IC 20-51-4-1(h).

SECTION 28. IC 20-51-4-1, AS AMENDED BY P.L.106-2016, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided under subsections (b) through ~~(h),~~ **(i),** it is the intent of the general assembly to honor the autonomy of nonpublic schools that choose to become eligible schools under this chapter. A nonpublic eligible school is not an agent of the state or federal government, and therefore:

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

(2) the creation of the choice scholarship program does not expand the regulatory authority of the state, the state's officers, or a school corporation to impose additional regulation of nonpublic schools beyond those necessary to enforce the requirements of the choice scholarship program in place on July 1, 2011; and

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

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

(1) The Constitution of the United States.

(2) The national motto.

(3) The national anthem.

(4) The Pledge of Allegiance.

(5) The Constitution of the State of Indiana.

(6) The Declaration of Independence.

(7) The Mayflower Compact.

(8) The Federalist Papers.

(9) "Common Sense" by Thomas Paine.

(10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.

(11) United States Supreme Court decisions.

(12) Executive orders of the presidents of the United States.

(13) Frederick Douglass's speech at Rochester, New York, on July 5, 1852, entitled "What to the Slave is the Fourth of July?".

(14) "Appeal" by David Walker.

(15) Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands.

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

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

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

(f) An eligible school shall do the following:

(1) Allow a student to include a reference to a writing, document, or record listed in subsection (b) in a report or other work product.

(2) May not punish the student in any way, including a reduction in grade, for using the reference.

(3) Display the United States flag in each classroom.

(4) Provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:

(A) the student chooses to not participate; or

(B) the student's parent chooses to have the student not participate.

(5) Provide instruction on the constitutions of:

(A) Indiana; and

(B) the United States.

(6) For an eligible school that enrolls students in grades 6 through 12, provide within the two (2) weeks preceding a general election five (5) full recitation periods of class discussion concerning:

(A) the system of government in Indiana and in the United States;

(B) methods of voting;

(C) party structures;

(D) election laws; and

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

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

(A) honesty;

(B) morality;

(C) courtesy;

(D) obedience to law;

(E) respect for the national flag and the Constitution of the State of Indiana and the Constitution of the United States;

(F) respect for parents and the home;

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

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

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

(A) Being honest and truthful.

(B) Respecting authority.

(C) Respecting the property of others.

(D) Always doing the student's personal best.

(E) Not stealing.

(F) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.

(G) Taking personal responsibility for obligations to family and community.

(H) Taking personal responsibility for earning a livelihood.

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

(J) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.

(K) Respecting the student's parents and home.

(L) Respecting the student's self.

(M) Respecting the rights of others to have their own views and religious beliefs.

(9) Provide instruction in the following studies:

(A) Language arts, including:

(i) English;

(ii) grammar;

(iii) composition;

(iv) speech; and

(v) second languages.

(B) Mathematics.
(C) Social studies and citizenship, including the:
(i) constitutions;
(ii) governmental systems; and
(iii) histories;
of Indiana and the United States, including a study of the Holocaust and the role religious extremism played in the events of September 11, 2001, in each high school United States history course.
(D) Sciences.
(E) Fine arts, including music and art.
(F) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.

(g) An eligible school shall not teach the violent overthrow of the government of the United States.

(h) An eligible school may not discriminate against a member of the eligible school's staff on the basis of any of the following:

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

~~(h)~~ **(i)** Nothing in this section shall be construed to limit the requirements of IC 20-30-5.

SECTION 29. IC 20-51-4-3, AS AMENDED BY P.L.106-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An eligible school may not discriminate on the basis of race, color, **sexual orientation, gender identity or expression, disability, ancestry,** or national origin.

(b) An eligible school shall abide by the school's written admission policy fairly and without discrimination with regard to students who:
(1) apply for; or
(2) are awarded;
scholarships under this chapter.

(c) If the number of applicants for enrollment in an eligible school under a choice scholarship exceeds the number of choice scholarships available to the eligible school, the eligible school must draw at random in a public meeting the applications of applicants who are entitled to a choice scholarship from among the applicants who meet the requirements for admission to the eligible school.

(d) The department shall make random visits to at least five percent (5%) of eligible schools during a particular school year to verify that the eligible school complies with the provisions of this chapter and the Constitutions of the State of Indiana and the United States.

(e) Each eligible school shall grant the department reasonable access to its premises, including access to the school's grounds, buildings, and property.

(f) Each year the principal of each eligible school shall certify under penalties of perjury to the department that the eligible school is complying with the requirements of this chapter. The department shall develop a process for eligible schools to follow to make certifications.

(g) Each eligible school shall annually submit to the department, in a manner prescribed by the department, copies of teacher contracts or other documentation prescribed by the department to demonstrate that the eligible school's employment practices comply with section 1(h) of this chapter.

SECTION 30. IC 20-51-4-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) If the department:**

(1) after reviewing documentation submitted under section 3(g) of this chapter determines that an eligible school does not comply with section 1(h) of this chapter;
(2) receives copies of findings from a court that an eligible school does not comply with section 1(h) of this chapter; or
(3) otherwise determines that an eligible school does not comply with section 1(h) of this chapter;

the department shall send a notice to the eligible school indicating that the eligible school will not be considered an eligible school under IC 20-51-1-4.7, beginning in the school year immediately following the current school year if the eligible school, within thirty (30) days of the date of the notice, does not demonstrate, in a manner prescribed by the department, that the eligible school complies with section 1(h) of this chapter.

(b) If an eligible school that receives a notice does not comply with section 1(h) of this chapter in the manner described in subsection (a), the school will not be considered an eligible school beginning in the school year immediately following the current school year. The department may not award a choice scholarship under this chapter to students enrolled in the school beginning in the school year immediately following the current school year until the department subsequently approves the school's application under subsection (d).

(c) An eligible school described in subsection (b) must notify parents of students currently enrolled in the school that students enrolled in the school beginning in the school year immediately following the current school year will not be eligible to receive a choice scholarship under this chapter if the student is enrolled in the school.

(d) A school described in subsection (b) may submit an application to the department to become an eligible school not earlier than one (1) year from the date the school is no longer considered an eligible school under this section. The school must submit documentation prescribed by the department to demonstrate that the school is compliant with section 1(h) of this chapter.".

Page 31, after line 11, begin a new paragraph and insert:
"SECTION 32. **An emergency is declared for this act.**".
Renumber all SECTIONS consecutively.
(Reference is to HB 1641 as printed February 12, 2019.)
FORESTAL

Upon request of Representatives Karickhoff and Forestal 178, the Speaker ordered the roll of the House to be called. Roll Call 32: yeas 63, nays Motion failed..

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

HOUSE MOTION
(Amendment 1641–11)

Mr. Speaker: I move that House Bill 1641 be amended to read as follows:

Page 18, between lines 40 and 41, begin a new line block indented and insert:

"**(4) A governing body that adopts a resolution:**

(A) indicating that the school building is being vacated in order to increase student enrollment at another school operated by the school corporation or to improve student performance while reducing operating costs;
(B) specifying the amount of debt and the market value of the school building as determined under IC 36-1-11; and
(C) specifying that compliance with section 4 of this

chapter would nullify any reduction of operating costs described in clause (A).".

Page 23, line 8, after "7." insert "**(a)**".

Page 23, line 8, after "IC 36-1-11" delete "," and insert "**and subject to subsection (b),**".

Page 23, between lines 33 and 34, begin a new paragraph and insert:

"**(b) Notwithstanding IC 36-1-11, a governing body that adopts a resolution described in section 3(b)(4) of this chapter must sell a vacant or unused school building that is the subject of a resolution described in section 3(b)(4) to a charter school that sends a letter of intent to the school corporation to purchase the vacant or unused school building for an amount equal to the fair market value of the vacant school building as described in the resolution passed by the governing body of the school corporation under section 3(b)(4) of this chapter.**".

(Reference is to HB 1641 as printed February 12, 2019.)

DELANEY

Upon request of Representatives GiaQuinta and Porter, the Speaker ordered the roll of the House to be called. Roll Call 179: yeas 33, nays 61. Motion failed.

Representative Morris and Speaker Bosma, who had been present, are now excused.

HOUSE MOTION
(Amendment 1641–3)

Mr. Speaker: I move that House Bill 1641 be amended to read as follows:

Page 19, line 34, delete "and".

Page 20, line 3, delete "statement." and insert "**statement; and**

(4) indicate whether the school corporation requests that the school building may be made unavailable for a period of not more than six (6) months in the event the school corporation passes a new resolution or takes official action to reclaim the school building.".

