



Journal of the House

State of Indiana

121st General Assembly

First Regular Session

Eighteenth Day

Monday Afternoon

February 11, 2019

The invocation was offered by Pastor Josh Hibbard of Mount Pleasant Christian Church in Bedford, a guest of Representative May.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Dvorak and "God Bless America" was sung by Jim Bawley, a guest of Representative Bartlett.

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

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

Hostettler
VanNatter
Wesco
Wolkins
Wright

Torr
J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 127: 95 present; 5 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 Tuesday, February 12, 2019, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 9

Representative Bacon introduced House Concurrent Resolution 9:

A CONCURRENT RESOLUTION recognizing the 2018 Castle High School archery team for an undefeated regular season and winning state, national, and world titles.

Whereas, The 2018 Castle High School archery team went undefeated in their regular season and went on to win state, national, and world titles while being the highest scoring team in the bullseye division during all three championship tournaments;

Whereas, This history making team consisted of 60 coed archers who began practicing for the 2018 season in November 2017;

Whereas, The Knights went undefeated in 12 regular season competitions that began in January 2018 while averaging three tournaments each month;

Whereas, The Knights participated in the National Archery in the Schools Program state tournament and earned first place following their regular season;

Whereas, A win at the state level qualified the team for NASP's 16th Eastern National Tournament where more than 14,000 students from over 200 schools from across the country competed in a three-day event held in Louisville, Kentucky;

Whereas, The Knights at the Eastern National Tournament earned the title of National Champion for Castle High School, and 24 of the archers competing for the Knights won a \$1,000 scholarship;

Whereas, The Knights carried this win at Nationals to the 2018 NASP World Tournament and won the title of World Champion; and

Whereas, The Castle High School archery team had a memorable season and represented themselves, their school, and the state of Indiana in the highest regard: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes the 2018 Castle High School archery team for an undefeated regular season and winning the National Archery in the Schools Program state, national, and world titles.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the members of the 2018 Castle High School archery team and to its coaches and staff.

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 Becker.

House Concurrent Resolution 13

Representatives Shackelford, Bartlett, Harris, Hatcher, Jackson, Porter, Pryor, V. Smith and Summers introduced House Concurrent Resolution 13:

A CONCURRENT RESOLUTION honoring and recognizing Mr. Jerry Harkness for his professional basketball career and contributions to his community and the state of Indiana.

Whereas, Mr. Jerry Harkness is a native of the Harlem section of New York City and played basketball and ran track for DeWitt Clinton High School in the Bronx;

Whereas, Mr. Harkness received a scholarship to Loyola University in Chicago after winning the high school city championship in basketball as well as capturing the 1,000-yard run in track;

Whereas, Mr. Harkness led the Loyola University Ramblers to the 1963 NCAA Basketball title and was named an All American and the Most Valuable Player in the East-West All Star game;

Whereas, Mr. Harkness went on to earn a degree in sociology and became the first African American store merchandiser for the Quaker Oats company;

Whereas, Mr. Harkness then joined the New York Knickerbockers and later became a member of the American Basketball Association's Indiana Pacers;

Whereas, Mr. Harkness made the longest three-point shot (88 feet) in pro basketball history as a Pacer in 1967 and held that record for 34 years. He still holds the record for the longest shot to win a game;

Whereas, Mr. Harkness became the first African American sportscaster for television station WTHR-13 following his retirement from the Indiana Pacers, and he held the same position with WTLC radio;

Whereas, Mr. Harkness contributed his knowledge and skill in basketball as a sports analyst for the Indiana Pacers and Loyola University of Chicago;

Whereas, Mr. Harkness demonstrated a passion to volunteer and give back to the community, which led him to become the first African American fundraiser for the United Way, where he worked for 25 years;

Whereas, Mr. Harkness showed love for his community, which led him to become one of the founders of 100 Black Men in Indianapolis and the Indiana Black Expo;

Whereas, Mr. Harkness was recognized by President Barack Obama in 2013 for his contributions as captain of the 1963 Loyola team;

Whereas, Mr. Harkness has also been inducted into the Indiana, Manhattan, and Harlem basketball halls of fame for

his contributions to the sport, and his basketball number 15 has been retired at Loyola University; and

Whereas, Mr. Harkness has received numerous awards including: the NCAA Silver Anniversary Community Service Award; the Boy Scout "This is Your Life" Service Award; the Jefferson Community Service Award; the Sports Illustrated Award; the Muhammad Ali Award; and induction into the National Collegiate Basketball Hall of Fame with his entire 1963 Loyola team: Therefore,

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

SECTION 1. That the Indiana General Assembly honors and recognizes Mr. Jerry Harkness for his professional basketball career and contributions to his community and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of the resolution to Mr. Jerry Harkness.

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 sponsors: Senators Taylor, Breaux, Melton and Randolph.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1018, 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 36-10-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The fiscal body of a unit may adopt an ordinance creating a department of parks and recreation and repealing in the ordinance or resolution prior ordinances or resolutions creating separate park and recreation authorities. The department consists of a park and recreation board, a superintendent, and other personnel that the board determines.

(b) After a board has been created, all books, papers, documents, and other property of former park and recreation authorities shall be transferred to and become the property of the board.

(c) This subsection applies to all counties. A county fiscal body may amend the ordinance that creates the department described in this section. If the county fiscal body amends the ordinance, the ordinance must provide that the members of the county board are appointed in accordance with section 4.2 of this chapter. However, after June 30, 2019, the county fiscal body may not adopt a new ordinance to create a department described in this section.

SECTION 2. IC 36-10-3-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.1. (a) **This section applies to all counties.**

(b) After June 30, 2019, the county executive may adopt an ordinance establishing a new department consisting of a park and recreation board, a superintendent, and other personnel that the board determines.

(c) If the county executive takes the action described in subsection (b), the county executive shall provide for the transfer of the employees, books, papers, documents,

powers, duties, agreements, liabilities, records, and property (including appropriations and other funds) to the new department.

(d) This section does not affect a department of parks and recreation created under section 3 of this chapter. If the county does not use the procedure established by this section, the county parks board is composed of the members described in section 4(d) through 4(h) of this chapter, as in effect on July 1, 2018."

Page 3, delete lines 32 through 42.

Delete page 4.

Page 5, delete lines 1 through 8, begin a new paragraph and insert:

"SECTION 4. IC 36-10-3-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.2. (a) This section applies to a county parks board whose county:

(1) fiscal body amends an ordinance under section 3(c) of this chapter; or

(2) executive adopts an ordinance in the manner described in section 3.1 of this chapter.

(b) The county board shall be appointed as follows:

(1) The county executive shall appoint two (2) members. The members must be affiliated with different political parties.

(2) The county fiscal body shall appoint two (2) members. The members must be affiliated with different political parties.

(c) The creating ordinance may provide for any of the following to serve as an ex officio member of the county board in addition to the members provided for under subsection (b):

(1) The county cooperative extension coordinator.

(2) The county extension educator.

(3) A member selected by the board of supervisors of a soil and water conservation district.

(4) Any other elected county official. However, a member of the county fiscal body or a member of the county executive may not serve on a board as provided in subsection (f).

(d) The creating ordinance described in subsection (c) may not permit:

(1) the appointment of an additional member to the county board by either the county executive or the county fiscal body; or

(2) the delegation of an additional appointment to the county board by either the county executive or the county fiscal body by an additional member appointed under subsection (c)(1) through (c)(4).

(e) All members:

(1) appointed under this section constitute the county board; and

(2) have the same rights, including the right to vote.

A vacancy in the seat of a member shall be filled by the appointing authority.

(f) A municipal executive, a member of a county fiscal body, a member of the county executive, or a member of the municipal fiscal body may not serve on a board."

Page 5, line 24, delete "one (1), two (2), and three (3) year" and insert **"two (2) and four (4) year terms, respectively."**

Page 5, delete line 25.

Page 5, after line 40, begin a new paragraph and insert:

"SECTION 6. IC 36-10-3-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 28. If a board or district is discontinued under section 3 or 3.1. of this chapter, the primary obligation on its bonds is not affected, and the unit assumes liability for the payment of the bonds according to their terms."

Renumber all SECTIONS consecutively.

(Reference is to HB 1018 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1125, 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 1125 as printed January 25, 2019.)

Committee Vote: Yeas 20, Nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1165, 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 paragraph and insert:

"Sec. 11. Notwithstanding IC 32-24 or any other law, the state or a unit of local government may not acquire an interest in any real property through eminent domain if the real property is subject to an agricultural conservation easement, unless permission has been granted by the director.

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)) or a municipally owned utility (as defined in IC 8-1-2-1(h)) to acquire property or property rights to be used in connection with the provision of utility services to the public."

Page 4, after line 15, begin a new paragraph and insert:

"SECTION 3. IC 36-1-27 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 27. Ordinances that Affect Agriculture

Sec. 1. (a) Nothing in this section affects an element of beekeeping (as defined in IC 14-8-2-82) that is subject to IC 14-24.

(b) Except as provided in subsection (c), a unit may not adopt an ordinance that prohibits a person from beekeeping on property that the person owns, rents, or leases.

(c) A unit may adopt an ordinance that regulates beekeeping:

(1) concerning the number of active hives a person may operate and the location of bee hives on the property; and

(2) that conforms to standards established by the Apiary Inspectors of America.

Sec. 2. (a) Except as provided in subsection (b), a unit may not adopt an ordinance that prohibits a person from raising chickens on property that the person owns, rents, or leases.

(b) A unit may adopt an ordinance that regulates chickens concerning the number of chickens a person may own and the location of chicken coops on the property.

Sec. 3. (a) This section does not apply to a composting facility subject to IC 13-20-10.

(b) Except as provided in subsection (c), a unit may not adopt an ordinance that prohibits a person from composting vegetative matter and other types of organic material that are generated by the person's activities on property that the person owns, rents, or leases.

(c) A unit may adopt an ordinance that regulates

composting vegetative matter and other types of organic material that are generated by the person's activities concerning the maximum composting area a person may operate and the location of the composting on the property."

(Reference is to HB 1165 as introduced.)
and when so amended that said bill do pass.
Committee Vote: yeas 12, nays 0.

Lehe, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1177, 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 1177 as printed February 1, 2019.)
Committee Vote: Yeas 22, Nays 1.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1181, 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, delete lines 12 through 26, begin a new paragraph and insert:

"Chapter 3. Identification of Additional Asbestos Trust Claims by Defendant

Sec. 1. (a) If a defendant believes that the plaintiff has not filed all asbestos trust claims as required under IC 34-61-2, then, not later than sixty (60) days before trial, the defendant may move the court for an order requiring the plaintiff to file additional trust claims.

(b) A defense motion filed under this section must identify the asbestos trust claims for which the defendant believes the plaintiff is eligible. A defendant must produce or describe the information being used to support the filing of a defense motion under this subsection.

(c) If a defendant has previously filed a motion under this section, the court shall not grant a subsequent defense motion made under this section if the defendant knew that the plaintiff was eligible for the additional trust claim identified in the subsequent defense motion at the time the earlier defense motion was filed.

(d) If the court determines that there is a sufficient basis for the plaintiff to file an asbestos trust claim identified by the defendant in the motion under subsection (a), the court shall stay the asbestos action until the plaintiff:

- (1) files the asbestos trust claim; and**
- (2) produces all related trust claims materials.**

Sec. 2. The court may not set an asbestos action for trial until at least sixty (60) days after the plaintiff complies with this chapter."

(Reference is to HB 1181 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 6.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1223, 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.

Page 2, delete lines 1 through 11.

Page 2, line 14, delete "JULY 1, 2019]" and insert "UPON PASSAGE]:".

Page 3, line 22, delete "Provide rooms" and insert "**Provide offices, rooms,"**

Page 3, line 23, after "administrative" insert "**law**".

Page 3, line 23, delete "IC 4-15-10.5-6." and insert "**IC 4-15-10.5-7."**

Page 3, line 26, delete "JULY 1, 2019]" and insert "UPON PASSAGE]:".

Page 3, line 27, after "Administrative" insert "**Law**".

Page 3, line 28, delete "This" and insert "**(a) Beginning July 1, 2020, this"**.

Page 3, line 31, delete "This", begin a new paragraph and insert:

"(b) Except as provided in subsection (c) and section 2 of this chapter, this chapter applies to each state agency that employs or engages one (1) or more administrative law judges to adjudicate contested cases.

(c) This".

Page 3, run in lines 31 through 32.

Page 3, line 39, delete "to reviews subject to" and insert "**to:**

- (1) the department of workforce development;**
- (2) the unemployment insurance review board of the department of workforce development;**
- (3) the worker's compensation board of Indiana;**
- (4) the Indiana utility regulatory commission;**
- (5) the department of state revenue;**
- (6) the department of local government finance;**
- (7) the Indiana board of tax review;**
- (8) the natural resources commission;**
- (9) the office of environmental adjudication;**
- (10) the Indiana education employment relations board; or**
- (11) any other agency or proceeding determined by the governor to be exempt from this chapter for good cause."**

Page 3, delete line 40.

Page 3, line 42, delete "assigned by the director to preside" and insert "**who presides"**.

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

"Sec. 4. As used in this chapter, "agency" means an authority, board, branch, bureau, commission, committee, council, department, division, office, service, or other instrumentality of the executive, including the administrative, department of state government. The term does not include any of the following:

- (1) Any body corporate and politic set up as an instrumentality of the state.**
- (2) Any private, nonprofit, government related corporation.**
- (3) The judicial department of state government.**
- (4) The legislative department of state government.**
- (5) A state educational institution.**
- (6) A political subdivision."**

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

Page 4, line 5, after "administrative" insert "**law**".

Page 4, line 6, delete "5." and insert "**6."**

Page 4, line 7, after "administrative" insert "**law**".

Page 4, line 7, delete "6" and insert "**7"**.

Page 4, line 9, delete "6." and insert "**7."**

Page 4, line 9, after "administrative" insert "**law**".

Page 4, line 10, delete "department on" and insert "**department."**

Page 4, delete line 11.

Page 4, line 12, delete "7." and insert "**8."**

Page 4, line 14, delete "8." and insert "**9."**

Page 4, line 14, delete "provide rooms" and insert "**provide offices, rooms,"**

Page 4, line 15, after "assistance" insert "**to the director**".

Page 4, line 16, delete "9." and insert "**10.**".

Page 4, between lines 20 and 21, begin a new line block indented and insert:

"(3) Adopt rules under IC 4-22-2 establishing a code of judicial conduct for administrative law judges. The code of judicial conduct for administrative law judges applies to each person acting as an administrative law judge for the office.

(4) Receive complaints alleging violations of the code of judicial conduct for administrative law judges, investigate the complaints, and take administrative or disciplinary action as deemed appropriate and warranted.

(5) Establish and administer a program to train and educate administrative law judges.

(6) Require all administrative law judges for the office to annually complete a number of hours of training and education determined by the director.

(7) Provide and coordinate education for administrative law judges on the code of judicial conduct for administrative law judges, professionalism, administrative practices, and other subjects necessary to carry out the purposes of this chapter.

(8) Render advisory opinions to administrative law judges concerning the code of judicial conduct for administrative law judges. Information and advice contained in an advisory opinion are considered:

(A) specific to the person who requests the opinion and to the facts presented; and

(B) confidential records under IC 5-14-3-4(b)(6).

(9) Consult with agency heads on hiring and performance evaluations of administrative law judges for the agencies of the agency heads."

Page 4, line 21, delete "10." and insert "**11.**".

Page 4, line 25, delete "11. (a) Except" and insert "**12. (a) Beginning July 1, 2020, and except**".

Page 4, line 25, delete "1, 2, and 12" and insert "**1 and 2**".

Page 4, delete lines 36 through 42.

Page 5, delete lines 1 through 14, begin a new paragraph and insert:

"Sec. 13. (a) The director shall assign one (1) or more administrative law judges to:

(1) one (1) or more agencies to handle all administrative proceedings filed with that agency or agencies; or

(2) preside over any administrative proceeding filed within an agency."

Page 5, line 15, after "to an" insert "**agency or an**".

Page 5, delete lines 25 through 32.

Page 5, line 33, delete "16." and insert "**15.**".

Page 5, between lines 37 and 38, begin a new paragraph and insert:

"Sec. 16. An agency must provide office space, hearing rooms, and administrative support for administrative proceedings for the agency."

Page 5, line 41, delete "January 1," and insert "**July 1,**".

Page 6, line 2, delete "December 31, 2019:" and insert "**June 30, 2020:**".

Page 6, line 4, after "administrative" insert "**law**".

Page 6, line 11, after "administrative" insert "**law**".

Page 6, line 12, after "administrative" insert "**law**".

Page 6, line 13, delete "IC 4-15-10.5-6." and insert "**IC 4-15-10.5-7.**".

Page 6, line 15, after "administrative" insert "**law**".

Page 7, line 34, delete "January 1," and insert "**July 1,**".

Page 7, line 35, delete "December 31, 2019," and insert "**June 30, 2020,**".

Page 7, line 37, after "administrative" insert "**law**".

Page 8, line 14, delete "January 1," and insert "**July 1,**".

Page 8, line 15, delete "December 31, 2019," and insert "**June 30, 2020,**".

Page 8, line 17, after "administrative" insert "**law**".

Page 9, line 1, delete "January 1, 2020." and insert "**June 30, 2020.**".

Page 9, line 11, delete "January 1," and insert "**July 1,**".

Page 9, line 15, delete "December 31, 2019," and insert "**June 30, 2020,**".

Page 9, line 17, after "of administrative" insert "**law**".

Page 11, line 7, delete "January 1," and insert "**July 1,**".

Page 11, line 33, delete "December 31, 2019." and insert "**June 30, 2020.**".

Page 11, line 35, after "administrative" insert "**law**".

Page 12, line 11, delete "January 1, 2020." and insert "**June 30, 2020.**".

Page 12, line 16, delete "January 1, 2020." and insert "**June 30, 2020.**".

Page 12, line 40, delete "January 1," and insert "**July 1,**".

Page 12, line 41, delete "December 31, 2019," and insert "**June 30, 2020,**".

Page 12, line 42, delete "assigned by the office of administrative" and insert "**(as defined in IC 4-21.5-1-2)**".

Page 13, line 1, delete "proceedings,".

Page 13, line 26, delete "January 1," and insert "**July 1,**".

Page 13, line 28, delete "December 31, 2019," and insert "**June 30, 2020,**".

Page 13, line 28, delete "assigned by the" and insert "**(as defined in IC 4-21.5-1-2)**".

Page 13, delete line 29.

Page 14, line 9, delete "January 1," and insert "**July 1,**".

Page 15, line 36, delete "January 1," and insert "**July 1,**".

Page 15, line 39, delete "December 31, 2019," and insert "**June 30, 2020,**".

Page 15, line 41, after "administrative" insert "**law**".

Page 15, line 41, delete "IC 4-15-10.5-6;" and insert "**IC 4-15-10.5-7;**".

Page 16, delete lines 25 through 42.

Delete pages 17 through 23.

Page 24, delete lines 1 through 16.

Page 24, line 38, delete "January 1," and insert "**July 1,**".

Page 24, line 39, delete "December 31, 2019," and insert "**June 30, 2020,**".

Page 24, line 40, delete "assigned by the office of" and insert "**(as defined in IC 4-21.5-1-2)**".

Page 24, line 41, delete "administrative proceedings established by IC 4-15-10.5-6,".

Page 25, line 12, delete "January 1," and insert "**July 1,**".

Page 25, line 13, delete "December 31, 2019," and insert "**June 30, 2020,**".

Page 25, line 14, delete "assigned by the office of administrative proceedings" and insert "**(as defined in IC 4-21.5-1-2)**".

Page 25, line 15, delete "established by IC 4-15-10.5-6."

Page 25, line 28, delete "January 1," and insert "**July 1,**".

Page 25, line 29, delete "December 31, 2019," and insert "**June 30, 2020,**".

Page 25, line 30, delete "assigned by the office of administrative proceedings" and insert "**(as defined in IC 4-21.5-1-2)**".

Page 25, line 31, delete "established by IC 4-15-10.5-6."

Page 26, line 9, delete "January 1," and insert "**July 1,**".

Page 26, line 10, delete "December 31, 2019," and insert "**June 30, 2020,**".

Page 26, line 11, delete "assigned by the office of administrative proceedings" and insert "**(as defined in IC 4-21.5-1-2)**".

Page 26, line 12, delete "established by IC 4-15-10.5-6."

Page 26, line 26, delete "January 1," and insert "**July 1,**".

Page 26, line 27, delete "December 31, 2019," and insert

"June 30, 2020,"

Page 26, line 28, delete "assigned by the office of administrative proceedings" and insert "(as defined in IC 4-21.5-1-2)."

Page 26, line 29, delete "established by IC 4-15-10.5-6."

Page 26, line 39, delete "January 1, 2020." and insert "June 30, 2020."

Page 27, line 13, delete "January 1," and insert "July 1,"

Page 27, line 14, delete "December 31, 2019," and insert "June 30, 2020,"

Page 27, line 15, delete "assigned by the office of administrative proceedings" and insert "(as defined in IC 4-21.5-1-2)."

Page 27, line 16, delete "established by IC 4-15-10.5-6."

Page 27, delete lines 22 through 42.

Delete pages 28 through 44.

Page 45, delete lines 1 through 20.

Page 46, line 34, delete "January 1," and insert "July 1,"

Page 46, line 36, delete "December 31, 2019," and insert "June 30, 2020,"

Page 46, line 37, delete "by the office of administrative" and insert "(as defined in IC 4-21.5-1-2);"

Page 46, delete line 38.

Page 51, line 30, delete "January 1," and insert "July 1,"

Page 51, line 31, delete "December 31, 2019," and insert "June 30, 2020,"

Page 51, line 33, after "administrative" insert "law".

Page 51, line 33, delete "IC 4-15-10.5-6," and insert "IC 4-15-10.5-7,"

Page 52, line 39, delete "January 1," and insert "July 1,"

Page 52, line 40, delete "December 31, 2019," and insert "June 30, 2020,"

Page 52, line 42, delete "proceedings established by IC 4-15-10.5-6," and insert "law proceedings established by IC 4-15-10.5-7,"

Page 53, line 7, delete "January 1," and insert "July 1,"

Page 53, line 8, delete "December 31, 2019," and insert "June 30, 2020,"

Page 53, line 10, after "administrative" insert "law".

Page 53, line 11, delete "IC 4-15-10.5-6," and insert "IC 4-15-10.5-7,"

Page 55, delete lines 8 through 33.

Page 55, line 36, after "administrative" insert "law".

Page 55, line 39, delete "January 1," and insert "July 1,"

Page 56, line 2, after "administrative" insert "law".

Page 56, line 3, delete "2019," and insert "2020,"

Page 56, after line 6, begin a new paragraph and insert:

"SECTION 28. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1223 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1224, 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 34 through 42.

Page 3, delete lines 1 through 6.

Page 3, delete line 42.

Page 4, delete lines 1 through 2.

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

Page 4, delete lines 27 through 31.

Renumber all SECTIONS consecutively.

(Reference is to HB 1224 as printed January 25, 2019.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1350, 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 1350 as introduced.)

Committee Vote: Yeas 23, Nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1354, 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 1354 as printed February 1, 2019.)

Committee Vote: Yeas 23, Nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1369, 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, delete lines 16 through 25, begin a new paragraph and insert:

"SECTION 8. IC 16-41-14-7.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 7.1. A practitioner may not use a donated gamete in a nonanonymous donation under IC 31-20-1.2 unless the practitioner complies with the testing requirements of the federal Food and Drug Administration.**"

Page 4, line 10, delete "IC 31-20-1.1-21" and insert "IC 31-20-1.1-22".

Page 5, delete lines 17 through 23, begin a new paragraph and insert:

"**Sec. 3. The purpose of this chapter is to establish consistent standards and procedural safeguards for the protection of all parties that agree to use Indiana as the jurisdiction for enforcement of the gestational surrogacy agreement and to confirm the legal status of children born as a result of these agreements. These standards and safeguards are meant to facilitate the use of this type of reproductive agreement in accordance with the public policy of Indiana.**"

Page 6, delete lines 16 through 29, begin a new paragraph and insert:

"**Sec. 14. As used in this chapter, "legal counsel" means a licensed attorney in Indiana who has significant experience in assisted reproduction matters.**

Sec. 15. As used in this chapter, "medical evaluation" means:

(1) a consultation of; and

(2) an evaluation by;

a reproductive endocrinologist.

Sec. 16. As used in this chapter, "mental health evaluation" means:

(1) a consultation with; and

(2) an evaluation by;

a mental health professional who has knowledge of the

mental health aspects of gestational surrogacy."

Page 6, between lines 40 and 41, begin a new paragraph and insert:

"Sec. 21. As used in this chapter, "reproductive endocrinologist" means a physician who has completed an accredited fellowship in reproductive endocrinology and infertility."

Page 6, line 41, delete "21." and insert "22."

Page 7, line 24, delete "22(a)" and insert "23(a)".

Page 7, line 26, delete "22(b)" and insert "23(b)".

Page 7, line 28, delete "23" and insert "24".

Page 7, line 33, delete "22." and insert "23."

Page 7, line 38, delete "endocrinologist;" and insert **"endocrinologist or a qualified individual supervised by a reproductive endocrinologist;"**.

Page 7, line 39, delete "an in-person" and insert "a".

Page 8, between lines 15 and 16, begin a new line block indented and insert:

"(1) be at least twenty-one (21) years of age;"

Page 8, line 16, delete "(1)" and insert "(2)".

Page 8, line 19, delete "(2)" and insert "(3)".

Page 8, line 20, delete "(3)" and insert "(4)".

Page 8, line 28, delete "23." and insert "24."

Page 8, line 31, delete "24" and insert "25".

Page 8, line 32, delete "or".

Page 8, line 33, delete "parents".

Page 9, line 15, delete "22(a)" and insert "23(a)".

Page 9, line 16, delete "24." and insert "25."

Page 9, line 22, delete "22" and insert "23".

Page 9, line 25, delete "22(a)" and insert "23(a)".

Page 9, line 29, delete "22(b)" and insert "23(b)".

Page 10, line 14, delete "birth." and insert **"birth, regardless of the number, gender, or mental or physical condition of the child or children."**

Page 10, between lines 38 and 39, begin a new paragraph and insert:

"Sec. 26. A gestational surrogacy agreement may not limit the right of the gestational surrogate to make any decision concerning the gestational surrogate's right to terminate or continue a pregnancy. Any term or condition in a gestational surrogacy agreement that contradicts or seeks to abrogate this section is void.

Sec. 27. (a) The marriage of a gestational surrogate after the execution of a gestational surrogacy agreement does not affect the validity of the gestational surrogacy agreement, and consent from the gestational surrogate's spouse is not required in order for the terms of the gestational surrogacy agreement to be completed or performed.

(b) A person who becomes the spouse of a gestational surrogate after the execution of the gestational surrogacy agreement is not a presumed parent of the resulting child.

Sec. 28. If a gestational surrogate initiates divorce proceedings or becomes divorced before the intended parents can establish parentage, the spouse of the gestational surrogate shall not be the presumed parent of a resulting child and shall not be required to sign, or otherwise authenticate, any establishment of parentage documentation required by a court."

Page 10, line 39, delete "25." and insert "29."

Page 10, line 40, delete "21" and insert "22".

Page 11, line 5, delete "26." and insert "30."

Page 11, line 5, after "relationship" insert **"for a child born, or intending to be born, in Indiana"**.

Page 11, line 8, delete "chapter:" and insert **"chapter, the following conditions are met:"**.

Page 11, line 9, delete "(1) the" and insert **"(1) The"**.

Page 11, line 12, delete "child; and" and insert **"child."**

Page 11, line 13, delete "(2) a" and insert **"(2) A"**.

Page 11, line 14, delete "a" and insert **"an appropriate"**.

Page 11, line 14, delete "33" and insert "37".

Page 11, between lines 15 and 16, begin a new line blocked left and insert:

"The conditions described under this section must be met before the issuance of a pre-birth court order by a court with competent jurisdiction."

Page 11, line 16, delete "27." and insert "31."

Page 11, line 19, delete "28." and insert "32."

Page 11, delete lines 26 through 28, begin a new paragraph and insert:

"(c) There is no specific performance remedy for a breach by the gestation surrogate of a gestation surrogacy agreement term that requires the gestational surrogate to:

(1) be impregnated;

(2) terminate a pregnancy; or

(3) carry a pregnancy to term."

Page 11, delete lines 35 through 39, begin a new paragraph and insert:

"Sec. 33. All reproductive endocrinologists and mental health professionals engaging in gestational surrogacy matters shall remain informed of the recommended guidelines published by the American Society for Reproductive Medicine and the American College of Obstetricians and Gynecologists."

Page 11, line 40, delete "30." and insert "34."

Page 12, line 3, delete "31." and insert "35."

Page 12, line 11, delete "32." and insert "36."