Page 20, line 20, after "Within" insert "**the later of the date the building becomes available under subsection (a)(1) or**".

Page 20, line 24, after "within" insert "**the later of the date the building becomes available under subsection (a)(1) or**".

(Reference is to HB 1641 as printed February 12, 2019.)

V. SMITH

Upon request of Representatives GiaQuinta and V. Smith, the Speaker ordered the roll of the House to be called. Roll Call 180: yeas 32, nays 60. Motion failed.

HOUSE MOTION
(Amendment 1641–5)

Mr. Speaker: I move that House Bill 1641 be amended to read as follows:

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 3. IC 20-24-4-1, AS AMENDED BY P.L.192-2018, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A charter must meet the following requirements:

(1) Be a written instrument.

(2) Be executed by an authorizer and an organizer.

(3) Confer certain rights, franchises, privileges, and obligations on a charter school.

(4) Confirm the status of a charter school as a public school.

(5) Subject to subdivision (6)(E), be granted for:

(A) not less than three (3) years or more than ~~seven (7)~~ **five (5)** years; and

(B) a fixed number of years agreed to by the authorizer and the organizer.

(6) Provide for the following:

(A) A review by the authorizer of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect.

(B) Renewal, if the authorizer and the organizer agree to renew the charter.

(C) The renewal application must include guidance from the authorizer, and the guidance must include the performance criteria that will guide the authorizer's renewal decisions.

(D) The renewal application process must, at a minimum, provide an opportunity for the charter school to:

(i) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(ii) describe improvements undertaken or planned for the charter school; and

(iii) detail the charter school's plans for the next charter term.

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

(7) Specify the grounds for the authorizer to:

(A) revoke the charter before the end of the term for which the charter is granted; or

(B) not renew a charter.

(8) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:

(A) Evidence of improvement in:

(i) assessment measures, including the statewide assessment program measures;

(ii) attendance rates;

(iii) graduation rates (if appropriate);

(iv) increased numbers of Indiana diplomas with a Core 40 designation and other college and career ready indicators including advanced placement participation and passage, dual credit participation and passage, and International Baccalaureate participation and passage (if appropriate);

(v) increased numbers of Indiana diplomas with Core 40 with academic honors and technical honors designations (if appropriate);

(vi) student academic growth;

(vii) financial performance and stability; and

(viii) governing board performance and stewardship, including compliance with applicable laws, rules and regulations, and charter terms.

(B) Evidence of progress toward reaching the educational goals set by the organizer.

(9) Describe the method to be used to monitor the charter school's:

(A) compliance with applicable law; and

(B) performance in meeting targeted educational performance.

(10) Specify that the authorizer and the organizer may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter.
(11) Describe specific operating requirements, including all the matters set forth in the application for the charter.
(12) Specify a date when the charter school will:
(A) begin school operations; and
(B) have students attending the charter school.
(13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.
(14) Specify that records provided by the charter school to the department or authorizer that relate to compliance by the organizer with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.
(15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.
(16) This subdivision applies to a charter established or renewed for an adult high school after June 30, 2014. The charter must require:
(A) that the school will offer flexible scheduling;
(B) that students will not complete the majority of instruction of the school's curriculum online or through remote instruction;
(C) that the school will offer dual credit or industry certification course work that aligns with career pathways as recommended by the Indiana career council established by IC 22-4.5-9-3; and
(D) a plan:
(i) to support successful program completion and to assist transition of graduates to the workforce or to a postsecondary education upon receiving a diploma from the adult high school; and
(ii) to review individual student accomplishments and success after a student receives a diploma from the adult high school.

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

Renumber all SECTIONS consecutively.

(Reference is to HB 1641 as printed February 12, 2019.)

V. SMITH

Upon request of Representatives Lehman and Torr, the Speaker ordered the roll of the House to be called. Roll Call 181: yeas 88, nays 0. Motion prevailed.

Speaker Bosma, who had been excused, is now present.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION
(Amendment 1641–7)

Mr. Speaker: I move that House Bill 1641 be amended to read as follows:

Page 5, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 4. IC 20-24-9-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 8. Beginning July 1, 2019, at least fifty percent (50%) of the public meetings of a charter school board must be located in the geographic boundaries of the school corporation in which the charter school is located.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1641 as printed February 12, 2019.)

V. SMITH

Upon request of Representatives GiaQuinta and V. Smith, the Speaker ordered the roll of the House to be called. Roll Call 182: yeas 27, nays 61. Motion failed.

HOUSE MOTION
(Amendment 1641–8)

Mr. Speaker: I move that House Bill 1641 be amended to read as follows:

Page 2, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 2. IC 20-24-2-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 3. The board of a charter school must consist of at least two (2) members who reside within the geographic boundaries of the school corporation in which the charter school is located.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1641 as printed February 12, 2019.)

V. SMITH

Upon request of Representatives GiaQuinta and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 183: yeas 28, nays 60. Motion failed.

HOUSE MOTION
(Amendment 1641–9)

Mr. Speaker: I move that House Bill 1641 be amended to read as follows:

Page 31, after line 11, begin a new paragraph and insert:

"SECTION 24. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate interim study committee the task of studying the following concerning charters schools:**

(1) A market assessment of charter schools that addresses:

(A) whether there is a need for additional charter schools based on the demographics of Indiana and projected enrollment in any additional charter schools;

(B) whether there should be a moratorium on establishing additional charter schools until studies indicate that additional charter schools are viable and needed; and

(C) whether there should be a moratorium on establishing additional charter schools until studies indicate that existing charter schools achieve positive results.

(2) The impact of establishing a new charter school in a school corporation on the enrollment of all other schools located within the school corporation in which a new charter school would be located. (b) This SECTION expires January 1, 2020.

SECTION 25. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1641 as printed February 12, 2019.)

V. SMITH

Motion failed.

HOUSE MOTION
(Amendment 1641–12)

Mr. Speaker: I move that House Bill 1641 be amended to read as follows:

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 3. IC 20-24-4-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4. An authorizer may not renew the charter of a charter school unless the organizer of the charter school provides evidence to the charter board of improvement and achievement of student academic performance at the charter school and the charter board approves the renewal.**".

Renumber all SECTIONS consecutively.
(Reference is to HB 1641 as printed February 12, 2019.)
V. SMITH

Motion failed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1615

Representative Hatfield called down Engrossed House Bill 1615 for third reading:

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

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

Roll Call 184: yeas 81, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker and Alting.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1214, 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 5-32-1-1 IS REPEALED [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]:. ~~Sec. 1. This article applies only to the following:~~

~~(1) A public works project of a state educational institution that begins after June 30, 2014.~~

~~(2) A public works project of a public agency, other than a state educational institution, that begins after June 30, 2017, and before July 1, 2020.~~".

Page 1, line 3, strike "(a) Before July 1,".

Page 1, line 4, strike "2020,".

Page 1, line 4, delete ""public" and insert ""Public".

Page 1, strike lines 7 through 9.

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 3. IC 36-4-3-7, AS AMENDED BY P.L.86-2018, SECTION 342, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) After an ordinance is adopted under section 3, 4, 5, or 5.1 of this chapter, it must be published in the manner prescribed by IC 5-3-1. Except as provided in subsection (b), **(c),** (d), or (f), in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter, the ordinance takes effect at least ninety (90) days after its publication and upon the filing required by section 22(a) of this chapter.

(b) An ordinance described in subsection (d) or adopted under section 3, 4, 5, or 5.1 of this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(c) Subsections (d) and (e) apply to fire protection districts that are established after ~~June 14, 1987.~~ **July 1, 1987. For the purposes of this section, territory that has been:**

(1) added to an existing fire protection district under IC 36-8-11-11; or

(2) approved by ordinance of the county legislative body to be added to an existing fire protection district under IC 36-8-11-11, notwithstanding that the territory's addition to the fire protection district has not yet taken effect;

shall be considered a part of the fire protection district as of the date that the fire protection district was originally established.

(d) Except as provided in subsection (b), whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance (in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter) takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. The municipality shall:

(1) provide fire protection to that territory beginning the date the ordinance is effective; and

(2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

(e) If the fire protection district from which a municipality annexes territory under subsection (d) is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

(f) This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Subject to subsections (b) and (d), and in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter.

SECTION 4. IC 36-8-11-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. **(a) Except as provided in subsection (b),** 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) If a fire protection district has a total assessed value of 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.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1214 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

Zent, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1343, 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 3, delete "This" and insert "**Except as provided in subsection (h),** this".