Page 12, delete lines 22 through 23, begin a new paragraph and insert:

"Sec. 37. (a) Any establishment of parentage proceeding when the child is, or is intended to be, born in Indiana or a gestational surrogacy agreement enforcement proceeding may be brought in an Indiana county:"

Page 12, line 37, after "surrogacy." insert **"Nothing in this chapter shall be construed to give a court jurisdiction over a child custody or child support action if jurisdiction over the issues of child custody or child support is not otherwise authorized."**

Sec. 38. An Indiana court order concerning the establishment of parentage shall be given full faith and credit in another state if the establishment of parentage court order constitutes a signed record and otherwise complies with the laws of the other state."

Page 19, line 4, after "expenses;" insert **"and"**.

Page 19, line 5, delete "expenses;" and insert "expenses."

Page 19, line 5, strike "and".

Page 19, line 6, strike "(E) recovery time in an amount not to exceed".

Page 19, line 6, delete "six".

Page 19, line 6, strike "thousand".

Page 19, line 7, strike "dollars".

Page 19, line 7, delete "(\$6,000);".

Page 19, between lines 11 and 12, begin a new line block indented and insert:

"(2) The payment of compensation to a donor, if the following conditions are met:

(A) The payment is not contingent upon the quantity of the gametes retrieved.

(B) The payment is not contingent upon the purported quality or genome related traits of the gamete donor.

(C) The payment is not contingent upon actual genotypic or phenotypic characteristics of the gamete donor or of the child.

(D) The payment is reasonable as determined by industry standards and has been negotiated in good faith between the parties, if applicable."

Page 19, line 12, strike "(2)" and insert "(3)".

Page 19, line 20, strike "(3)" and insert "(4)".

Page 19, line 25, strike "(4)" and insert "(5)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1369 as introduced) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1406, 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 35 through 41.

(Reference is to HB 1406 as printed January 25, 2019.) and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1492, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, after "bicolor" insert "(L)".

Page 1, line 9, after "drummondii" insert "(Steud.)".

Page 1, delete lines 11 through 12, begin a new line block indented and insert:

"(6) Common waterhemp (Amaranthus rudis) and tall waterhemp (Amaranthus tuberculatus).

(7) Marehail (Conyza canadensis).

(8) Palmer amaranth or carelessweed (Amaranthus palmeri).

(9) Poison hemlock (Conium maculatum).

(10) Powell amaranth (Amaranthus powellii).

(11) Rough pigweed (Amaranthus retroflexus).

(12) Smooth pigweed (Amaranthus hybridus)."

Page 1, line 13, delete "(8)" and insert "(13)".

(Reference is to HB 1492 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

Lehe, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1517, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 42, delete "out of state" and insert "**out-of-state**".

Page 16, line 41, delete "whether" and insert "**Whether**".

Page 17, line 2, delete "period;" and insert "**period**".

Page 17, line 3, delete "(2) the" and insert "**(2) The**".

Page 17, line 3, delete "activities; and" and insert "**activities**".

Page 17, line 4, delete "(3) the" and insert "**(3) The**".

Page 18, line 8, delete "punch boards;" and insert "**punchboards**";

Page 20, line 1, delete "out of state" and insert "**out-of-state**".

Page 20, line 5, delete "out of state" and insert "**out-of-state**".

Page 20, line 10, delete "out of state" and insert "**out-of-state**".

Page 20, line 26, delete "A" and insert "**An**".

Page 23, line 25, delete "punch boards," and insert "**punchboards**".

Page 23, line 26, delete "IC 4-32.3-4-11." and insert "**section 11 of this chapter**".

Page 24, line 24, delete "are" and insert "**is**".

Page 24, line 35, delete "committee," and insert "**committee, a**".

Page 30, line 32, delete "worker" and insert "**worker**".

Page 30, line 36, delete "officer" and insert "**officer**".

Page 32, line 19, delete "of a:" and insert "**of**".

Page 32, line 20, delete "(1) chance" and insert "**(1) a chance**".

Page 32, line 30, after "application" insert "**processing**".

Page 33, line 4, after "an" insert "**annual**".

Page 33, line 18, delete "section 5(c) of".

Page 33, line 21, delete "section 5(c) of".

Page 34, line 22, delete "(a)" and insert "**(b)**".

Page 46, line 31, delete "IC 4-32.3-7-3." and insert "**IC 4-32.3-7-5**".

Page 59, line 40, delete "FOLLOWS:" and insert "**FOLLOWS [EFFECTIVE JULY 1, 2019]:**".

(Reference is to HB 1517 as printed January 25, 2019.) and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1582, 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 13, delete ""plan administrator"" and insert ""**employer**"".

Page 1, line 16, delete "plan administrator" and insert "**employer**".

Page 2, line 4, delete "plan administrator" and insert "**employer**".

Page 2, line 6, delete "plan administrator" and insert "**employer**".

Page 2, line 15, delete "administrator" and insert "**employer**".

Page 2, line 21, delete "plan administrator" and insert "**employer**".

Page 2, line 22, delete "plan administrator" and insert "**employer**".

Page 2, between lines 29 and 30, begin a new paragraph and insert:

"(g) An individual who becomes an employee of a political subdivision after June 30, 2019, must have the opportunity to enroll in a deferred compensation plan that is subject to the same parameters as the state employees' deferred compensation plan."

Page 7, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 5. IC 36-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 5.5. Training for Clerk and Fiscal Officer

Sec. 1. As used in this chapter, "training courses" refers to training courses, workshops, training institutes authorized by IC 5-11-14, formal academies, special seminars and other in-service training related to the office of the:

(1) clerk of the consolidated city described in IC 36-3-4-8; and

(2) fiscal officer of the consolidated city described in IC 36-3-5-2.5;

that are developed or offered under the rubric of a generally accepted professional association, association of

governments or a state agency or department, or public university or affiliated center.

Sec. 2. An individual who is appointed to or holds an office described in section 1 of this chapter on or after November 5, 2019, shall complete at least:

- (1) fourteen (14) hours of training courses within one (1) year; and
- (2) thirty-six (36) hours of training courses within three (3) years;

after the individual is appointed to or while the individual holds an office described in section 1 of this chapter.

Sec. 3. A training course that an individual completes:

- (1) after being appointed to an office described in this section; and
- (2) before the individual begins serving in an office described in this section;

shall be counted toward the requirements under section 2 of this chapter.

Sec. 4. An individual shall fulfill the training requirements established by section 2 of this chapter for each four (4) year period during which the individual holds an office described in section 1 of this chapter.

Sec. 5. This section applies only to an individual appointed to fill a vacancy in an office described in section 1 of this chapter. An individual described in this section may, but is not required to, take training courses required by section 2 of this chapter. If an individual described in this section takes a training course required by section 2 of this chapter for an office described in section 1 of this chapter, the consolidated city shall pay for the training course as if the individual had been appointed to an office described in section 1 of this chapter.

Sec. 6. The:

- (1) executive;
- (2) legislative body; and
- (3) individual who holds an office described in section 1 of this chapter;

shall use all reasonable means to ensure that the individual who holds an office described in section 1 of this chapter complies with the training requirements established by section 2 of this chapter.

Sec. 7. The individual who holds an office described in section 1 of this chapter shall maintain written documentation of the training courses that the individual completes toward the requirements of this chapter.

Sec. 8. If the consolidated city reorganizes under IC 36-1.5, the individual who performs the functions of an office described in section 1 of this chapter for the consolidated city shall comply with the training requirements established by this chapter for the reorganized political subdivision."

Page 7, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 7. IC 36-4-10-8 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, "training courses" refers to training courses, workshops, training institutes authorized by IC 5-11-14, formal academies, special seminars and other in-service training related to an office described in section 2 of this chapter that are developed or offered under the rubric of a generally accepted professional association, association of governments or a state agency or department, or public university or affiliated center.

(b) An individual elected or appointed to an office described in section 2 of this chapter on or after November 5, 2019, shall complete at least:

- (1) fourteen (14) hours of training courses within one (1) year; and
- (2) thirty-six (36) hours of training courses within three (3) years;

after the individual is elected or appointed to an office described in section 2 of this chapter.

(c) A training course that an individual completes:

- (1) after being elected or appointed to an office described in section 2 of this chapter; and
- (2) before the individual begins serving in an office described in section 2 of this chapter;

shall be counted toward the requirements under subsection (b).

(d) An individual shall fulfill the training requirements established by subsection (b) for each term to which the individual is elected or appointed to an office described in section 2 of this chapter.

(e) This subsection applies only to an individual appointed to fill a vacancy in an office described in section 2 of this chapter. An individual described in this subsection may, but is not required to, take training courses required by subsection (b). If an individual described in this subsection takes a training course required by subsection (b) for an office described in section 2 of this chapter, the city shall pay for the training course as if the individual had been elected or appointed to an office described in section 2 of this chapter.

(f) The:

- (1) city executive;
- (2) city legislative body; and
- (3) individual who holds the office described in section 2 of this chapter;

shall use all reasonable means to ensure that the individual who holds the office described in section 2 of this chapter complies with the training requirements established by this section.

(g) The individual who holds the office described in section 2 of this chapter shall maintain written documentation of the training courses that the individual completes toward the requirements of this section.

(h) If a city reorganizes under IC 36-1.5, the individual who performs the functions of an office described in section 2 of this chapter for the city shall comply with the training requirements established by this section for the reorganized political subdivision."

Page 8, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 7. IC 36-5-6-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) As used in this section, "training courses" refers to training courses, workshops, training institutes authorized by IC 5-11-14, formal academies, special seminars and other in-service training related to an office described in section 2 of this chapter that are developed or offered under the rubric of a generally accepted professional association, association of governments or a state agency or department, or public university or affiliated center.

(b) An individual elected to the office described in section 2 of this chapter on or after November 5, 2019, shall complete at least:

- (1) fourteen (14) hours of training courses within one (1) year; and
- (2) thirty-six (36) hours of training courses within three (3) years;

after the individual is elected to the office described in section 2 of this chapter.

(c) A training course that an individual completes:

- (1) after being elected to the office described in section 2 of this chapter; and
- (2) before the individual begins serving in the office described in section 2 of this chapter;

shall be counted toward the requirements under subsection (b).

(d) An individual shall fulfill the training requirements

established by subsection (b) for each term to which the individual is elected to the office described in section 2 of this chapter.

(e) This subsection applies only to an individual appointed to fill a vacancy in the office described in section 2 of this chapter. An individual described in this subsection may, but is not required to, take training courses required by subsection (b). If an individual described in this subsection takes a training course required by subsection (b) for an individual elected to the office described in section 2 of this chapter, the town shall pay for the training course as if the individual had been elected to the office described in section 2 of this chapter.

(f) The:

- (1) town executive;
- (2) town legislative body; and
- (3) individual who holds the office described in section 2 of this chapter;

shall use all reasonable means to ensure that the individual who holds the office described in section 2 of this chapter complies with the training requirements established by this section.

(g) The individual who holds the office described in section 2 of this chapter shall maintain written documentation of the training courses that the individual completes toward the requirements of this section.

(h) If a town reorganizes under IC 36-1.5, the individual who performs the functions of the office described in section 2 of this chapter for the town shall comply with the training requirements established by this section for the reorganized political subdivision."

Renumber all SECTIONS consecutively.
(Reference is to HB 1582 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

Zent, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1613, 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 1613 as introduced.)

Committee Vote: Yeas 23, Nays 0.

HUSTON, Chair

Report adopted.

Representatives Eberhart, Judy, Morris and Morrison, who had been present, are now excused.

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 1029, 1057, 1118, 1141, 1175, 1308, 1342, 1349, 1352, 1365, 1437, 1484, 1543, 1546, 1597 and 1615.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1065

Representative Frye called down Engrossed House Bill 1065 for third reading:

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

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

Roll Call 128: yeas 74, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Koch and Sandlin.

Engrossed House Bill 1115

Representative Karickhoff called down Engrossed House Bill 1115 for third reading:

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

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

Roll Call 129: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Messmer, Lanane and Perfect.

Engrossed House Bill 1155

Representative Goodin called down Engrossed House Bill 1155 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

Roll Call 130: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Garten, Grooms and Young.

Engrossed House Bill 1173

Representative Negele called down Engrossed House Bill 1173 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

Roll Call 131: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Alting and Buchanan.

Engrossed House Bill 1182

Representative Lehman called down Engrossed House Bill 1182 for third reading:

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

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

Roll Call 132: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Boots.

Engrossed House Bill 1238

Representative Soliday called down Engrossed House Bill 1238 for third reading:

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

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

Roll Call 133: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Charbonneau.

Engrossed House Bill 1473

Representative Steuerwald called down Engrossed House Bill 1473 for third reading:

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

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

Roll Call 134: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Head, Holdman and Taylor.

Engrossed House Bill 1520

Representative GiaQuinta called down Engrossed House Bill 1520 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 135: yeas 89, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Busch, Randolph, Lanane and Head.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:49 p.m. with the Speaker in the Chair.

Representatives Eberhart, Judy and Morrison, who had been excused, are now present.

HOUSE BILLS ON SECOND READING

House Bill 1014

Representative Torr called down House Bill 1014 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1014-1)

Mr. Speaker: I move that House Bill 1014 be amended to read as follows:

Page 2, line 8, delete "a person" and insert "**an Indiana resident**".

Page 2, line 8, delete "person's" and insert "**resident's**".
(Reference is to HB 1014 as printed February 8, 2019.)

SCHAIBLEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1192

Representative Lauer called down House Bill 1192 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1269

Representative Gutwein called down House Bill 1269 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1269-1)

Mr. Speaker: I move that House Bill 1269 be amended to read as follows:

Page 6, delete lines 27 through 42, begin a new paragraph and insert:

"**Sec. 3. (a) The council consists of the following members:**

- (1) The governor or the governor's designee.**
- (2) The executive director.**
- (3) The superintendent of the state police department.**
- (4) The adjutant general.**
- (5) The state health commissioner.**
- (6) The commissioner of the department of environmental management.**
- (7) The chairman of the Indiana utility regulatory commission.**
- (8) The director of the department of natural resources or, if designated by the director, the deputy director who manages the bureau of law enforcement and administration.**
- (9) The chief information officer of the office of technology.**
- (10) The speaker of the house of representatives or the speaker's designee.**
- (11) The president pro tempore of the senate or the president pro tempore's designee.**
- (12) The minority leader of the house of representatives or the minority leader's designee.**
- (13) The minority leader of the senate or the minority leader's designee.**

(b) The members of the council described in subsection (a)(10) through (a)(13) are nonvoting members."

Page 7, delete lines 1 through 4.

(Reference is to HB 1269 as printed February 8, 2019.)

HARRIS

Motion prevailed.