Page 1, line 4, after "that" insert ":".
Page 1, line 5, reset in roman "(1)".
Page 1, line 6, delete "body." and insert "body;"
Page 1, line 6, reset in roman "and".
Page 1, reset in roman lines 7 through 12.
Page 2, between lines 37 and 38, begin a new paragraph and insert:

"**(h) Notwithstanding subsection (a)(2), the fiscal body of a city, town, or county that established a public library the governing body of which is not comprised of a majority of officials who are elected to serve on the governing body may adopt a resolution to require the public library to submit its proposed budget and property tax levy to the city, town, or county fiscal body as set forth in subsection (c) or (d) (whichever is applicable) for binding review and approval as set forth under this section. A resolution may not be adopted under this subsection later than sixty (60) days before the date on which the governing body is required to submit its proposed budget and property tax levy under this section. A resolution adopted under this subsection remains in full force and effect until repealed by the fiscal body.**".

Page 4, line 25, delete "IC 6-1.1-17-20." and insert "IC 6-1.1-17-20 **or IC 6-1.1-17-20.3(h).**".
Page 4, line 27, reset in roman "and the additional appropriation would result in the budget for the".
Page 4, reset in roman lines 28 through 30.
Page 4, line 31, reset in roman "one (1),".
(Reference is to HB 1343 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 5.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1411, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1411 as introduced.)

Committee Vote: Yeas 11, Nays 0.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1427, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 4. IC 5-11-1-7, AS AMENDED BY P.L.149-2016, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The state examiner shall appoint assistants not exceeding the number required to administer this article. The assistants are to be known as "field examiners" and are at all times subject to the order and direction of the state examiner. Field examiners shall inspect and examine accounts of all state agencies, municipalities, and other governmental units, entities, or instrumentalities.

(b) The state examiner may engage or, in accordance with section 24 of this chapter, allow the engagement of private examiners to the extent the state examiner determines necessary to satisfy the requirements of this article. These examiners are subject to the direction of the state examiner while performing examinations under this article. The state examiner shall allow the engagement of private examiners for any state college or university subject to examination under this article if the state examiner finds that the private examiner is an independent certified public accountant firm with specific expertise in the financial affairs of educational organizations. **The state examiner shall allow the engagement of private examiners for any development authority in accordance with IC 36-7.5-2-9 or IC 36-7.6-2-14, whichever applies.** These private examiners are subject to the direction of the state examiner while performing examinations under this article.

(c) The state examiner may engage experts to assist the state board of accounts in carrying out its responsibilities under this article.

SECTION 5. IC 5-11-1-16, AS AMENDED BY P.L.181-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) As used in this article, "municipality" means any county, township, city, town, school corporation, special taxing district, or other political subdivision of Indiana.

(b) As used in this article, "state" means any board, commission, department, division, bureau, committee, agency, governmental subdivision, military body, authority, or other instrumentality of the state, but does not include a municipality.

(c) As used in this article, "public office" means the office of any and every individual who for or on behalf of the state or any municipality or any public hospital holds, receives, disburses, or keeps the accounts of the receipts and disbursements of any public funds.

(d) As used in this article, "public officer" means any individual who holds, receives, disburses, or is required by law to keep any account of public funds or other funds for which the individual is accountable by virtue of the individual's public office.

(e) As used in this article, "entity" means any provider of goods, services, or other benefits that is:

(1) maintained in whole or in part at public expense; or
(2) supported in whole or in part by appropriations or public funds or by taxation.

The term does not include the state or a municipality (as defined in this section).

(f) As used in this article, a "public hospital" means either of the following:

(1) An institution licensed under IC 16-21 and which is owned by the state or an agency of the state or one which is a municipal corporation. A hospital is a municipal corporation if its governing board members are appointed by elected officials of a municipality.
(2) A state institution (as defined in IC 12-7-2-184).

(g) As used in this article, "audit committee" refers to the audit and financial reporting subcommittee of the legislative council established by IC 2-5-1.1-6.3.

(h) As used in this article, "audited entity" has the meaning set forth in IC 2-5-1.1-6.3.

(i) As used in this article, "development authority" has the meaning set forth in the following:

(1) IC 36-7.5-1-8.
(2) IC 36-7.6-1-8.

SECTION 6. IC 5-11-1-25, AS AMENDED BY P.L.181-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25. (a) This section and section 24.4 of this chapter do not limit the application of any law that requires a municipality, a public hospital, another public office or public officer, an entity, or another person or organization to be audited or otherwise examined on an annual or other basis by:

(1) a certified public accountant; or
(2) a person other than the state examiner or the state board of accounts.

(b) Subject to section 9 of this chapter and subsections (c) and (d), the state board of accounts shall conduct examinations of audited entities at the times determined by the state board of

accounts, but not less than once every four (4) years, using risk based examination criteria that are established by the state board of accounts and approved by the audit committee. The risk based examination criteria must include the following risk factors:

(1) An audited entity has a newly elected or appointed fiscal officer.

(2) An audited entity:

(A) has not timely filed; or

(B) has filed a materially incorrect or incomplete;

annual financial report required by section 4 of this chapter.

(3) Any other factor determined by the state examiner and approved by the audit committee.

(c) Examinations must be conducted annually for the following:

(1) The state.

(2) An audited entity (other than a school corporation) that requires an annual audit:

(A) because of the receipt of federal financial assistance in an amount that subjects the audited entity to an annual federal audit;

(B) due to continuing disclosure requirements; or

(C) as a condition of a public bond issuance.

(3) A development authority.

An audited entity shall, under the guidelines established by the state board of accounts, provide notice to the state examiner not later than sixty (60) days after the close of the audited entity's fiscal year that the audited entity is required to have an annual audit under subdivision (2).

(d) As permitted under this section since September 1, 1986 (the effective date of P.L.3-1986, SECTION 16), examinations of school corporations shall be conducted biennially.".

Page 4, line 40, delete "residential".

Page 4, line 40, reset in roman "that is assessed as".

Page 4, reset in roman line 41.

Page 4, line 42, reset in roman "government finance,".

Page 5, delete lines 3 through 22.

Page 29, line 3, delete "The" and insert "**Except as provided in section 5.2 of this chapter,** the".

Page 30, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 21. IC 6-1.1-17-5.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.2. If an ordinance to fix a city budget, tax rate, and tax levy is:**

(1) vetoed by the city executive under IC 36-4-6-16(a)(2); or

(2) considered vetoed under IC 36-4-6-16(b);

and the veto is effective on a date later than October 1, the city's legislative body has thirty (30) days from the effective date of the veto to override the veto in accordance with IC 36-4-6-16(c) to fix the budget, tax rate, and tax levy for the ensuing budget year.".

Page 38, strike lines 25 through 26.

Page 38, line 27, strike "(2) For each budget year after 2018," and insert "**(1)**".

Page 38, line 27, delete "not" and insert "Not".

Page 38, line 28, strike "a taxing unit in a".

Page 38, strike lines 29 through 30.

Page 38, line 31, strike "IC 6-1.1-18.5-16." and insert "**subdivision (2) applies.**".

Page 38, line 32, strike "(3) For each budget year after 2018," and insert "**(2)**".

Page 38, line 32, delete "not" and insert "Not".

Page 38, line 33, after "if" insert ":

(A)".

Page 38, line 35, after "IC 6-1.1-18.5-16" delete "." and insert "; **or**

(B) the deadline for a city in the county to fix the budget, tax rate, and tax levy has been extended, in accordance with section 5.2 of this chapter, due to the executive's veto of the ordinance fixing the budget, tax rate, and tax levy.".

Page 42, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 35. IC 6-1.1-18-25 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 25. (a) This section applies only to Highland Township in Greene County.**

(b) The executive of the township may, upon approval by the township fiscal body, submit a petition to the department of local government finance for an increase in the township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes first due and payable in 2020.

(c) If the township submits a petition as provided in subsection (b) before August 1, 2019, the department of local government finance shall increase the township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes first due and payable in 2020 to eighteen thousand dollars ($18,000).

(d) The township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes first due and payable in 2020, as adjusted under this section, shall be used in the determination of the township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes first due and payable in 2021 and thereafter.

(e) This section expires June 30, 2024.

SECTION 36. IC 6-1.1-18-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 26. (a) This section applies only to Taylor Township in Greene County.**

(b) The executive of the township may, upon approval by the township fiscal body, submit a petition to the department of local government finance for:

(1) an increase in the township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes first due and payable in 2020; and

(2) an increase in the township's maximum permissible ad valorem property tax levy under IC 36-8-13 (for the township's fire protection and emergency services) for property taxes first due and payable in 2020.

(c) If the township submits a petition as provided in subsection (b) before August 1, 2019, the department of local government finance shall:

(1) increase the township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes first due and payable in 2020 to twenty-nine thousand dollars ($29,000); and

(2) increase the township's maximum permissible ad valorem property tax levy under IC 36-8-13 (for the township's fire protection and emergency services) for property taxes first due and payable in 2020 to thirty-four thousand dollars ($34,000).

(d) The township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes first due and payable in 2020, as adjusted under this section, shall be used in the determination of the township's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes first due and payable in 2021 and thereafter.

(e) The township's maximum permissible ad valorem property tax levy under IC 36-8-13 (for the township's fire protection and emergency services) for property taxes first due and payable in 2020, as adjusted under this section, shall be used in the determination of the township's maximum permissible ad valorem property tax levy under

IC 36-8-13 (for the township's fire protection and emergency services) for property taxes first due and payable in 2021 and thereafter.

(f) This section expires June 30, 2024.".

Page 43, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 36. IC 6-1.1-18.5-23.2, AS ADDED BY P.L.242-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 23.2. (a) This section applies to ~~the following townships~~ **Green Township** in Hancock County.

~~(1) Brown Township.~~

~~(2) Jackson Township.~~

~~(3) Blue River Township.~~

(b) The executive of a township ~~listed~~ **described** in subsection (a) may, after approval by the fiscal body of the township, submit a petition to the department of local government finance requesting an increase in the maximum permissible ad valorem property tax levy for the township's general fund.

(c) If the executive of a township submits a petition under subsection (b), the department of local government finance shall increase the maximum permissible ad valorem property tax levy for the township's general fund for property taxes first due and payable after December 31, ~~2015,~~ **2019,** by an amount equal to the lesser of the following:

(1) Twenty-five thousand dollars ($25,000).

(2) The sum of the following:

(A) The amount necessary to make the maximum permissible ad valorem property tax levy for the township's general fund equal to the maximum permissible ad valorem property tax levy that would have applied to the township's general fund under section 3 of this chapter for property taxes first due and payable after December 31, ~~2015,~~ **2019,** if in each year, beginning in 2003 and ending in ~~2015,~~ **2019,** the township had imposed the maximum permissible ad valorem property tax levy for the township's general fund in each of those years (regardless of whether the township did impose the entire amount of the maximum permissible ad valorem property tax levy for the township's general fund).

(B) The amount necessary to make the maximum permissible ad valorem property tax levy under section 3 of this chapter for the township's firefighting fund under IC 36-8-13 equal to the maximum permissible ad valorem property tax levy under section 3 of this chapter that would have applied to the township's firefighting fund for property taxes first due and payable after December 31, ~~2015,~~ **2019,** if in each year, beginning in 2003 and ending in ~~2015,~~ **2019,** the township had imposed the maximum permissible ad valorem property tax levy for the township's firefighting fund in each of those years (regardless of whether the township did impose the entire amount of the maximum permissible ad valorem property tax levy for the township's firefighting fund).

SECTION 37. IC 6-1.1-23-1, AS AMENDED BY P.L.84-2016, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Annually, after November 10th but before August 1st of the succeeding year, each county treasurer shall serve a written demand upon each county resident who is delinquent in the payment of personal property taxes. ~~Annually, after May 10 but before October 31 of the same year, each county treasurer may serve a written demand upon a county resident who is delinquent in the payment of personal property taxes.~~ The written demand may be served upon the taxpayer:

(1) by registered or certified mail;

(2) in person by the county treasurer or the county treasurer's agent; or

(3) by proof of certificate of mailing.

(b) The written demand required by this section shall contain:

(1) a statement that the taxpayer is delinquent in the payment of personal property taxes;

(2) the amount of the delinquent taxes;

(3) the penalties due on the delinquent taxes;

(4) the collection expenses which the taxpayer owes; and

(5) a statement that if the sum of the delinquent taxes, penalties, and collection expenses are not paid within thirty (30) days from the date the demand is made then:

(A) sufficient personal property of the taxpayer shall be sold to satisfy the total amount due plus the additional collection expenses incurred; or

(B) a judgment may be entered against the taxpayer in the circuit court, superior court, or probate court of the county.

(c) Subsections (d) through (g) apply only to personal property that:

(1) is subject to a lien of a creditor imposed under an agreement entered into between the debtor and the creditor after June 30, 2005;

(2) comes into the possession of the creditor or the creditor's agent after May 10, 2006, to satisfy all or part of the debt arising from the agreement described in subdivision (1); and

(3) has an assessed value of at least three thousand two hundred dollars ($3,200).

(d) For the purpose of satisfying a creditor's lien on personal property, the creditor of a taxpayer that comes into possession of personal property on which the taxpayer is adjudicated delinquent in the payment of personal property taxes must pay in full to the county treasurer the amount of the delinquent personal property taxes determined under STEP SEVEN of the following formula from the proceeds of any transfer of the personal property made by the creditor or the creditor's agent before applying the proceeds to the creditor's lien on the personal property:

STEP ONE: Determine the amount realized from any transfer of the personal property made by the creditor or the creditor's agent after the payment of the direct costs of the transfer.

STEP TWO: Determine the amount of the delinquent taxes, including penalties and interest accrued on the delinquent taxes as identified on the form described in subsection (f) by the county treasurer.

STEP THREE: Determine the amount of the total of the unpaid debt that is a lien on the transferred property that was perfected before the assessment date on which the delinquent taxes became a lien on the transferred property.

STEP FOUR: Determine the sum of the STEP TWO amount and the STEP THREE amount.

STEP FIVE: Determine the result of dividing the STEP TWO amount by the STEP FOUR amount.

STEP SIX: Multiply the STEP ONE amount by the STEP FIVE amount.

STEP SEVEN: Determine the lesser of the following:

(A) The STEP TWO amount.

(B) The STEP SIX amount.

(e) This subsection applies to transfers made by a creditor after May 10, 2006. As soon as practicable after a creditor comes into possession of the personal property described in subsection (c), the creditor shall request the form described in subsection (f) from the county treasurer. Before a creditor transfers personal property described in subsection (d) on which delinquent personal property taxes are owed, the creditor must obtain from the county treasurer a delinquent personal property tax form and file the delinquent personal property tax form with the county treasurer. The creditor shall provide the county treasurer with:

(1) the name and address of the debtor; and

(2) a specific description of the personal property described in subsection (d);

when requesting a delinquent personal property tax form.

(f) The delinquent personal property tax form must be in a form prescribed by the state board of accounts under IC 5-11 and must require the following information:

(1) The name and address of the debtor as identified by the creditor.

(2) A description of the personal property identified by the creditor and now in the creditor's possession.

(3) The assessed value of the personal property identified by the creditor and now in the creditor's possession, as determined under subsection (g).

(4) The amount of delinquent personal property taxes owed on the personal property identified by the creditor and now in the creditor's possession, as determined under subsection (g).

(5) A statement notifying the creditor that this section requires that a creditor, upon the liquidation of personal property for the satisfaction of the creditor's lien, must pay in full the amount of delinquent personal property taxes owed as determined under subsection (d) on the personal property in the amount identified on this form from the proceeds of the liquidation before the proceeds of the liquidation may be applied to the creditor's lien on the personal property.

(g) The county treasurer shall provide the delinquent personal property tax form described in subsection (f) to the creditor not later than fourteen (14) days after the date the creditor requests the delinquent personal property tax form. The county assessor and the township assessors (if any) shall assist the county treasurer in determining the appropriate assessed value of the personal property and the amount of delinquent personal property taxes owed on the personal property. Assistance provided by the county assessor and the township assessors (if any) must include providing the county treasurer with relevant personal property forms filed with the assessor or assessors and providing the county treasurer with any other assistance necessary to accomplish the purposes of this section.

SECTION 38. IC 6-1.1-23.5-12, AS ADDED BY P.L.235-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) At least ~~twenty-one (21)~~ **thirty (30)** days before the earliest date on which the application for judgment and order for sale of mobile homes eligible for sale may be made, the county treasurer shall send a notice of the sale by certified mail, return receipt requested, and by first class mail to:

(1) the owner of record of the mobile home with a single owner; or

(2) at least one (1) of the owners, as of the date that the tentative auction list is initially prepared under section 4 of this chapter, of a mobile home with multiple owners;

at the last address of the owner for the property as indicated in the records of the assessor of the township in which the mobile home community is located, or the county assessor if there is no township assessor for the township, on the date that the tentative auction list is initially prepared under section 4 of this chapter. If both notices are returned, the county treasurer shall take an additional reasonable step to notify the property owner, if the county treasurer determines that an additional reasonable step to notify the property owner is practical. The county treasurer shall prepare the notice in the form prescribed by the department of local government finance. The notice must set forth the make and model of the mobile home and a street address, if any, or other common description of the property other than a legal description where the mobile home was last known to be located. The notice must include the statement set forth in section 5(b)(6) of this chapter. The county treasurer must present proof of this mailing to the court along with the application for judgment and order for sale.