HOUSE MOTION
(Amendment 1269-2)

Mr. Speaker: I move that House Bill 1269 be amended to read as follows:

Page 14, line 39, after "commission." insert "**The department shall place the initial determination on an application for a variance unless the department places the application for a variance on the agenda for the next commission meeting.**".

Page 15, delete lines 10 through 12.

Page 15, line 13, reset in roman "(c)".

Page 15, line 13, delete "(d)".

Page 15, line 16, reset in roman "(d)".

Page 15, line 16, delete "(e)".

Page 15, line 19, delete "(f)" and insert "(e)".

Page 17, line 30, strike "may" and insert "**shall**".

Page 17, line 32, reset in roman "by the commission" and insert "**or the department**".

(Reference is to HB 1269 as printed January 8, 2019.)

AUSTIN

Motion prevailed. The bill was ordered engrossed.

House Bill 1444

Representative T. Brown called down House Bill 1444 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1444-1)

Mr. Speaker: I move that House Bill 1444 be amended to read as follows:

Page 2, between lines 38 and 39, begin a new paragraph and insert:

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

- (1) any product made from or derived from tobacco, other than a cigarette (as defined in IC 6-7-1-2), that is made for smoking, chewing, or both, or heating, dissolving, absorbing, inhaling, or ingesting by any other means;
- (2) snuff, including moist snuff;
- (3) an electronic cigarette (as defined in IC 35-46-1-1.5);
- (4) e-liquid (as defined in IC 7.1-7-2-10); or
- (5) vapor products (as defined in IC 7.1-7-2-23).

SECTION 3. IC 6-7-2-7, AS AMENDED BY P.L.205-2013, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) A tax is imposed on the distribution of tobacco products in Indiana at the rate of:

- (1) twenty-four percent (24%) of the wholesale price of tobacco products other than moist snuff; or
- (2) for moist snuff, forty cents (\$0.40) per ounce, and a proportionate tax at the same rate on all fractional parts of an ounce. If the tax calculated for a fractional part of an ounce carried to the third decimal place results in the numeral in the third decimal place being greater than four
- (4), the amount of the tax shall be rounded to the next additional cent.

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

- (1) brings or causes tobacco products to be brought into Indiana for distribution;
- (2) manufactures tobacco products in Indiana for distribution; or
- (3) transports tobacco products to retail dealers in Indiana for resale by those retail dealers.

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

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

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

Renumber all SECTIONS consecutively.
(Reference is to HB 1444 as printed February 8, 2019.)

PORTER

Motion failed.

HOUSE MOTION
(Amendment 1444-3)

Mr. Speaker: I move that House Bill 1444 be amended to read as follows:

Page 8, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 23. (a) **Before September 1, 2019, the department shall prescribe a survey form to be presented by retail**

dealers to ultimate consumers whenever the retail dealer makes a retail sale of vapor products or consumable materials in Indiana. The survey form is to consist of a single question:

"Are you purchasing your e-cigarette or vapor product for smoking cessation purposes (yes or no)?"

The survey form must not require an ultimate consumer to provide, and the survey form may not otherwise collect, any personally identifiable information about the purchaser.

(b) **After December 31, 2019, a retailer dealer shall make a good faith effort to require every ultimate consumer who seeks to purchase a consumable material or a vapor product from the retail dealer in a retail sale to respond to the survey form prescribed under subsection (a) before completing the retail sale. A retail dealer is encouraged to provide the ultimate consumer with accommodative assistance in completing the form if the ultimate consumer appears to need the accommodative assistance.**

(c) **Before February 1 and August 1 of each year, beginning August 1, 2020, a retail dealer that has sold a consumable material or a vapor product to an ultimate consumer in Indiana during the reporting period:**

(1) beginning on July 1 and ending on December 31 of the immediately preceding year, for the February 1 reporting date; or

(2) beginning on January 1 and ending on June 30 of the current year, for the August 1 reporting deadline;

shall submit to the department those survey forms that were completed by ultimate consumers who purchased consumable materials or vapor products from the retail dealer in a retail sale in Indiana during the applicable reporting period.

(d) **Each year before January 1, beginning January 1, 2021, the department shall:**

(1) prepare a report of the responses to the survey forms submitted by retail dealers under subsection (c) for the year; and

(2) publish the report electronically on the Indiana transparency Internet web site."

(Reference is to HB 1444 as printed February 8, 2019.)

PORTER

Motion failed. The bill was ordered engrossed.

House Bill 1506

Representative Soliday called down House Bill 1506 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1627

Representative Behning called down House Bill 1627 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1640

Representative Behning called down House Bill 1640 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1640-1)

Mr. Speaker: I move that House Bill 1640 be amended to read as follows:

Page 35, between lines 31 and 32, begin a new line block indented and insert:

"(3) IC 20-27-7 (school bus inspection and registration).

(4) IC 20-27-8-1 (school bus drivers and monitors).

(5) IC 20-27-8-2 (school bus driver driving summary).

(6) IC 20-27-10-3 (capacity of school bus)."

Page 35, line 32, delete "(3)" and insert "(7)".

Page 35, line 33, delete "(4)" and insert "(8)".

Page 35, line 34, delete "(5)" and insert "(9)".
 Page 35, line 36, delete "(6)" and insert "(10)".
 Page 35, line 37, delete "(7)" and insert "(11)".
 Page 35, line 39, delete "(8)" and insert "(12)".
 Page 35, line 40, delete "(9)" and insert "(13)".
 Page 35, line 41, delete "(10)" and insert "(14)".
 Page 35, line 42, delete "(11)" and insert "(15)".
 Page 36, line 1, delete "(12)" and insert "(16)".
 Page 36, line 2, delete "(13)" and insert "(17)".
 Page 36, line 4, delete "(14)" and insert "(18)".
 Page 36, line 5, delete "(15)" and insert "(19)".
 Page 36, line 6, delete "(16)" and insert "(20)".
 Page 36, line 7, delete "(17)" and insert "(21)".
 Page 36, line 9, delete "(18)" and insert "(22)".
 Page 36, line 10, delete "(19)" and insert "(23)".
 Page 36, line 11, delete "(20)" and insert "(24)".
 Page 36, line 12, delete "(21)" and insert "(25)".
 Page 36, line 14, delete "(22)" and insert "(26)".
 Page 36, line 15, delete "(23)" and insert "(27)".
 Page 36, line 17, delete "(24)" and insert "(28)".
 Page 36, line 18, delete "(25)" and insert "(29)".
 (Reference is to HB 1640 as printed February 8, 2019.)

DELANEY

Upon request of Representatives Mahan and Morrison, the Speaker ordered the roll of the House to be called. Roll Call 136: yeas 88, nays 0. Motion prevailed.

HOUSE MOTION
 (Amendment 1640-3)

Mr. Speaker: I move that House Bill 1640 be amended to read as follows:

Page 35, between lines 33 and 34, begin a new line block indented and insert:

"(5) IC 20-30-2-1 (instructional time).

(6) IC 20-30-2-3 (school year)."

Page 35, line 34, delete "(5)" and insert "(7)".
 Page 35, line 36, delete "(6)" and insert "(8)".
 Page 35, line 37, delete "(7)" and insert "(9)".
 Page 35, line 39, delete "(8)" and insert "(10)".
 Page 35, line 40, delete "(9)" and insert "(11)".
 Page 35, line 41, delete "(10)" and insert "(12)".
 Page 35, line 42, delete "(11)" and insert "(13)".
 Page 36, line 1, delete "(12)" and insert "(14)".
 Page 36, line 2, delete "(13)" and insert "(15)".
 Page 36, line 4, delete "(14)" and insert "(16)".
 Page 36, line 5, delete "(15)" and insert "(17)".
 Page 36, line 6, delete "(16)" and insert "(18)".
 Page 36, line 7, delete "(17)" and insert "(19)".
 Page 36, line 9, delete "(18)" and insert "(20)".
 Page 36, line 10, delete "(19)" and insert "(21)".
 Page 36, line 11, delete "(20)" and insert "(22)".
 Page 36, line 12, delete "(21)" and insert "(23)".
 Page 36, line 14, delete "(22)" and insert "(24)".
 Page 36, line 15, delete "(23)" and insert "(25)".
 Page 36, line 17, delete "(24)" and insert "(26)".
 Page 36, line 18, delete "(25)" and insert "(27)".
 (Reference is to HB 1640 as printed February 8, 2019.)

DELANEY

Motion failed.

Representative Huston, who had been present, is now excused

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

HOUSE MOTION
 (Amendment 1640-4)

Mr. Speaker: I move that House Bill 1640 be amended to read as follows:

Page 15, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 19. IC 20-24-8-5, AS AMENDED BY P.L.242-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-39-1-1 (unified accounting system).
- (3) IC 20-35 (special education).
- (4) IC 20-26-5-10 (criminal history).
- (5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
- (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- (7) IC 20-28-10-14 (teacher freedom of association).
- (8) IC 20-28-10-17 (school counselor immunity).
- (9) For conversion charter schools only if the conversion charter school elects to collectively bargain under IC 20-24-6-3(b), IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- (10) IC 20-33-2 (compulsory school attendance).
- (11) IC 20-33-3 (limitations on employment of children).
- (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- (13) IC 20-33-8-16 (firearms and deadly weapons).
- (14) IC 20-34-3 (health and safety measures).
- (15) IC 20-33-9 (reporting of student violations of law).
- (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- (17) IC 20-31-3, IC 20-32-4, IC 20-32-5 (for a school year ending before July 1, 2018), IC 20-32-5.1 (for a school year beginning after June 30, 2018), IC 20-32-8, and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic standards, accreditation, assessment, and remediation).
- (18) IC 20-33-7 (parental access to education records).
- (19) IC 20-31 (accountability for school performance and improvement).
- (20) IC 20-30-5-19 (personal financial responsibility instruction).
- (21) IC 20-26-5-37.3, before its expiration (career and technical education reporting).
- (22) IC 20-33-8-13.5 (discipline rules prohibiting bullying)."

Page 44, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 68. IC 20-33-8-13.5, AS AMENDED BY P.L.211-2018(ss), SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

- (1) prohibit bullying; and
- (2) include:
 - (A) provisions concerning education, parental involvement, and intervention;
 - (B) a detailed procedure for the expedited investigation of incidents of bullying that includes:
 - (i) appropriate responses to bullying behaviors, wherever the behaviors occur;
 - (ii) provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
 - (iii) timetables for reporting of bullying incidents to the parents of both the targeted student and the bully, in an expedited manner;
 - (iv) timetables for reporting of bullying incidents to school counselors, school administrators, the superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary;
 - (v) discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct

an investigation of a bullying incident; and

(vi) discipline provisions for false reporting of bullying; and

(C) a detailed procedure outlining the use of follow-up services that includes:

(i) support services for the victim; and

(ii) bullying education for the bully.

(b) The discipline rules described in subsection (a) may be applied regardless of the physical location in which the bullying behavior occurred, whenever:

(1) the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and

(2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

(c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:

(1) computer;

(2) computer system;

(3) computer network; or

(4) cellular telephone or other wireless or cellular communications device.

(d) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.

(e) A record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under IC 5-14-3.

(f) The department shall periodically review each policy adopted under this section to ensure the policy's compliance with this section.

(g) An accredited nonpublic school that accepts any funding or financial assistance from the state is required to adopt discipline rules consistent with this section."

Page 46, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 75. IC 20-51-4-1, AS AMENDED BY P.L.106-2016, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: 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, 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 shall adopt discipline rules that prohibit bullying in the manner provided under IC 20-33-8-13.5.

(i) Nothing in this section shall be construed to limit the requirements of IC 20-30-5."

Renumber all SECTIONS consecutively.

(Reference is to HB 1640 as printed February 8, 2019.)

PORTER

Upon request of Representatives GiaQuinta and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 137: yeas 30, nays 62. Motion failed. The bill was ordered engrossed.

House Bill 1650

Representative Ziemke called down House Bill 1650 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1650-4)

Mr. Speaker: I move that House Bill 1650 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 66 with "[EFFECTIVE JANUARY 1, 2022]".

Page 64, line 40, delete "2020" and insert "2023".

Page 65, line 1, delete "2020." and insert "2023."

Page 65, after line 1, begin a new paragraph and insert:

"SECTION 67. [EFFECTIVE JULY 1, 2019] **(a) The legislative council is urged to assign to the appropriate interim study committee the task of studying the effect of eliminating township advisory boards.**

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

Renumber all SECTIONS consecutively.

(Reference is to HB 1650 as printed February 8, 2019.)

PRYOR

The Speaker ordered a division of the House and appointed Representatives Lehman and GiaQuinta to count the yeas and nays. Yeas 50, nays 43. Motion prevailed.

HOUSE MOTION
(Amendment 1650-1)

Mr. Speaker: I move that House Bill 1650 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 25.

"Fiscal body" means **the following:**

(1) **The** county council, for a county not having a consolidated city.

(2) **The** city-county council, for a consolidated city or county having a consolidated city.

(3) **The** common council, for a second or third class city.

(4) **The** town council, for a town.

~~(5) township board; for a township; or~~

~~(6) (5) The~~ governing body or budget approval body, for any other political subdivision.

SECTION 2. IC 3-10-1-19, AS AMENDED BY P.L.21-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the form described in this section for all the offices for which candidates have qualified under IC 3-8.

(b) The following shall be printed as the heading for the ballot for a political party:

"OFFICIAL PRIMARY BALLOT

_____ Party (insert the name of the political party)".

(c) The following shall be printed immediately below the heading required by subsection (b) or be posted in each voting booth as provided in IC 3-11-2-8(b):

(1) For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column.

(2) For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column.

(3) For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column.

(4) For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

(d) Local public questions shall be placed on the primary election ballot after the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g).

(e) The local public questions described in subsection (d) shall be placed as follows:

(1) In a separate column on the ballot if voting is by paper ballot.

(2) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g), in the form specified in IC 3-11-13-11 if voting is by ballot card.

(3) As provided by either of the following if voting is by an electronic voting system:

(A) On a separate screen for a public question.

(B) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g), in the form specified in IC 3-11-14-3.5.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

YES

NO

(g) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Prosecuting attorney.

(E) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.

(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.

(J) County council member.

(5) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee.

~~(C) Township board member.~~

~~(D) (C) Judge of the small claims court.~~

~~(E) (D) Constable of the small claims court.~~

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

(h) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (g):

(1) Precinct committeeman.

(2) State convention delegate.

(i) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection (h).

(j) The offices described in subsection (i) shall be placed as follows:

(1) In a separate column on the ballot if voting is by paper ballot;

(2) After the offices described in subsection (h) in the form specified in IC 3-11-13-11 if voting is by ballot card.

(3) Either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (h) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 3. IC 3-10-2-13, AS AMENDED BY P.L.77-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.

(2) County auditor.

(3) County recorder.

(4) County treasurer.

(5) County sheriff.

(6) County coroner.

(7) County surveyor.

(8) County assessor.

(9) County commissioner. This subdivision applies only to a county that is not subject to IC 36-2-2.5.

(10) Single county executive. This subdivision applies only to a county that is subject to IC 36-2-2.5.

(11) County council member.

(12) Township trustee.

~~(13) Township board member.~~

~~(14) (13) Township assessor (only in a township referred to in IC 36-6-5-1(d)).~~

~~(15) (14) Judge of a small claims court.~~

~~(16) (15) Constable of a small claims court.~~

SECTION 4. IC 3-11-1.5-32.5 IS REPEALED [EFFECTIVE JANUARY 1, 2020]. Sec. 32-5: (a) This section applies to townships in a county containing a consolidated city.

(b) The legislative body of a township may not change the boundary of a legislative body district established under IC 36-6-2-5 after November 8 of the year preceding the year in which an election is held to elect township board members and before the day following the date on which an election is held to elect township board members.

SECTION 5. IC 3-11-2-10, AS AMENDED BY P.L.245-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter, if instructions are printed on the ballot:

(1) Ratification of a state constitutional amendment.

(2) Local public questions.

Subject to section 10.1 of this chapter, each public question shall be placed in a separate column on the ballot.

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device, if instructions are printed on the ballot.

(c) The instructions for voting a straight party ticket must conform as nearly as possible to the following:

"(1) To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, except for candidates described in (2) below, make a voting mark on or in this circle and do not make any other marks on this ballot.

(2) To vote for any candidate for an at-large office (insert county council, city common council, **or** town council, **or** township board if those offices appear on this ballot), you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.

(3) If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(d) Except as permitted under section 8(b) of this chapter, if the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(e) Except as permitted under section 8(b) of this chapter, the ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(f) Subject to section 10.1 of this chapter, the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.219-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 12. The following offices shall be placed on the general election ballot in the following order after the public questions described in section 10(a) of this chapter:

(1) Federal and state offices:

- (A) President and Vice President of the United States.
- (B) United States Senator.
- (C) Governor and lieutenant governor.
- (D) Secretary of state.
- (E) Auditor of state.
- (F) Treasurer of state.
- (G) Attorney general.
- (H) Superintendent of public instruction. This clause

does not apply after December 31, 2020.

(I) United States Representative.

(2) Legislative offices:

- (A) State senator.
- (B) State representative.

(3) Circuit offices and county judicial offices:

- (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
- (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
- (C) Judge of the probate court.
- (D) Prosecuting attorney.
- (E) Clerk of the circuit court.

(4) County offices:

- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.
- (I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.
- (J) County council member, except as provided in section 12.4 of this chapter.

(5) Township offices:

- (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
- (B) Township trustee.
- ~~(C) Township board member, except as provided in section 12.4 of this chapter.~~
- ~~(D) (C) Judge of the small claims court.~~
- ~~(E) (D) Constable of the small claims court.~~

(6) City offices:

- (A) Mayor.
- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member, except as provided in section 12.4 of this chapter.

(7) Town offices:

- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member, except as provided in section 12.4 of this chapter.

SECTION 7. IC 3-11-7-4, AS AMENDED BY P.L.201-2017, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 4. (a) Except as provided in subsection (b), a ballot card voting system must permit a voter to vote:

- (1) except at a primary election, a straight party ticket for all of the candidates of one (1) political party by a single voting mark on each ballot card;
- (2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition;
- (3) a split ticket for the candidates of different political parties and for independent candidates; or
- (4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or independent candidate.

(b) A ballot card voting system must require that a voter who wishes to cast a ballot for a candidate for election to an at-large district on a:

- (1) county council;
- (2) city common council; **or**

- (3) town council; **or**
~~(4) township board;~~

make a voting mark for each individual candidate for whom the voter wishes to cast a vote. The ballot card voting system may not count any straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

- (c) A ballot card voting system must permit a voter to vote:
 (1) for all candidates for presidential electors and alternate presidential electors of a political party or an independent ticket by making a single voting mark; and
 (2) for or against a public question on which the voter may vote.

SECTION 8. IC 3-11-7.5-10, AS AMENDED BY P.L.201-2017, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 10. (a) Except as provided in subsection (b), an electronic voting system must permit a voter to vote:

- (1) except at a primary election, a straight party ticket for all the candidates of one (1) political party by touching the device of that party;
 (2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition;
 (3) a split ticket for the candidates of different political parties and for independent candidates; or
 (4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or independent candidates.

(b) An electronic voting system must require that a voter who wishes to cast a ballot for a candidate for election to an at-large district on a:

- (1) county council;
 (2) city common council; **or**
 (3) town council; **or**
~~(4) township board;~~

make a voting mark for each individual candidate for whom the voter wishes to cast a vote. The electronic voting system may not count any straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

- (c) An electronic voting system must permit a voter to vote:
 (1) for as many candidates for an office as the voter may vote for, but no more;
 (2) for or against a public question on which the voter may vote, but no other; and
 (3) for all the candidates for presidential electors and alternate presidential electors of a political party or an independent ticket by making a single voting mark.

SECTION 9. IC 3-12-1-5, AS AMENDED BY P.L.21-2016, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. (a) This subsection does not apply to a ballot card voting system or an electronic voting system. Except as provided in subsection (d), a voting mark made by a voter on or in a voting square at the left of a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

(b) This subsection applies to a ballot card voting system. A voting mark made by a voter:

- (1) on or in a circle, oval, or square; or
 (2) to connect a connectable arrow;

immediately below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party, except as provided in subsection (d).

(c) This subsection applies to a direct record electronic voting system. A voting mark made by a voter touching a touch sensitive point or button below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party, except as provided in subsection (d).

- (d) A voter who wishes to cast a ballot for a candidate for

election to an at-large district on a:

- (1) county council;
 (2) city common council; **or**
 (3) town council; **or**
~~(4) township board;~~

must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A straight ticket voting mark on a paper ballot, ballot card voting system, or electronic voting system shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

SECTION 10. IC 3-12-1-8, AS AMENDED BY P.L.21-2016, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 8. (a) Except as provided in subsection (b), a voting mark made by a voter on or in a circle containing a political party device shall be counted as a vote for each candidate of that political party on that ballot.

(b) A voter who wishes to cast a ballot for a candidate for election to an at-large district on a:

- (1) county council;
 (2) city common council; **or**
 (3) town council; **or**
~~(4) township board;~~

must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A voting mark on or in a circle containing a political party device shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

SECTION 11. IC 3-12-1-15, AS AMENDED BY P.L.74-2017, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 15. (a) This section does not apply to a candidate for an at-large office of a county council, city common council, **or** town council, **or** ~~township board~~, if those offices appear on a ballot.

(b) This section applies to a vote cast for one (1) straight party ticket that includes a candidate for election to office who:

- (1) ceases to be a candidate; and
 (2) is succeeded by a candidate selected under IC 3-13-1 or IC 3-13-2.

(c) A vote cast in the election for the original nominee is considered a vote cast for the successor.

SECTION 12. IC 3-13-10-4 IS REPEALED [EFFECTIVE JANUARY 1, 2020]. Sec. 4. (a) A vacancy on the township board of a township:

- ~~(1) not covered by section 4 of this chapter; or~~
~~(2) covered by section 4 of this chapter, but that exists after the thirtieth day after:~~

- ~~(A) the vacancy occurs, if IC 5-8-6 does not apply; or~~
~~(B) the county chairman receives the notice required under IC 5-8-6;~~

shall be filled by the board of commissioners of the county at a regular or special meeting.

~~(b) The county auditor shall give notice of the meeting.~~

~~(c) Except as provided in subsections (e) and (f), the meeting shall be held:~~

- ~~(1) not later than thirty (30) days after the vacancy occurs; if the vacancy is not covered by section 4 of this chapter; or~~
~~(2) not later than sixty (60) days after the vacancy occurs; if the vacancy is covered by section 4 of this chapter and exists for more than thirty (30) days.~~

~~(d) The notice must:~~

- ~~(1) be in writing;~~
~~(2) state the purpose of the meeting;~~
~~(3) state the date, time, and place of the meeting; and~~
~~(4) be sent by first class mail to each commissioner at least ten (10) days before the meeting.~~

~~(e) If a vacancy:~~

- ~~(1) is not covered by section 4 of this chapter; and~~

(2) exists because of the death of a township board member;

the meeting required by subsection (c) shall be held not later than thirty (30) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

(f) If a vacancy:

(1) is covered by section 1 of this chapter;

(2) exists because of the death of a township board member; and

(3) exists for more than thirty (30) days;

the meeting required by subsection (c) shall be held not later than sixty (60) days after the county auditor receives notice of the death under IC 5-8-6. The county auditor may not give the notice required by subsection (b) until the county auditor receives notice of the death under IC 5-8-6.

SECTION 13. IC 3-13-10-5, AS AMENDED BY P.L.119-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. (a) This section applies to a vacancy in the office of judge of a small claims court or small claims court constable not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the **township board county legislative body** at a regular or special meeting. The chairman of the **township board county legislative body** shall give notice of the meeting. Except as provided in subsection (c), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each board member at least ten (10) days before the meeting.

(c) If a vacancy exists because of the death of a judicial officer, the meeting required by subsection (b) shall be held not later than thirty (30) days after the chairman of the **township board county legislative body** receives notice of the death under IC 5-8-6. The chairman of the **township board county legislative body** may not give the notice required by subsection (b) until the chairman of the **township board county legislative body** receives notice of the death under IC 5-8-6.

SECTION 14. IC 3-13-10-6.5 IS REPEALED [EFFECTIVE JANUARY 1, 2020]. Sec. 6.5: (a) If fewer candidates have been elected to the township board than there were members to be elected, the county executive shall determine, at a regular or special meeting, the incumbent board member or members that hold office under Article 15, Section 3 of the Constitution of the State of Indiana until a successor is elected and qualified:

(b) The county auditor shall give notice of the meeting, which shall be held as follows:

(1) Not earlier than the thirtieth day before the general election.

(2) Not later than December 31 following the general election.

(c) The notice must:

(1) be in writing;

(2) state the purpose of the meeting;

(3) state the date, time, and place of the meeting; and

(4) be sent by first class mail to each member of the county executive at least ten (10) days before the meeting.

SECTION 15. IC 3-13-11-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 17. (a) This section does not apply to the office of a judge. ~~or a township board member.~~

(b) In accordance with section 12 of this chapter, if a chief deputy employee does not exist in a township office or the chief deputy employee declines or is ineligible to serve, the ~~chairman of the township board~~ **the township trustee** assumes the duties of the township office until the office is filled under this chapter.

SECTION 16. IC 3-13-11-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 20. Except as expressly provided in this article, if a person:

(1) is authorized to fill a vacancy in office or to determine which incumbent continues to hold an office under IC 3-13-9-5.6; ~~or IC 3-13-10-6.5;~~ and

(2) fails to fill the vacancy or determine which incumbent continues to hold office before the deadline prescribed by statute;

the person retains the authority to fill the vacancy or to determine which incumbent continues to hold office.

SECTION 17. IC 5-1-10-1, AS AMENDED BY P.L.233-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1. Any civil township in the state whose indebtedness is evidenced by bonds, notes, judgments, or other obligations issued or negotiated by such township, or rendered against such township, may for the purpose of funding or refunding such indebtedness, or any part thereof, reducing the rate of interest thereon, extending the time of payment and canceling so much thereof as may be or become due, by ~~the vote of two-thirds (2/3) of the members of the township board; and with the approval of the township trustee, the order of the township trustee,~~ issue its bonds, with interest coupons attached, for an amount not exceeding in the aggregate the whole amount of the indebtedness of such township.

SECTION 18. IC 5-10.1-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. "Governing body" means the fiscal body of a county, city, town, or township, trustee, ~~the township board;~~ board of school commissioners, library board, or any board which by law is authorized to fix a rate of taxation on property of a political subdivision, or any other board which is empowered to administer the affairs of any department of, or associated with, a political subdivision, which department receives revenue independently of, or in addition to, funds obtained from taxation.

SECTION 19. IC 6-1.1-17-3, AS AMENDED BY P.L.184-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. In formulating a political subdivision's estimated budget under this section, the proper officers of the political subdivision must consider the net property tax revenue that will be collected by the political subdivision during the ensuing year, after taking into account the estimate by the department of local government finance under IC 6-1.1-20.6-11.1 of the amount by which the political subdivision's distribution of property taxes will be reduced by credits under IC 6-1.1-20.6-9.5 in the ensuing year, and after taking into account the estimate by the department of local government finance under section 0.7 of this chapter of the maximum amount of net property tax revenue and miscellaneous revenue that the political subdivision will receive in the ensuing year. The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall submit the following information to the department's computer gateway:

(1) The estimated budget.

(2) The estimated maximum permissible levy, as provided by the department under IC 6-1.1-18.5-24.

(3) The current and proposed tax levies of each fund.

(4) The amount by which the political subdivision's distribution of property taxes may be reduced by credits granted under IC 6-1.1-20.6, as estimated by the department of local government finance under IC 6-1.1-20.6-11.

(5) The amounts of excessive levy appeals to be requested.

(6) The time and place at which the political subdivision or appropriate fiscal body will hold a public hearing on the items described in subdivisions (1) through (5).

The political subdivision or appropriate fiscal body shall submit this information to the department's computer gateway at least ten (10) days before the public hearing required by this subsection in the manner prescribed by the department. The department shall make this information available to taxpayers, at least ten (10) days before the public hearing, through its computer gateway and provide a telephone number through which taxpayers may request mailed copies of a political subdivision's information under this subsection. The department's computer gateway must allow a taxpayer to search for the information under this subsection by the taxpayer's address. The department shall review only the submission to the department's computer gateway for compliance with this section.

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

~~(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.~~

~~(d) (c) A political subdivision for which any of the information under subsection (a) is not submitted to the department's computer gateway in the manner prescribed by the department shall have its most recent annual appropriations and annual tax levy continued for the ensuing budget year.~~

~~(e) (d) If a political subdivision or appropriate fiscal body timely submits the information under subsection (a) but subsequently discovers the information contains an error, the political subdivision or appropriate fiscal body may submit amended information to the department's computer gateway. However, submission of amended information must occur at least ten (10) days before the public hearing held under subsection (a).~~

(e) This subsection applies only to budgets for calendar years after 2020 and to property taxes first due and payable after 2020. Notwithstanding any other law, in 2020 and each year thereafter, the township executive shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year and shall adopt with the township budget for property taxes due in 2021 and each year thereafter a uniform tax rate throughout the township sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection shall be credited to the township assistance fund."