(b) Failure by an owner to receive or accept the notice required by this section does not affect the validity of the judgment and order for sale.

(c) The notice required under this section is considered sufficient if the notice is mailed to the address or addresses required by this section.".

Page 50, delete lines 31 through 42.

Page 51, delete lines 1 through 9.

Page 53, line 28, delete "residential".

Page 53, line 28, reset in roman "that is assessed as".

Page 53, reset in roman line 29.

Page 53, line 30, reset in roman "government finance,".

Page 54, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 46. IC 6-3.6-6-2.7, AS ADDED BY P.L.184-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.7. (a) A county fiscal body may adopt an ordinance to impose a tax rate for correctional facilities and rehabilitation facilities in the county. The tax rate must be in increments of one-hundredth of one percent (0.01%) and may not exceed two-tenths of one percent (0.2%). The tax rate may not be in effect for more than ~~twenty (20)~~ **twenty-two (22)** years. **If an ordinance is adopted after June 30, 2019, to impose a tax rate under this section, not more than twenty percent (20%) of the revenue from the tax rate under this section may be used for operating expenses for correctional facilities and rehabilitation facilities in the county.**

(b) The revenue generated by a tax rate imposed under this section must be distributed directly to the county before the remainder of the expenditure rate revenue is distributed. The revenue shall be maintained in a separate dedicated county fund and used by the county only for paying for correctional facilities and rehabilitation facilities in the county.

SECTION 47. IC 6-3.6-9-5, AS AMENDED BY P.L.184-2016, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 5. (a) Before August 2 of each calendar year, ~~before 2018, and before June 1 of each calendar year after 2017,~~ the budget agency shall provide to the department of local government finance and the county auditor of each adopting county an estimate of the amount determined under section 4 of this chapter that will be distributed to the county, based on known tax rates. Not later than fifteen (15) days after receiving the estimate of the certified distribution, ~~for calendar years before 2018, and not later than July 1 of each year, for calendar years after 2017,~~ the department of local government finance shall determine for each taxing unit and notify the county auditor of the estimated amount of property tax credits, school distributions, public safety revenue, economic development revenue, certified shares, and special purpose revenue that will be distributed to the taxing unit under this chapter during the ensuing calendar year. Not later than thirty (30) days after receiving the department's estimate, the county auditor shall notify each taxing unit of the amounts estimated for the taxing unit.

(b) Before October 1 of each calendar year, the budget agency shall certify to the department of local government finance and the county auditor of each adopting county:

(1) the amount determined under section 4 of this chapter; and

(2) the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year.

The amount certified is the county's certified distribution for the immediately succeeding calendar year. The amount certified shall be adjusted, as necessary, under sections 6, 7, and 8 of this chapter. Not later than fifteen (15) days after receiving the amount of the certified distribution, the department of local

government finance shall determine for each taxing unit and notify the county auditor of the certified amount of property tax credits, school distributions, public safety revenue, economic development revenue, certified shares, and special purpose revenue that will be distributed to the taxing unit under this chapter during the ensuing calendar year. Not later than thirty (30) days after receiving the department's estimate, the county auditor shall notify each taxing unit of the certified amounts for the taxing unit.

SECTION 48. IC 6-3.6-9-9, AS AMENDED BY P.L.197-2016, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 9. The budget agency shall provide the adopting body with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

(1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;

(2) adjustments for over distributions in prior years;

(3) adjustments for clerical or mathematical errors in prior years; **and**

(4) adjustments for tax rate changes. ~~and~~

~~(5) the amount of excess account balances to be distributed under section 15 of this chapter.~~

SECTION 49. IC 6-3.6-9-15, AS AMENDED BY P.L.126-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 15. (a) If the budget agency determines that the balance in a county trust account exceeds fifteen percent (15%) of the certified distributions to be made to the county in the determination year, the budget agency shall make a supplemental distribution to the county from the county's trust account. The budget agency shall use the trust account balance as of December 31 of the year that precedes the determination year by two (2) years (referred to as the "trust account balance year" in this section).

(b) A supplemental distribution described in subsection (a) must be:

(1) made at the same time as the determinations are provided to the county auditor under subsection ~~(d)(2);~~ **(d)(3);** and

(2) allocated in the same manner as certified distributions for the purposes described in this article.

(c) The amount of a supplemental distribution described in subsection (a) is equal to the amount by which:

(1) the balance in the county trust account; minus

(2) the amount of any supplemental or special distribution that has not yet been accounted for in the last known balance of the county's trust account;

exceeds fifteen percent (15%) of the certified distributions to be made to the county in the determination year.

(d) For a county that qualifies for a supplemental distribution under this section in a year, the following apply:

(1) Before February 15, the budget agency shall update the information described in section 9 of this chapter to include the excess account balances to be distributed under this section.

~~(1)~~ **(2)** Before May 2, the budget agency shall provide the amount of the supplemental distribution for the county to the department of local government finance and to the county auditor.

~~(2)~~ **(3)** The department of local government finance shall determine for the county and each taxing unit within the county:

(A) the amount and allocation of the supplemental distribution attributable to the taxes that were imposed as of December 31 of the trust account balance year, including any specific distributions for that year; and

(B) the amount of the allocation for each of the purposes set forth in this article, using the allocation percentages in effect in the trust account balance year.

The department of local government finance shall provide these determinations to the county auditor before May 16 of the determination year.

~~(3)~~ **(4)** Before June 1, the county auditor shall distribute to each taxing unit the amount of the supplemental distribution that is allocated to the taxing unit under subdivision ~~(2).~~ **(3).**

For determinations before 2019, the tax rates in effect under and the allocation methods specified in the former income tax laws shall be used for the determinations under subdivision ~~(2).~~ **(3).**

(e) For any part of a supplemental distribution attributable to property tax credits under a former income tax or IC 6-3.6-5, the adopting body for the county may allocate the supplemental distribution to property tax credits for not more than the three (3) years after the year the supplemental distribution is received.

(f) Any income earned on money held in a trust account established for a county under this chapter shall be deposited in that trust account.

SECTION 50. IC 6-3.6-9-18, AS ADDED BY P.L.199-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) This section applies only to Clark County.

(b) Notwithstanding section 5 of this chapter, when determining ~~the~~ **any** allocation amount, ~~and~~ **except for** the economic development revenue allocation, for each taxing unit in the county:

(1) in 2019, one hundred percent (100%) of the increase in the county's maximum permissible tax levy permitted under IC 6-1.1-18.5-13.8 shall be excluded;

(2) in 2020, sixty-six and sixty-seven hundredths percent (66.67%) of the increase in the county's maximum permissible tax levy permitted under IC 6-1.1-18.5-13.8 shall be excluded; and

(3) in 2021, thirty-three and thirty-three hundredths percent (33.33%) of the increase in the county's maximum permissible tax levy permitted under IC 6-1.1-18.5-13.8 shall be excluded.

(c) This section expires June 30, 2022.".

Page 58, delete lines 37 through 42.

Page 59, delete lines 1 through 15.

Page 59, line 27, delete "residential".

Page 59, line 27, reset in roman "that is assessed as".

Page 59, reset in roman line 28.

Page 59, line 29, reset in roman "government finance,".

Page 65, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 57. IC 16-22-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) This section applies to a medical care trust board appointed by a county executive to govern a nonexpendable trust fund established under section 17(j) or 18(e) of this chapter.

(b) The county executive may adopt an ordinance providing that the medical care trust board is subject to this section.

(c) After the effective date of an ordinance adopted under subsection (b), the medical care trust board may do the following:

(1) Approve and the treasurer may disburse payment of a claim against the trust for payment of hospital and medical services provided to an indigent person and reasonable administrative expenses, without the necessity of filing a claim with the county auditor for approval by the county executive.

(2) **Except as provided in section 19.5 of this chapter,** invest the funds of the trust:

(A) in accordance with IC 5-13-9 and guidelines adopted by the board under IC 5-13-9-1; and

(B) without being subject to guidelines adopted by the county executive under IC 5-13-9-1.

SECTION 58. IC 16-22-3-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19.5. (a) This section applies to a county that before 1990 sold its hospital property and established a medical care trust board to hold the proceeds from the sale.**

(b) As used in this section, "trust board" refers to a medical care trust board established to hold the proceeds from the sale of a county hospital.

(c) The trust board shall contract with investment managers, investment advisors, investment counsel, trust companies, banks, or other finance professionals to assist the trust board in an investment program. Money held by the trust board must be invested in accordance with the terms of an investment policy statement developed by the board of directors of the trust board with an investment advisor that:

(1) is approved by the board of directors; and

(2) complies with the diversification, risk management, and other fiduciary requirements common to the management of charitable trusts, including that the funds of the trust board must be invested according to the prudent investor rule. The investment policy statement must include the limitation on the investment in equities specified in subsection (e).

(d) Money held by the trust board:

(1) may be invested in any legal, marketable securities; and

(2) is not subject to any other investment limitations in the law, other than the limitations under this section and the limitations in the investment policy statement.

(e) The total amount of the funds invested by the trust board in equity securities under this section may not exceed fifty-five percent (55%) of the total value of the portfolio of funds invested by the trust board under this section. However:

(1) an investment that complies with this subsection when the investment is made remains legal even if a subsequent change in the value of the investment or a change in the value of the total portfolio of funds invested by the trust board causes the percentage of investments in equity securities to exceed the fifty-five percent (55%) limit on equity securities; and

(2) if the total amount of the funds invested by a trust board in equity securities exceeds the fifty-five percent (55%) limit on equity securities because of a change described in subdivision (1), the investments by the trust board must be rebalanced to comply with the fifty-five percent (55%) limit on equity investments not later than one hundred twenty (120) days after the equity investments first exceed that limit.

(f) The following apply to the trust board:

(1) The trust board must be audited annually by an independent third party auditor.

(2) The board of directors of the trust board must meet at least quarterly to receive a quarterly compliance and performance update from the investment advisor.

(3) Three (3) nonvoting advisors who are officers of different county designated depositories shall attend the quarterly meetings in an advisory capacity to assist the board of directors of the trust board:

(A) in reviewing the compliance and performance report from the investment advisor; and

(B) in reviewing the annual audit required by subdivision (1).

The three (3) nonvoting advisors may not vote on any action of the board of directors. The board of directors of the trust board shall by majority vote select the three (3) depositories from which the three (3) nonvoting advisors will be chosen. Each of the three (3) depositories selected under this subdivision shall select an officer of the depository to serve as one (1) of the three (3) nonvoting advisors. Each nonvoting advisor shall serve a term of three (3) years, and the nonvoting advisor shall continue to serve until a successor is selected. However, to provide for staggered terms, the board of directors of the trust board shall provide that the initial term of one (1) nonvoting advisor is one (1) year, the initial term of one (1) nonvoting advisor is two (2) years, and the initial term of one (1) nonvoting advisor is three (3) years. For purposes of avoiding a conflict of interest, a financial institution for which a nonvoting advisor is an officer (and any affiliate of such a financial institution) may not receive a commission or other compensation for investments made by the trust board under this section.".

Page 67, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 60. IC 20-49-4-8, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. The state board may advance money to school corporations to be used for:

(1) school building construction programs; ~~and~~

(2) educational technology programs; **and**

(3) property tax refund payments;

as provided in this chapter.

SECTION 61. IC 20-49-4-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 14.5. (a) Advances to pay property tax refunds resulting from significant property tax appeals that were lost or settled by counties may be made to school corporations. The total amount of advances that the state board may make under this section may not exceed ten million dollars ($10,000,000).**

(b) An advance may be made to a school corporation to pay a property tax refund resulting from a significant property tax appeal that was lost or settled by the county if the following conditions exist:

(1) The total amount of the property tax refund that must be paid by the school corporation exceeds the lesser of:

(A) twenty percent (20%) of the school corporation's annual certified levy for its operations fund in the calendar year in which the application for the advance is made; or

(B) four hundred dollars ($400) per average daily membership (as defined in IC 20-18-2-2) for the most recent fall count.

(2) The total amount of the property tax refund that must be paid by the school corporation exceeds fifty percent (50%) of the school corporation's rainy day fund balance as of the date of the application.

SECTION 62. IC 20-49-4-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 16.5. (a) Money advanced to a school corporation to pay a property tax refund resulting from a significant property tax appeal that was lost or settled by the county may be for a period not exceeding ten (10) years. The school corporation to which an advance is made shall pay interest on the advance. For advances to pay property tax refunds, the state board may provide that the advances may be prepaid at any time.**

(b) The state board of finance shall periodically establish the rate or rates of interest payable on advances to pay property tax refunds as long as the established interest rate or rates:

(1) are not less than one percent (1%); and

(2) do not exceed four percent (4%).

SECTION 63. IC 20-49-4-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 22.5. A school corporation to which an advance is made to pay a property**

tax refund resulting from a significant property tax appeal that was lost or settled by the county may annually impose a property tax levy for the operations fund or the debt service fund to replace the amount deducted under this chapter in the current year from the distribution of state tuition support. However, a levy may not be imposed under this chapter if a levy is being imposed under IC 6-1.1-19, IC 20-48-1-7, or another statute to cover the refund from a significant property tax appeal. The amount received from the tax under this section must be transferred to the education fund.".

Page 68, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 63. IC 36-1-10-7, AS AMENDED BY P.L.233-2015, SECTION 329, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 7. (a) ~~Except as provided in subsection (b),~~ **As used in this section, "threshold amount" means two hundred fifty thousand dollars ($250,000).**

(b) This section does not apply if the total annual cost of the lease is less than the threshold amount.

(c) A leasing agent **for a political subdivision, other than a school corporation,** may not lease a structure, transportation project, or system unless:

(1) the leasing agent receives a petition signed by fifty (50) or more taxpayers of the political subdivision or agency; and

(2) the fiscal body of the political subdivision determines, after investigation, that the structure, transportation project, or system is needed.

~~(b) This subsection applies only to a school corporation. A leasing agent may not lease a structure, transportation project, or system unless the governing body of the school corporation determines, after investigation, that the structure, transportation project, or system is needed.~~

SECTION 64. IC 36-1-10-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: **Sec. 7.5. (a) This section applies only to a school corporation.**

(b) A leasing agent may not lease a structure, transportation project, or system unless the governing body of the school corporation determines, after investigation, that the structure, transportation project, or system is needed.

SECTION 65. IC 36-1-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 14. **(a) As used in this section, "threshold amount" has the meaning set forth in section 7 of this chapter.**

(b) This section does not apply if the total annual cost of the lease is less than the threshold amount.

~~(a)~~ **(c)** If lease rentals are payable, in whole or in part, from property taxes, ten (10) or more taxpayers in the political subdivision who disagree with the execution of a lease under this chapter may file a petition in the office of the county auditor of the county in which the leasing agent is located, within thirty (30) days after publication of notice of the execution of the lease. The petition must state the taxpayer's objections and the reasons why the lease is unnecessary or unwise.

~~(b)~~ **(d)** The county auditor shall immediately certify a copy of the petition, together with other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and other data, the department of local government finance shall fix a time and place for the hearing of the matter. The hearing shall be held not less than five (5) nor more than thirty (30) days after the receipt of the certified documents.

~~(c)~~ **(e)** The hearing shall be held in the political subdivision where the petition arose.

~~(d)~~ **(f)** Notice of the hearing shall be given by the department of local government finance to the leasing agent and to the first ten (10) taxpayer petitioners listed on the petition by a letter signed by the commissioner or deputy commissioner of the department. The letter shall be sent to the first ten (10) taxpayer petitioners at their usual place of residence at least five (5) days before the date of the hearing. The decision by the department of local government finance on the objections presented in the petition is final.

SECTION 66. IC 36-1-10-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: **Sec. 22. (a) This section applies only to a lease that meets all of the following:**

(1) The lease was entered into before January 1, 2019.

(2) The total annual cost of the lease is less than two hundred fifty thousand dollars ($250,000).

(3) Any one (1) of the following applies:

(A) The leasing agent did not comply with section 7(a) of this chapter (as in effect before January 1, 2019) before the lease was entered into.

(B) The leasing agent did not comply with section 14 of this chapter (as in effect before January 1, 2019) before the lease was entered into.

(C) The leasing agent did not comply with both section 7(a) of this chapter (as in effect before January 1, 2019) and section 14 of this chapter (as in effect before January 1, 2019) before the lease was entered into.