Delete pages 2 through 8.

Page 9, delete lines 1 through 24.

Page 9, line 27, after "applies" insert "**to all counties.**".

Page 9, delete line 28.

Page 17, line 38, delete ", " and insert "; **or**".

Page 17, line 38, strike "who shall present the petition or petitions to the".

Page 17, line 39, delete "township board" and insert "township board;".

Page 17, line 39, strike "township board;".

Page 17, line 39, delete "if the township is located in a county having".

Page 17, line 40, delete "a consolidated city;".

Page 17, line 40, strike "or".

Page 25, line 17, delete ":".

Page 25, line 19, delete ", " and insert "; **or**".

Page 25, line 19, strike "who shall present the petition or petitions to the".

Page 25, line 20, delete "township board" and insert "township board;".

Page 25, line 20, strike "township board;".

Page 25, line 20, delete "in a township in a county having a".

Page 25, line 21, delete "consolidated city;".

Page 25, line 21, strike "or".

Page 25, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 21. IC 12-20-4-3, AS AMENDED BY P.L.73-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. (a) The township trustee shall determine the number of township assistance supervisors, investigators, assistants, or other necessary employees that are employed by the township to administer township assistance.

(b) The pay of township assistance supervisors, investigators, assistants, and other necessary employees shall be fixed by the township trustee subject only to the total budgetary appropriation for personnel services for the administration of township assistance. **approved by the township board.**

(c) A township assistance supervisor, investigator, assistant, or other necessary employee who uses an automobile in the performance of the employee's work is entitled to the same mileage paid to state officers and employees.

SECTION 22. IC 12-20-4-11, AS AMENDED BY P.L.73-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 11. (a) A township assistance supervisor, investigator, assistant, or other necessary employee shall be paid only for the number of days the employee is actually engaged in employment during each month.

(b) A township assistance supervisor, investigator, assistant, or other necessary employee shall be paid at the rate established by the township trustee from an appropriation, **by the township board** with no deduction for legal holidays.

(c) A township assistance supervisor, investigator, assistant, or other necessary employee shall be paid out of the same money as claims for township assistance are paid. Claims for pay are payable upon presentation of a sworn claim itemizing each day for which pay is requested. Claims are to be made and filed in the same manner as other claims for township assistance expenditures are payable, at least once each month.

(d) Each township assistance chief deputy, investigator, supervisor, assistant, or other necessary employee may be granted paid vacation leave or sick leave under IC 5-10-6-1.

(e) The township trustee of a township having a population of at least ten thousand (10,000) may appoint a chief deputy. A chief deputy may be paid from any township funds.

SECTION 23. IC 12-20-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 13. The township trustee may **with the approval of the township board,** employ personnel to supervise rehabilitation, training, retraining, and work programs as provided in IC 12-20-13.

SECTION 24. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1. (a) The township trustee shall process all applications for township assistance according to uniform written standards and without consideration of the race, creed, nationality, or gender of the applicant or any member of the applicant's household.

(b) The township's standards for the issuance of township assistance and the processing of applications must **be: meet the following requirements:**

(1) **The standards must be** governed by the requirements of this article.

(2) **The standards must be** proposed by the township

trustee ~~adopted by the township board~~, and filed with the board of county commissioners.

(3) **The standards must be** reviewed and updated annually to reflect changes in the cost of basic necessities in the township and changes in the law.

(4) **The standards must be** published in a single written document, including addenda attached to the document. ~~and~~

(5) **The standards must be** posted in a place prominently visible to the public in all offices of the township trustee where township assistance applications are taken or processed.

SECTION 25. IC 12-20-13-1, AS AMENDED BY P.L.73-2005, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1. A township trustee may ~~with the approval of the township board~~, do the following:

(1) Conduct the following for township assistance recipients in the township:

- (A) Rehabilitation programs.
- (B) Training programs.
- (C) Retraining programs.
- (D) Work programs.

(2) Employ personnel to supervise the programs.

(3) Pay the costs of the programs from township assistance money.

SECTION 26. IC 12-20-20-2, AS AMENDED BY P.L.73-2005, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) If money is not available for the payment of township assistance claims under section 1 of this chapter, the township ~~board~~ shall appeal to borrow money under IC 12-20-24.

(b) This subsection does not apply to a county having a consolidated city. If the township ~~board trustee~~ does not appeal to borrow money under IC 12-20-24 or if an appeal fails, the board of commissioners may borrow money or otherwise provide the money. If the county commissioners determine to borrow the money or otherwise provide the money, the county fiscal body shall promptly pass necessary ordinances and make the necessary appropriations to enable this to be done, after determining whether to borrow money by any of the following:

- (1) A temporary loan against taxes levied and in the process of collection.
- (2) The sale of county township assistance bonds or other county obligations.
- (3) Any other lawful method of obtaining money for the payment of township assistance claims.

(c) This subsection applies only to a county having a consolidated city. If a township ~~board trustee~~ does not appeal to borrow money under IC 12-20-24 or if an appeal fails, the board of commissioners shall borrow money or otherwise provide the money. The county fiscal body shall promptly pass necessary ordinances and make the necessary appropriations to enable this to be done, after determining whether to borrow money by any of the following methods:

- (1) A temporary loan against taxes levied and in the process of collection.
- (2) The sale of county township assistance bonds or other county obligations.
- (3) Any other lawful method of obtaining money for the payment of township assistance claims.

SECTION 27. IC 12-20-21-3, AS AMENDED BY P.L.234-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. (a) Except as provided in section 3.2 of this chapter, a township trustee ~~and township board~~ may levy a specific tax for the purpose of providing money for the payment of township assistance expenses in the following year. The tax may be sufficient to meet the entire requirement of the township in the following year or the part that is determined to be proper.

(b) Except as provided in section 3.2 of this chapter, if a tax levy is established under subsection (a), all proceeds derived from the tax levy shall be distributed to the township at the same time and in the same manner as proceeds from other property tax levies are distributed to the township. The proceeds of the tax levy shall be held by the township in its township assistance account free and available for the payment of township assistance obligations of the township. The funds are continuing funds and do not revert to any other fund at the end of the year.

SECTION 28. IC 12-20-22-1, AS AMENDED BY P.L.73-2005, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1. (a) A township trustee may not, acting as administrator of township assistance, disburse any money or incur any obligation in the furnishing of township assistance in excess of the amount appropriated for that purpose.

(b) Appropriations for township assistance purposes must be made in the manner provided by law for appropriations for other township purposes.

(c) When preparing the annual budget for a township, the township trustee ~~and the township board~~ shall set out in the budget the amount of expenditures estimated to be reasonably required for current township assistance in the following calendar year. If the amount provided for township assistance in the annual budget as finally adopted and approved is insufficient to meet the requirements for that purpose, additional appropriations may be made in the manner provided by law for the making of additional appropriations by townships for other purposes.

SECTION 29. IC 12-20-22-2, AS AMENDED BY P.L.73-2005, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) Copies of all township budgets for current township assistance shall, as finally adopted and approved, be placed on file in the office of the county auditor. If an additional appropriation for current township assistance is made by a township:

- (1) a certified copy of the action of the township ~~board trustee~~ in making the additional appropriation; and
 - (2) a certified copy of the order of the department approving the additional appropriation;
- shall be filed in the office of the county auditor.

(b) A township trustee may not pay any township assistance order or claim in excess of the amount appropriated for current township assistance purposes, except as otherwise provided by law.

SECTION 30. IC 12-20-24-1, AS AMENDED BY P.L.169-2006, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1. ~~(a) In addition to the other methods of township assistance financing provided by this article, if a township trustee for a township determines that a particular township's township assistance account will be exhausted before the end of a fiscal year, the township trustee shall notify the township board of that determination.~~

~~(b) After receiving notice under subsection (a) that~~ **If a township trustee determines that a township's particular township assistance account will be exhausted before the end of a fiscal year, the township board trustee shall appeal to the department of local government finance for the right to borrow money on a short term basis to fund township assistance services in the township. In the appeal, the township board trustee must do the following:**

- (1) Show that the amount of money contained in the township assistance account will not be sufficient to fund services required to be provided within the township by this article.
- (2) Show the amount of money that the ~~board township trustee~~ estimates will be needed to fund the deficit.
- (3) Indicate a period, not to exceed five (5) years, during

which the township would repay the loan."

Delete pages 26 through 30.

Page 31, delete lines 1 through 27.

Page 32, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 34. IC 12-20-25-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. The township trustee shall immediately notify the ~~township board and the~~ county fiscal body when a township becomes a distressed township.

SECTION 36. IC 12-20-25-30, AS AMENDED BY P.L.169-2006, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 30. (a) The control board shall supervise the township trustee in the administration of township assistance. The control board may appoint one (1) of the board's members to monitor the trustee's compliance with this chapter and to report discrepancies to the control board. The control board may require the board's approval of an expenditure of more than five hundred dollars (\$500).

(b) ~~Notwithstanding IC 36-6-6-11,~~ The control board shall review and may reduce or increase the township's budget and proposed tax levy to be advertised by the county auditor. If the control board finds that there will be insufficient revenues available under this chapter for the township to pay valid township assistance claims, the control board may consent to proposed borrowing for township assistance under IC 12-20-24.

(c) The control board may approve the number, pay, and duties of employees who are employed for the distribution and administration of the distressed township's township assistance program.

(d) The control board may require the township trustee to submit reports on the amounts of township assistance by categories, including the types of goods or services furnished and the vendors who supplied the goods or services.

(e) The control board:

(1) shall operate the employment program implemented by the management committee under section 15(a)(5) of this chapter; and

(2) may require that a township assistance recipient participate in a training program under IC 12-20-12-1.

(f) The control board shall establish income eligibility standards for township assistance, subject to the requirements of section 18 of this chapter.

SECTION 35. IC 12-20-25-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 47. Rules established by the control board before the termination of a township's controlled status continue to govern the operations of the township trustee's office until the rules are modified or terminated by the township ~~board trustee~~.

SECTION 36. IC 13-11-2-86 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 86. "Fiscal body" means **the following**:

(1) The county council, for a county not having a consolidated city.

(2) The city-county council of a consolidated city and county.

(3) The common council of a city.

(4) The town council of a town.

(5) The township ~~board trustee~~ of a township. ~~or~~

(6) The board of directors of a conservancy district.

SECTION 37. IC 14-33-5.4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. (a) A district must adopt a form for applications for absentee ballots. The form adopted by the district must elicit the following information from the applicant:

(1) Name.

(2) Location within the district of the real estate that is held by the applicant, making the applicant a freeholder.

(b) An individual who:

(1) holds a freeholder's interest in real property located within a district; and

(2) wishes to cast an absentee ballot in an election of directors of the district;

must present an application for an absentee ballot to the trustee of the township in which the real property of the freeholder is located. The application must be made on the form adopted by the district under subsection (a).

(c) To be accepted, an application for an absentee ballot must reach the trustee at least thirty (30) days before the election.

(d) When the trustee receives an application for an absentee ballot under this section, the trustee shall verify that the name of the applicant appears on the list of freeholders provided to the district under section 4(a) of this chapter. For the purposes of this subsection, the district shall provide a copy of the list of freeholders to the trustee of each township that is located in whole or in part within the district at least thirty (30) days before the election.

(e) If the name of an applicant appears on the list of freeholders, the trustee shall mail to the applicant:

(1) an absentee ballot; and

(2) instructions on the proper completion and mailing of the ballot.

(f) The instructions provided by the trustee under subsection (e)(2) must direct the applicant to return the absentee ballot by mail to the trustee.

(g) If the name of an applicant does not appear on the list of freeholders, the trustee shall:

(1) discard the application of the applicant; and

(2) mail to the applicant a letter or postcard informing the applicant that the applicant's application for an absentee ballot has been discarded because the applicant's name did not appear on the list of freeholders.

(h) A trustee shall:

(1) keep a record of each absentee ballot mailed to an applicant under subsection (e);

(2) retain absentee ballots that are returned to the office of the trustee before the date of the election; and

(3) on the day of the election, deliver all absentee ballots retained under subdivision (2) to an election polling place.

(i) The district shall:

(1) supply the trustee with:

(A) absentee ballots; and

(B) envelopes; and

(2) reimburse the expenses incurred by the trustee for postage;

under this section.

(j) If a relative of a trustee is a candidate for director of a district, the duties of the trustee under this section with respect to the election of directors of the district shall be carried out by ~~a member of the township board selected by the trustee. an individual selected by the county executive.~~

SECTION 38. IC 15-16-8-5, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. (a) The township trustee may pay the following costs incurred in cutting or destroying detrimental plants under this chapter:

(1) Chemicals.

(2) Work.

(3) Labor, at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) If the trustee believes the infestation of the real estate with detrimental plants is so great and widespread that cutting or eradication by hand methods is impractical, the trustee shall use the necessary power machinery or equipment. The trustee may pay for the work at a rate per hour fixed by the township trustee commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work in the office of the township trustee. When the bill has been approved, the trustee

shall pay the bill out of the township fund. If there is no money available in the township fund for that purpose, the township ~~board, trustee,~~ upon finding an emergency exists, shall act under ~~IC 36-6-6-14(b) or IC 36-6-6-15~~ **IC 36-6-6.3-8(b) or IC 36-6-6.3-10** to borrow money sufficient to meet the emergency.

~~(d) The trustee, when submitting estimates to the township board for action, shall include in the estimates an item sufficient to cover those expenditures."~~

Delete pages 33 through 34.

Page 35, delete lines 1 through 25.

Page 37, delete lines 10 through 20, begin a new paragraph and insert:

"SECTION 42. IC 20-23-4-28, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 28. (a) Subsections (b) through (g) do not apply to a community school corporation created before March 12, 1965. A community school corporation created before March 12, 1965, shall operate in accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been enacted.

(b) If the members of the governing body are to be appointed, they shall be appointed in accordance with one (1) of the options described in subsection (c). The option must be set out in the plan with sufficient description to permit the plan to be operable with respect to each community school corporation. The description may be partly or wholly by reference to the applicable option provided in this section.

(c) The options described in subsection (b) are the following:

(1) Members of the governing body may reside anywhere in the community school corporation.

(2) The community school corporation shall be divided into two (2) or more governing body member districts, any one (1) of which may embrace the entire community school corporation. Each member:

(A) serves from a particular district; and

(B) must be a resident of the district.

The plan must set out the number to be appointed from each district and may provide for an equal number of members from each district.