(b) A lease described in subsection (a) is valid, notwithstanding the failure of the leasing agent to comply with section 7(a) of this chapter (as in effect before January 1, 2019), section 14 of this chapter (as in effect before January 1, 2019), or both section 7(a) of this chapter (as in effect before January 1, 2019) and section 14 of this chapter (as in effect before January 1, 2019) before the lease was entered into.

(c) This section does not validate a lease described in subsection (a) for failures to comply with statutory requirements other than those set forth in section 7(a) of this chapter (as in effect before January 1, 2019) and section 14 of this chapter (as in effect before January 1, 2019).

SECTION 67. IC 36-1-14-4 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 4. (a) This section applies to a county that before 1990 sold its hospital property and established a trust to hold the proceeds from the sale.~~

~~(b) As used in this section, "trust" refers to a charitable trust established to hold the proceeds from the sale of a county hospital.~~

~~(c) The trustees of a trust shall contract with investment managers, investment advisors, investment counsel, trust companies, banks, or other finance professionals to assist the trustees in an investment program. Money held by the trust must be invested in accordance with the terms of an investment policy statement developed by the trustees with an investment advisor that:~~

~~(1) is approved by the trustees; and~~

~~(2) complies with the diversification, risk management, and other fiduciary requirements common to the management of charitable trusts, including that the funds of the trust must be invested according to the prudent investor rule. However, the investment policy statement may not allow the trust to invest in any investments in which the political subdivision that established the trust is not permitted to invest under the Constitution of the State of Indiana. The investment policy statement must include the limitation on the investment in equities specified in subsection (e).~~

~~(d) Money held by the trust:~~

~~(1) may be invested in any legal, marketable securities;~~

and

(2) is not subject to any other investment limitations in the law, other than the limitations under this section and the limitations in the investment policy statement.

(c) The total amount of the funds invested by a trust in equity securities under this section may not exceed fifty-five percent (55%) of the total value of the portfolio of funds invested by the trust under this section. However:

(1) an investment that complies with this subsection when the investment is made remains legal even if a subsequent change in the value of the investment or a change in the value of the total portfolio of funds invested by the trust causes the percentage of investments in equity securities to exceed the fifty-five percent (55%) limit on equity securities; and

(2) if the total amount of the funds invested by a trust in equity securities exceeds the fifty-five percent (55%) limit on equity securities because of a change described in subdivision (1), the investments by the trust must be rebalanced to comply with the fifty-five percent (55%) limit on equity investments not later than one hundred twenty (120) days after the equity investments first exceed that limit.

(f) The following apply if a trust is established under this section:

(1) To the extent that investment income earned on the principal amount of the trust during a calendar year exceeds five percent (5%) of the amount of the principal at the beginning of the calendar year, that excess investment income shall, for purposes of this section, be added to and be considered a part of the principal amount of the trust.

(2) An expenditure or transfer of any money that is part of the principal amount of the trust may be made only upon unanimous approval of the trustees.

(3) The trust must be audited annually by an independent third party auditor.

(4) The trustees must meet at least quarterly to receive a quarterly compliance and performance update from the investment advisor.

(5) Three (3) nonvoting advisors who are officers of different county designated depositories shall attend the quarterly meetings in an advisory capacity to assist the trustees:

(A) in reviewing the compliance and performance report from the investment advisor; and

(B) in reviewing the annual audit required by subdivision (3).

The three (3) nonvoting advisors may not vote on any action of the board of trustees. The trustees shall by majority vote select the three (3) depositories from which the three (3) nonvoting advisors will be chosen. Each of the three (3) depositories selected under this subdivision shall select an officer of the depository to serve as one (1) of the three (3) nonvoting advisors. Each nonvoting advisor shall serve a term of three (3) years, and the nonvoting advisor shall continue to serve until a successor is selected. However, to provide for staggered terms, the trustees shall provide that the initial term of one (1) nonvoting advisor is one (1) year, the initial term of one (1) nonvoting advisor is two (2) years, and the initial term of one (1) nonvoting advisor is three (3) years. For purposes of avoiding a conflict of interest, a financial institution for which a nonvoting advisor is an officer (and any affiliate of such a financial institution) may not receive a commission or other compensation for investments made by the trust under this section.

SECTION 68. IC 36-1-23-2, AS ADDED BY P.L.184-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. A member of the fiscal body of a unit may not participate in a vote on the adoption of the unit's budget and tax levies if the member is: a volunteer firefighter in:

(1) **an employee of** a volunteer fire department; or

(2) **a volunteer firefighter in** a fire department;

that provides fire protection services to the unit under a contract (excluding a mutual aid agreement) or as the unit's fire department.".

Page 83, line 14, delete "residential".

Page 83, line 14, reset in roman "that is assessed as".

Page 83, reset in roman line 15.

Page 83, line 16, reset in roman "government finance,".

Page 83, line 16, after "area" insert ",".

Page 83, line 27, delete "residential".

Page 83, line 27, reset in roman "that is assessed as".

Page 83, reset in roman line 28.

Page 83, line 29, reset in roman "government finance,".

Page 84, delete lines 27 through 42.

Page 85, delete lines 1 through 2.

Page 93, line 15, delete "residential".

Page 93, line 15, reset in roman "that is assessed as".

Page 93, reset in roman line 16.

Page 93, line 17, reset in roman "government finance,".

Page 93, line 28, delete "residential".

Page 93, line 28, reset in roman "that is assessed as".

Page 93, reset in roman line 29.

Page 93, line 30, reset in roman "government finance,".

Page 94, delete lines 28 through 42.

Page 95, delete lines 1 through 3.

Page 101, line 34, delete "residential".

Page 101, line 34, reset in roman "that is assessed as".

Page 101, reset in roman line 35.

Page 101, line 36, reset in roman "government finance,".

Page 101, delete lines 41 through 42.

Page 102, delete lines 1 through 16.

Page 108, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 78. IC 36-7-30-4, AS AMENDED BY P.L.42-2011, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (c), The five (5) members of a municipal military base reuse authority shall be appointed as follows:

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

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

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

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

(1) One (1) member shall be appointed by the executive of the excluded city.

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

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

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

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

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

SECTION 79. IC 36-7-30-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), each member of a military base reuse authority shall serve the longer of three (3) years beginning with the first day of January after the member's appointment or until the member's successor has been appointed and qualified. If a vacancy occurs, a successor shall be

appointed in the same manner as the original member, and the successor shall serve for the remainder of the vacated term.

(b) In the case of a municipal military base reuse authority in an excluded city located in a county with a consolidated city, the original members shall serve for the following terms:

(1) A member appointed by the executive of the excluded city or the consolidated city executive shall serve for the longer of three (3) years beginning with the first day of January after the member's appointment or until the member's successor is appointed and qualified.

(2) A member appointed by the legislative body of the excluded city or the consolidated city legislative body shall serve for the longer of one (1) year beginning with the first day of January after the member's appointment or until the member's successor is appointed and qualified.

(3) A member appointed by the board of county commissioners shall serve for the longer of two (2) years beginning with the first day of January after the member's appointment or until the member's successor is appointed and qualified.

(c) Each member of a reuse authority, before beginning the member's duties, shall take and subscribe an oath of office in the usual form, to be endorsed on the certificate of the member's appointment. The endorsed certificate must be promptly filed with the clerk for the unit that the member serves.

(d) Each member of a reuse authority, before beginning the member's duties, shall execute a bond payable to the state, with surety to be approved by the executive of the unit. The bond must be in the penal sum of fifteen thousand dollars ($15,000) and must be conditioned on the faithful performance of the duties of the member's office and the accounting for all money and property that may come into the member's hands or under the member's control. The cost of the bond shall be paid by the special taxing district.

(e) A member of a reuse authority must be at least eighteen (18) years of age and ~~except as provided in section 4(c) of this chapter,~~ must be a resident of the unit responsible for the member's appointment.

(f) If a member ceases to be qualified under this section, the member forfeits the member's office.

(g) Members of a reuse authority are not entitled to salaries but are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.

SECTION 80. IC 36-7.5-2-9, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. **(a)** The ~~office of management and budget~~ **state board of accounts** shall, **pursuant to IC 5-11-1-7 and IC 5-11-1-24, allow the development authority to** contract with a certified public accountant for an annual financial audit of the 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 the development authority. **The certified public accountant selected by the development authority must be approved by the state examiner and is subject to the direction of the state examiner while performing an annual financial audit under this article.**

(b) The certified public accountant shall present an audit report not later than four (4) months after the end of the development authority's fiscal 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) The development authority shall pay the cost of the annual financial audit. In addition, the state board of accounts may at any time conduct an audit of any phase of the operations of the development authority. The development authority shall pay the cost of any audit by the state board of accounts.