(d) The plan, under either option in subsection (c), may provide that the first appointments of the governing body members are for staggered terms of not more than four (4) years. Thereafter, appointments shall be made for terms of four (4) years. All terms of office for appointive governing body members expire June 30 in the applicable year.

(e) A plan providing for the appointment of members of the governing body must designate the appointing authority. The authority may be the same for each governing body member and must be one (1) or more of the following:

(1) The judge of the circuit or superior court.

(2) The city executive.

(3) The legislative body of a city.

(4) The board of commissioners of a county.

(5) The county fiscal body.

(6) The town legislative body.

(7) The township executive.

~~(8) The township legislative body.~~

~~(9) A township executive and legislative body jointly.~~

~~(10) More than one (1) township executive and legislative body jointly.~~

(f) If an appointment is to be made by:

(1) a body, the appointment must be made by a majority vote of the body in official session; **and**

(2) township executives, the appointment must be made by a majority vote of the executives taken in joint session. **and**

~~(3) township legislative bodies; the appointment must be made by a majority vote of the total number of township legislative body members by a majority vote of the~~

~~members, taken in joint session.~~

(g) If a member of the governing body, whether of the interim governing body or regular governing body, is to be appointed, and the beginning of the appointive member's term of office coincides with the date an individual assumes the office of the official who is to make the appointment, the appointment shall be made by the latter individual. If the appointing official or body fails to appoint a member of the first governing body within five (5) days after a community school corporation comes into being, or, for members appointed after the first board is appointed, within five (5) days after a member is to take office, the member of the governing body shall be appointed:

(1) by the judge of the circuit court; or

(2) in the case of a united school corporation, by the judge of the circuit court of the county having the most students enrolled in the united school corporation.

SECTION 43. IC 20-23-6-1, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1. As used in this chapter, "trustees" means the:

(1) township trustee; ~~and township board;~~ or

(2) governing body;

of each school corporation joining in the resolution provided for in this chapter."

Page 39, line 20, delete "(a) In a county not".

Page 39, delete lines 21 through 23.

Page 39, line 24, delete "(b)".

Page 39, line 24, after "trustee" delete ",."

Page 39, line 24, strike "with the advice and consent of the township board,".

Page 40, line 8, strike "and the".

Page 40, line 9, strike "township board".

Page 40, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 46. IC 20-48-4-1, AS ADDED BY P.L.2-2006, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1. Sections 2 through 4 of this chapter apply if a township ~~board trustee~~ finds at an annual or special meeting ~~of the board, or hearing,~~ that:

(1) it is necessary to provide for the construction of a school building; and

(2) the cost of the building, or the proportional cost if it is a joint graded high school building, will exceed the sum available from an annual levy.

SECTION 47. IC 23-14-69-5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. (a) If ~~(1)~~ no land suitable for a public cemetery is donated to a township, ~~and (2) if the township legislative body adopts a resolution approving the purchase;~~ the township executive may purchase land for the purpose of establishing a public cemetery.

(b) When land is purchased and conveyed to the township under subsection (a), the land must be set apart, kept in repair, and used as provided in section 6 of this chapter.

SECTION 48. IC 33-34-1-9, AS AMENDED BY P.L.170-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 9. Not more than two (2) weeks after a hearing is conducted under section 7 of this chapter, the township ~~board trustee~~ shall, after considering the evidence, opinions, advice, and suggestions presented at the hearing, enter an order concerning:

(1) whether a small claims court shall be established or abolished in the township if the township has a population of less than fifteen thousand (15,000) persons;

(2) the location of the small claims court courtroom and offices under IC 33-34-6-1; and

(3) other relevant matters.

SECTION 49. IC 33-34-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 14. (a)

The resignation of a judge shall be delivered to the clerk of the circuit court. The clerk shall advise the circuit court and appropriate township ~~board~~ **trustee**.

(b) A vacancy occurring in a judgeship must be filled under IC 3-13-10.

SECTION 50. IC 33-34-7-4, AS AMENDED BY P.L.161-2018, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 4. (a) The small claims courts shall use a centralized case management system approved by the office of judicial administration.

(b) The judge of a small claims court is responsible for:

- (1) preparing and submitting the court's budget to the township ~~advisory board~~ **trustee**; and
- (2) after the budget has been approved by the township ~~advisory board~~ **trustee**, managing the budget of the small claims court.

SECTION 51. IC 36-1-2-6, AS AMENDED BY P.L.186-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. "Fiscal body" means **the following**:

- (1) **The** county council, for a county not having a consolidated city.
- (2) **The** city-county council, for a consolidated city or county having a consolidated city.
- (3) **The** common council, for a city other than a consolidated city.
- (4) **The** town council, for a town.
- (5) **The** township ~~board~~ **trustee**, for a township.
- (6) **The** governing body or budget approval body, for any other political subdivision that has a governing body or budget approval body. ~~or~~
- (7) **The** chief executive officer of any other political subdivision that does not have a governing body or budget approval body.

SECTION 52. IC 36-1-2-9, AS AMENDED BY P.L.77-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 9. "Legislative body" means **the following**:

- (1) **The** board of county commissioners, for a county not subject to IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1.
- (2) **The** county council, for a county subject to IC 36-2-2.5 or IC 36-2-3.5.
- (3) **The** city-county council, for a consolidated city or county having a consolidated city.
- (4) **The** common council, for a city other than a consolidated city.
- (5) **The** town council, for a town.
- (6) **The** township ~~board~~ **trustee**, for a township.
- (7) **The** governing body of any other political subdivision that has a governing body. ~~or~~
- (8) **The** chief executive officer of any other political subdivision that does not have a governing body.

SECTION 53. IC 36-1-8-5, AS AMENDED BY P.L.244-2017, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

- (1) **The** funds of a county **shall be transferred** to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.
- (2) **The** funds of a municipality **shall be transferred** to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.

(3) **The** funds of a township for redemption of township assistance obligations **shall be transferred** to the township assistance fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.

(4) **The** funds of any other political subdivision **shall be transferred** to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund and is not a school corporation, ~~then the funds shall be transferred~~ **shall be transferred** to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision. In the case of a school corporation, the school corporation may transfer the amount received to any of its funds.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township. However, if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

(d) Whenever any township has collected any fund for the special or specific purpose of erecting or constructing a school building and the township trustee of the township decides to abandon the proposed work of erecting or constructing the school building, the township trustee of the township shall transfer the fund collected for the special or specific purpose to the township fund of the township, upon the order of the township board to make the transfer. It is lawful thereafter to use the funds for any purpose for which the township funds of the township may be used.

(e) Transfers to a political subdivision's rainy day fund may be made at any time during the political subdivision's fiscal year.

(f) The township executive of a township has full and complete authority to take any action required under this section necessary to make a transfer to or from a fund under this section.

SECTION 54. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6.1. (a) This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied, the fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department"):

(1) A township for which the consolidation is approved by the township ~~legislative body and trustee~~ and the legislative body and mayor of the consolidated city.

(2) Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).

(b) If the requirements of subsection (g) are satisfied, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city.

(c) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, all

of the property, equipment, records, rights, and contracts of the department consolidated into the fire department of the consolidated city are:

- (1) transferred to; or
- (2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located.

(d) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, the employees of the fire department consolidated into the fire department of the consolidated city cease employment with the department of the entity listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, the indebtedness related to fire protection services incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, the merit board and the merit system of the fire department that is consolidated are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township trustee may adopt a resolution an executive order approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body trustee may adopt a resolution an executive order under this subsection only after the township legislative body trustee has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body trustee has adopted a resolution an executive order under this subsection, the township legislative body shall, after approval from the township trustee shall forward the resolution to the legislative body of the consolidated city. If such a resolution the executive order is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed

to by the township legislative body in its resolution trustee in the trustee's executive order and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) The following apply if the requirements of subsection (g) are satisfied:

(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution trustee in the trustee's executive order and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) Notwithstanding any other provision, a firefighter:

- (A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and
- (B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) Notwithstanding any other provision, a firefighter:

- (A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and
- (B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

- (A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and
- (B) is reduced for the township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

(5) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(6) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are

assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

(7) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 55. IC 36-6-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 8. When fixing the rate of taxation necessary to pay township indebtedness existing at the time of a disannexation, the township executive ~~and the township legislative body~~ shall fix the same rate for the disannexed territory as for territory remaining in the township. The township executive shall certify the tax rate for the disannexed territory to the county auditor, who shall place the tax rate on the tax duplicate for the disannexed territory, collect the tax, and pay it over to the township executive."

Delete pages 41 through 42.

Page 43, delete lines 1 through 16.

Page 46, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 62. IC 36-6-4-3, AS AMENDED BY P.L.1-2009, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. The executive shall do the following:

(1) Keep a written record of official proceedings.

(2) Manage all township property interests.

(3) Keep township records open for public inspection.

~~(4) Attend all meetings of the township legislative body.~~

~~(5) (4) Receive and pay out township funds.~~

~~(6) (5) Examine and settle all accounts and demands chargeable against the township.~~

~~(7) (6) Administer township assistance under IC 12-20 and IC 12-30-4.~~

~~(8) (7) Perform the duties of fence viewer under IC 32-26.~~

~~(9) (8) Provide and maintain cemeteries under IC 23-14.~~

~~(10) (9) Provide fire protection under IC 36-8, except in a township that:~~

(A) is located in a county having a consolidated city; and

(B) consolidated the township's fire department under IC 36-3-1-6.1.

~~(11) (10) File an annual personnel report under IC 5-11-13.~~

~~(12) (11) Provide and maintain township parks and community centers under IC 36-10.~~

~~(13) (12) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-16-8.~~

~~(14) (13) Provide insulin to the poor under IC 12-20-16.~~

~~(15) (14) Perform other duties prescribed by statute.~~

SECTION 63. IC 36-6-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 4. The executive may do the following:

(1) Administer oaths when necessary in the discharge of official duties.

(2) Appoint an attorney to represent the township in any proceeding in which the township is interested.

(3) Enter into certain oil and gas leases of township property under IC 36-9.

(4) Personally use a township vehicle for the performance of official duties. ~~but only if the use is authorized by the township legislative body.~~

(5) Exercise other powers granted by statute.

SECTION 64. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township ~~legislative body~~ **executive**. The executive may use these funds for both operating and capital expenditures.

(b) ~~With the consent of the township legislative body,~~ the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) The executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) The township ~~legislative body trustee~~ may ~~adopt a resolution issue an executive order~~ to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 65. IC 36-6-4-11, AS AMENDED BY P.L.73-2005, SECTION 174, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 11. (a) At the township ~~legislative body's annual meeting under IC 36-6-6-11,~~ **hearing under IC 36-6-6.3-3,** the executive shall:

(1) present an itemized written statement of the estimated expenditures for which appropriations are requested **or proposed**, specifying:

(A) the number of teachers employed;

(B) the salary of each teacher employed;

(C) the property of the township (and supplies on

hand);

(D) the estimated value of the property of the township (and supplies on hand);

(E) the supplies necessary for each school; and

(F) the need for township assistance in the township; and

(2) submit to questions from the legislative body or taxpayers concerning expenditures of the township.

(b) The written statement required under subsection (a)(1) must comply with forms prescribed by the state board of accounts and show the amount of each item to be charged against township funds.

SECTION 66. IC 36-6-4-12, AS AMENDED BY P.L.127-2017, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 12. (a) At the ~~annual meeting of the township legislative body under IC 36-6-9~~ **hearing under IC 36-6-3-3**, the executive shall present a complete report of all receipts and expenditures of the preceding calendar year, including the balance to the credit of each fund controlled by the executive. If the executive controls any money that is not included in a particular fund, then the executive shall state all the facts concerning that money in the report.

(b) Each item of expenditure must be accompanied by the verified voucher of the person to whom the sum was paid, stating:

(1) why the payment was made;

(2) that the receipt is for the exact sum received;

(3) that no part of the sum has been retained by the executive; and

(4) that no part of the sum has been or is to be returned to the executive or any other person.

The executive may administer oaths to persons giving these receipts.

(c) The executive shall swear or affirm that:

(1) the report shows all sums received by the executive;

(2) the expenditures credited have been fully paid in the sums stated, without express or implied agreement that any part of the sums is to be retained by or returned to the executive or any other person; and

(3) the executive has received no money or other property in consideration of any contract entered into on behalf of the township.

(d) Within ten (10) days after the ~~legislative body's action under IC 36-6-9~~ **hearing under IC 36-6-3-3**, the executive shall file a copy of the report and its accompanying vouchers as ~~adopted by the legislative body~~, in the county auditor's office. ~~The legislative body may, for the benefit of the township, bring a civil action against the executive if the executive fails to file the report within ten (10) days after the legislative body's action. The legislative body may recover five dollars (\$5) for each day beyond the time limit for filing the report, until the report is filed.~~

SECTION 67. IC 36-6-4-13, AS AMENDED BY P.L.127-2017, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 13. (a) When the executive prepares the annual report required by section 12 of this chapter, the executive shall also prepare, on forms prescribed by the state board of accounts, an abstract of receipts and expenditures:

(1) showing the sum of money in each fund of the township at the beginning of the year;

(2) showing the sum of money received in each fund of the township during the year;

(3) showing the sum of money paid from each fund of the township during the year;

(4) showing the sum of money remaining in each fund of the township at the end of the year;

(5) containing a statement of receipts, showing their source; and

(6) containing a statement of expenditures, showing the combined gross payment, according to classification of expense, to each person.

(b) Within four (4) weeks after the third Tuesday following the first Monday in February, the executive shall publish the abstract prescribed by subsection (a) in accordance with IC 5-3-1. The abstract must state that a complete and detailed annual report and the accompanying vouchers showing the names of persons paid money by the township have been filed with the county auditor and that ~~the chair of the township legislative body~~ **the township trustee** has a copy of the report that is available for inspection by any taxpayer of the township.

(c) An executive who fails to comply with this section commits a Class C infraction.