SECTION 81. 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~~ **state board of accounts** shall, **pursuant to IC 5-11-1-7 and IC 5-11-1-24, allow each development authority to** contract with a certified public accountant for an annual financial audit of ~~each~~ **the** 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. **The certified public accountant selected by a development authority must be approved by the state examiner and is subject to the direction of the state examiner while performing an annual financial audit under this article.**

(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~~ **state board of accounts** 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~~ **state board of accounts** that the development authority had no financial activity during that year.".

Page 127, line 20, after "paid." insert "**The owner is not entitled to any interest on the refund under IC 6-1.1 or any other law to the extent interest has not been paid by or on behalf of the owner.**".

Page 128, line 26, after "paid." insert "**The owner is not entitled to any interest on the refund under IC 6-1.1 or any other law to the extent interest has not been paid by or on behalf of the owner.**".

Page 128, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 100. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate interim study committee, for study during the 2019 interim of the general assembly, the topic of local income taxes, including revenue allocations and uses.**

(b) If the legislative council assigns the topic under subsection (a), the study must include consideration of the following:

(1) For each county:

(A) The number of individuals who reside in the county and work in a different county.

(B) Commuter patterns and road and street lane miles commonly used by commuters.

(C) The use of local income taxes to reduce property taxes.

(D) How local income taxes are used to provide services that benefit employers that employ individuals who reside in a different county than the county in which they work.

(E) The number of calls for public safety service.

(2) Whether local income tax revenue could be allocated more fairly among counties and within counties.

(3) Whether individuals should pay a local income tax to the county where they work and whether a tax

credit should be provided for local income taxes paid to the county where they reside.

(c) If the legislative council makes the assignment described in subsection (a), the interim study committee shall, not later than November 1, 2019, report the results of the study and any recommendations for legislation to the legislative council in an electronic format under IC 5-14-6.

(d) This SECTION expires January 1, 2020.

SECTION 101. [EFFECTIVE JULY 1, 2019] **(a) For purposes of IC 36-7-30-4, as amended by this act, and notwithstanding the July 1, 2019, effective date for the amendment to IC 36-7-30-4, the terms of members appointed under IC 36-7-30-4(c) end December 31, 2019.**

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

Renumber all SECTIONS consecutively.

(Reference is to HB 1427 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 7.

Huston, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1486, 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 10.

Page 2, line 4, after "septic systems" insert "**and commercial onsite sewage systems**".

Page 2, line 4, after "cause" insert "**the**".

Page 2, line 10, after "systems" delete "." and insert "**and commercial onsite sewage systems.**".

Page 2, line 16, after "systems" insert "**and commercial onsite sewage systems**".

Page 2, line 24, after "devices" insert "**and proprietary commercial onsite sewage system devices**".

Page 2, line 28, delete "IC 16-41-25." and insert "**IC 16-41-25 and nonresidential onsite sewage systems for purposes of IC 16-19-3.5.**".

Page 2, line 31, after "section," insert "**"technology new to Indiana" (referred to in this section as "TNI") means sewage treatment or disposal methods, processes, or equipment that are not described in the administrative rules of the state department or the executive board concerning residential onsite sewage systems (410 IAC 6-8.3) or commercial onsite sewage systems (410 IAC 6-10.1).**

(b) The state department shall establish and maintain a technical review panel consisting of individuals with technical or scientific knowledge relating to onsite sewage systems. The technical review panel shall:

(1) decide under subsection (f) whether to recommend the approval of:

(A) proprietary residential wastewater treatment devices; and

(B) proprietary commercial wastewater treatment devices;

for use in Indiana;

(2) biannually review the performance of residential septic systems and commercial onsite sewage systems;

(3) assist the state department in developing standards and guidelines for proprietary residential wastewater treatment devices and proprietary commercial wastewater treatment devices; and

(4) assist the executive board and the state department in updating rules adopted under section 27(c) of this chapter and sections 4 and 5 of this chapter concerning residential septic systems and commercial onsite sewage systems.

(c) The technical review panel shall include the following:

(1) A member of the staff of the state department, who shall serve as the chair and shall be a nonvoting member, except as provided in subsection (d).

(2) A local health department environmental health specialist appointed by the state department.

(3) An Indiana professional engineer registered under IC 25-31-1 representing the American Council of Engineering Companies.

(4) A representative of the Indiana Builders Association.

(5) An Indiana registered professional soil scientist (as defined in IC 25-31.5-1-6) representing the Indiana Registry of Soil Scientists.

(6) A representative of an Indiana college or university with a specialty in engineering, soil science, environmental health, or biology appointed by the state department.

(7) A representative of the Indiana Onsite Wastewater Professionals Association.

(8) An Indiana onsite sewage system contractor appointed by the state department.

(d) In the case of a tie vote of the technical review panel, the member serving as chair under subsection (c)(1) may cast a tie breaking vote.

(e) The technical review panel shall do the following:

(1) Receive applications for the approval of TNI for use in:

(A) residential septic systems under sections 4 and 5 of this chapter, section 27 of this chapter, and IC 16-41-25; and

(B) commercial onsite sewage systems under sections 4 and 5 of this chapter, section 27 of this chapter, and IC 16-19-3.5.

(2) Meet at least four (4) times per year to review applications described in subdivision (1).

(3) Notify each person who submits an application described in subdivision (1):

(A) that the person's application has been received by the technical review panel; and

(B) of whether the application is complete;

not later than thirty (30) days after the technical review panel receives the application.

(4) Inform each person who submits an application described in subdivision (1) of:

(A) a tentative decision of the technical review panel; or

(B) the technical review panel's final recommendation under subsection (f);

concerning the application not more than ninety (90) days after the technical review panel receives the person's complete application.

(f) In response to each application described in subsection (e)(1), the technical review panel shall make, and inform the applicant of, one (1) of the following final recommendations:

(1) That the TNI to which the application relates be approved for use in Indiana.

(2) That the TNI to which the application relates be approved for use in Indiana with certain conditions, which may include:

(A) a requirement that the TNI be used initially only in a pilot project;

(B) restrictions on the number or type of installations of the TNI;

(C) sampling and analysis requirements for TNI involving or comprising a secondary treatment system;

(D) requirements relating to training concerning the TNI;

(E) requirements concerning the operation and maintenance of the TNI; or

(F) other requirements.

(3) That the TNI to which the application relates be approved on a project-by-project basis.

(4) That the TNI not be approved for use in Indiana, which must be accompanied by a statement of the reason for the recommendation.

(g) If the technical review panel makes a decision under subsection (f)(4) to recommend that the TNI not be approved for use in Indiana, the applicant may:

(1) submit a new application to the technical review panel under this section; or

(2) file a petition for review of the technical review panel's decision under IC 4-21.5-3.

(h) The technical review panel shall recommend that the TNI to which an application relates be approved for use in Indiana if:

(1) the TNI has been certified as meeting the ANSI/NSF 40 Standard;

(2) a proposed Indiana design and installation manual for the TNI is submitted with the permit application; and

(3) the technical review panel certifies that the proposed Indiana design and installation manual meets the vertical and horizontal separation, sizing, and soil loading criteria of the state department.".

Page 2, delete lines 32 through 42.

Delete pages 3 through 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1486 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

Wolkins, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1362 and 1518 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Wesco be added as coauthor of House Bill 1114.

MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin and Lehman be added as coauthors of House Bill 1180.

CARBAUGH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frye be added as coauthor of House Bill 1183.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dvorak be added as coauthor of House Bill 1235.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Zent and Leonard be added as coauthors of House Bill 1257.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Frye and Pressel be added as coauthors of House Bill 1330.

SPEEDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frye be added as coauthor of House Bill 1343.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Soliday and Candelaria Reardon be added as coauthors of House Bill 1347.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Shackelford be added as coauthor of House Bill 1367.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives McNamara and Heaton be added as coauthors of House Bill 1369.

EBERHART

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Soliday and Frye be added as coauthors of House Bill 1374.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1398.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representative Klinker be added as coauthor of House Bill 1638.

LEHE

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1641.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives GiaQuinta, Beck, Morris and Ziemke be added as coauthors of House Concurrent Resolution 15.

BARRETT

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 33, 36, 79, 127, 171, 179, 182, 192, 216, 271, 273, 350, 383, 394, 405, 434, 459, 471, 480, 512, 518, 519, 551, 561 and 631 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 25, 26 and 29 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 Resolutions9, 12, 13 and 15 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Candelaria Reardon, the House adjourned at 2:45 p.m., this fourteenth day of February, 2019, until Monday, February 18, 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