SECTION 68. IC 36-6-4-14, AS AMENDED BY P.L.127-2017, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 14. When the executive's term of office expires, the former executive shall:

(1) immediately deliver to the new executive custody of all funds and property of the township, except records necessary in the preparation of the former executive's annual report; **and**

(2) deliver to the new executive, not later than the second Monday in the next January, the former executive's annual report and any records the former executive has retained. **and**

~~(3) attend the annual meeting of the township legislative body held under IC 36-6-9 and submit to inquiries from the legislative body concerning the operation of the executive's office during the preceding calendar year.~~

SECTION 69. IC 36-6-4-15, AS AMENDED BY P.L.127-2017, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 15. (a) If the executive resigns or dies, the former executive or the former executive's personal representative shall immediately deliver to the new executive custody of all funds and property of the township. ~~The new executive shall then issue a call for a special meeting of the township legislative body, to be held not more than fifteen (15) days later. At the special meeting the legislative body shall:~~

~~(1) examine the records of the township;~~

~~(2) inquire into the conduct of the executive's office; and~~

~~(3) approve in whole or in part the records, receipts, and expenditures of the township to the date of death or resignation of the former executive.~~

(b) In the new executive's annual report to the legislative body, **hearing under IC 36-6-3-3**, the new executive shall distinguish between the new executive's transactions and those of the former executive. ~~The legislative body need not, at its annual meeting under IC 36-6-9, review items in the report that were considered at the special meeting.~~

SECTION 70. IC 36-6-4-18, AS AMENDED BY P.L.127-2017, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 18. (a) Within thirty (30) days after taking office, the executive shall designate a person who shall perform the executive's duties whenever the executive is incapable of performing the executive's functions because the executive:

(1) is absent from the township; or

(2) becomes incapacitated.

The executive shall give notice of the designation to ~~the chair of the township legislative body~~; the county sheriff and any other persons that the executive chooses. The designee shall have all the powers of the executive. The executive is responsible for all acts of the designee. The executive may change the designee under this section at any time.

(b) The designee shall perform the executive's duties until:

(1) the executive is no longer absent from the township; or

(2) an acting executive is appointed by the county executive under section 16 of this chapter.

SECTION 71. IC 36-6-6 IS REPEALED [EFFECTIVE JANUARY 1, 2020]. (Township Legislative Body)."

Delete page 47.

Page 48, delete lines 1 through 40.

Page 49, line 2, delete "in".

Page 49, delete lines 3 through 5, begin a new paragraph and insert:

"Sec. 1. This chapter applies to all townships."

Page 49, delete lines 32 through 42.

Delete page 50.

Page 51, delete lines 1 through 14.

Page 51, delete lines 20 through 21, begin a new paragraph and insert:

"Sec. 1. This chapter applies to all townships."

Page 56, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 74. IC 36-6-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2.1. A township executive is entitled to the annual salary and annual appropriation for clerical employees (other than those authorized under IC 12-20-4-2 through IC 12-20-4-11 and IC 12-20-4-14) fixed under ~~IC 36-6-6-10~~: **IC 36-6-6.3.**

SECTION 74. IC 36-7-4-504.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 504.5. (a) In preparing or revising a comprehensive plan for a township, the ~~legislative body executive~~ of the consolidated city shall adopt an ordinance requiring the plan commission to establish an advisory committee of citizens interested in problems of planning and zoning for that township, a majority of whom shall be nominated by the township ~~legislative body executive~~.

(b) An advisory committee created under subsection (a) must include a ~~representative of the affected township legislative body executive of the affected township, as determined by procedures established in an ordinance adopted by the legislative body of the consolidated city.~~

SECTION 75. IC 36-7-4-1203 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1203. (a) ADVISORY. If a township wants to join a municipality for planning and zoning purposes, a petition, signed by fifty (50) freeholders, must be filed with the township executive. The township executive ~~and the township legislative body~~ shall hold a hearing within thirty (30) days after the date of the filing of the petition. Public notice, giving the place, date, and time of the hearing, shall be given in accordance with IC 5-3-1.

(b) ADVISORY. If a remonstrance duly signed by a majority of the freeholders of the township residing outside the corporate boundaries of any municipality is filed on or before the date of the hearing, no action may be taken on the petition. If no such remonstrance is filed, the township executive ~~and legislative body~~ shall send the petition requesting joinder immediately to the municipal plan commission. If a petition for joinder is rejected under remonstrance as provided in this section, it may be refiled not earlier than one (1) year after that remonstrance.

SECTION 76. IC 36-7-4-1210 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1210. (a) ADVISORY. To implement the joinder agreement, the township executive ~~with the approval of the township legislative body~~; shall appoint additional members to the advisory plan commission. The number of additional appointments must be such that, when added to the membership of the plan commission before joinder, the total membership of the plan commission reflects the proportion that the population of the township bears to that of the municipality or county, as the case may be. However, this proportional representation must not cause a reduction in the number of members representing that municipality or county.

(b) ADVISORY. Each additional member shall serve for a term of two (2) years from the date of the appointment. Members may be reappointed to subsequent terms. The

members have all the rights and privileges of a member of the advisory plan commission, including the right to vote.

SECTION 77. IC 36-7-4-1210.5, AS AMENDED BY P.L.119-2012, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1210.5.

(a) ADVISORY. As used in this section, "municipality" refers to the most populous municipality in the jurisdiction of the plan commission.

(b) ADVISORY. This section applies to a plan commission operating under a joinder agreement in a county:

(1) having a population of more than two hundred seventy thousand (270,000) but less than three hundred thousand (300,000); and

(2) containing:

(A) a township having a population of more than thirty-two thousand (32,000) but less than fifty thousand (50,000); or

(B) a township having a population of more than nine thousand (9,000) but less than fifteen thousand (15,000).

(c) ADVISORY. Notwithstanding section 1210 of this chapter, a plan commission described in subsection (b) shall have nine (9) members as follows:

(1) Four (4) members who are residents of the municipality, to be appointed for four (4) year terms by the executive of the municipality.

(2) Three (3) members who are residents of the municipality, to be appointed for four (4) year terms by the legislative body of the municipality.

(3) Two (2) members who are residents of the township, to be appointed for four (4) year terms by the township executive. ~~with the approval of the township legislative body.~~

(d) The joinder agreement expires if the municipality annexes the entire area of a township described in subsection (b)(2).

(e) A joinder agreement under this section may be terminated if:

(1) the municipality adopts an ordinance terminating the joinder agreement;

(2) before adopting the ordinance under subdivision (1), the municipality conducts a public hearing on the issue of terminating the joinder agreement; and

(3) the executive of the municipality provides written notice to the township executive of the township subject to the joinder agreement that states the reason for the municipality's termination of the joinder agreement.

SECTION 78. IC 36-8-13-3, AS AMENDED BY P.L.255-2017, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. (a) The executive of a township, with the approval of the legislative body, may do the following:

(1) Purchase firefighting and emergency services apparatus and equipment for the township, provide for the housing, care, maintenance, operation, and use of the apparatus and equipment to provide services within the township but outside the corporate boundaries of municipalities, and employ full-time or part-time personnel to operate the apparatus and equipment and to provide services in that area. Preference in employment under this section shall be given according to the following priority:

(A) A war veteran who has been honorably discharged from the United States armed forces.

(B) A person whose mother or father was a:

(i) firefighter of a unit;

(ii) municipal police officer; or

(iii) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

The executive of a township may give a preference for

employment under this section to a person who was employed full-time or part-time by another township to provide fire protection and emergency services and has been laid off by the township. The executive of a township may also give a preference for employment to a firefighter laid off by a city under IC 36-8-4-11. A person described in this subdivision may not receive a preference for employment unless the person applies for employment and meets all employment requirements prescribed by law, including physical and age requirements, and all employment requirements prescribed by the fire department.

(2) Contract with a municipality in the township or in a contiguous township that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services for the township in accordance with IC 36-1-7.

(3) Cooperate with a municipality in the township or in a contiguous township in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use in the municipality and township in accordance with IC 36-1-7.

(4) Contract with a volunteer fire department that has been organized to fight fires in the township for the use and operation of firefighting apparatus and equipment that has been purchased by the township in order to save the private and public property of the township from destruction by fire, including use of the apparatus and equipment in an adjoining township by the department if the department has made a contract with the executive of the adjoining township for the furnishing of firefighting service within the township.

(5) Contract with a volunteer fire department that maintains adequate firefighting service in accordance with IC 36-8-12.

(6) Use money in the township's rainy day fund to pay costs attributable to providing fire protection or emergency services under this chapter.

(b) This subsection applies only to townships that provide fire protection or emergency services or both under subsection (a)(1) and to municipalities that have some part of the municipal territory within a township and do not have a full-time paid fire department. A township may provide fire protection or emergency services or both without contracts inside the corporate boundaries of the municipalities if before July 1 of a year the following occur:

(1) The legislative body of the municipality adopts an ordinance to have the township provide the services without a contract.

(2) The township ~~legislative body passes a resolution executive issues an executive order~~ approving the township's provision of the services without contracts to the municipality.

In a township providing services to a municipality under this section, the ~~township executive of the township or the legislative body of either the township or a municipality in the township may opt out of participation under this subsection by issuing an executive order or adopting an ordinance, or a resolution,~~ respectively, before July 1 of a year.

(c) This subsection applies only to a township that:

(1) is located in a county containing a consolidated city;

(2) has at least three (3) included towns (as defined in IC 36-3-1-7) that have all municipal territory completely within the township on January 1, 1996; and

(3) provides fire protection or emergency services, or both, under subsection (a)(1);

and to included towns (as defined in IC 36-3-1-7) that have all the included town's municipal territory completely within the township. A township may provide fire protection or emergency services, or both, without contracts inside the corporate

boundaries of the municipalities if before August 1 of the year preceding the first calendar year to which this subsection applies the township ~~legislative body passes a resolution executive issues an executive order~~ approving the township's provision of the services without contracts to the municipality. The resolution must identify the included towns to which the resolution applies. In a township providing services to a municipality under this section, the ~~legislative body of the township executive~~ may opt out of participation under this subsection by ~~adopting a resolution issuing an executive order~~ before July 1 of a year. A copy of a ~~resolution adopted an executive order issued~~ under this subsection shall be submitted to the executive of each included town covered by the ~~resolution; executive order,~~ the county auditor, and the department of local government finance.

SECTION 79. IC 36-8-13-4, AS AMENDED BY P.L.255-2017, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 4. (a) Each township shall annually establish a township firefighting fund which is to be used by the township for the payment of costs attributable to providing fire protection or emergency services under the methods prescribed in section 3 of this chapter and for no other purposes. The money in the fund may be paid out by the township executive. ~~with the consent of the township legislative body.~~

(b) Each township may levy, for each year, a tax for the township firefighting fund. Other than a township providing fire protection or emergency services or both to municipalities in the township under section 3(b) or 3(c) of this chapter, the tax levy is on all taxable real and personal property in the township outside the corporate boundaries of municipalities. Subject to the levy limitations contained in IC 6-1.1-18.5, the township levy is to be in an amount sufficient to pay costs attributable to fire protection and emergency services that are not paid from other revenues available to the fund. The tax rate and levy shall be established in accordance with the procedures set forth in IC 6-1.1-17.

(c) In addition to the tax levy and service charges received under IC 36-8-12-13 and IC 36-8-12-16, the executive may accept donations to the township for the purpose of firefighting and other emergency services and shall place them in the fund, keeping an accurate record of the sums received. A person may also donate partial payment of any purchase of firefighting or other emergency services equipment made by the township.

(d) If a fire department serving a township dispatches fire apparatus or personnel to a building or premises in the township in response to:

(1) an alarm caused by improper installation or improper maintenance; or

(2) a drill or test, if the fire department is not previously notified that the alarm is a drill or test;

the township may impose a fee or service charge upon the owner of the property. However, if the owner of property that constitutes the owner's residence establishes that the alarm is under a maintenance contract with an alarm company and that the alarm company has been notified of the improper installation or maintenance of the alarm, the alarm company is liable for the payment of the fee or service charge.

(e) The amount of a fee or service charge imposed under subsection (d) shall be determined by the township ~~legislative body; executive.~~ All money received by the township from the fee or service charge must be deposited in the township's firefighting fund.

SECTION 80. IC 36-8-13-4.5, AS AMENDED BY P.L.255-2017, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 4.5. (a) This section applies to a township that provides fire protection or emergency services or both to a municipality in the township under section 3(b) or 3(c) of this chapter.

(b) ~~With the consent of the township legislative body;~~ The

township executive may pay the expenses for fire protection and emergency services in the township, both inside and outside the corporate boundaries of participating municipalities, from any combination of the following township funds, regardless of when the funds were established:

- (1) The township firefighting fund under section 4 of this chapter.
- (2) The cumulative building and equipment fund under IC 36-8-14.
- (3) The debt fund under sections 6 and 6.5 of this chapter.
- (4) The rainy day fund established under IC 36-1-8-5.1.

(c) Subject to the levy limitations contained in IC 6-1.1-18.5, the tax rate and levy for the township firefighting fund, the cumulative building and equipment fund, or the debt fund is to be in an amount sufficient to pay all costs attributable to fire protection or emergency services that are provided to the township and the participating municipalities that are not paid from other available revenues. The tax rate and levy for each fund shall be established in accordance with the procedures set forth in IC 6-1.1-17 and apply both inside and outside the corporate boundaries of participating municipalities.

(d) The township executive may accept donations for the purpose of firefighting and emergency services. The township executive shall place donations in the township firefighting fund. A person may donate partial payment of a purchase of firefighting or emergency services equipment made by the township.

SECTION 81. IC 36-8-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. After a sufficient appropriation has been made and approved and is available for the purchase of firefighting apparatus and equipment, including housing, the township executive ~~with the approval of the township legislative body~~, may purchase it for the township on an installment conditional sale or mortgage contract running for a period not exceeding:

- (1) six (6) years; or
- (2) fifteen (15) years for a township that:
 - (A) has a total assessed value of sixty million dollars (\$60,000,000) or less, as determined by the department of local government finance; and
 - (B) is purchasing the firefighting equipment with funding from the:
 - (i) state or its instrumentalities; or
 - (ii) federal government or its instrumentalities.

The purchase shall be amortized in equal or approximately equal installments payable on January 1 and July 1 each year.

SECTION 82. IC 36-8-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1. (a) This chapter applies to all units except counties.

(b) A township trustee may take any action required under this chapter that is necessary to provide for the cumulative building and equipment fund to be established and to impose the property tax levy under this chapter.

SECTION 83. IC 36-8-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) As used in this section, "emergency medical services" has the meaning set forth in IC 16-18-2-110.

(b) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(c) The legislative body of a unit, **or the township trustee of a township**, or the board of fire trustees of a fire protection district may provide a cumulative building and equipment fund under IC 6-1.1-41 for the following purposes:

- (1) The:
 - (A) purchase, construction, renovation, or addition to buildings; or
 - (B) purchase of land;
 used by the fire department or a volunteer fire department serving the unit.
- (2) The purchase of firefighting equipment for use of the

fire department or a volunteer fire department serving the unit, including making the required payments under a lease rental with option to purchase agreement made to acquire the equipment.

(3) In a municipality, the purchase of police radio equipment.

(4) The:

- (A) purchase, construction, renovation, or addition to a building;
- (B) purchase of land; or
- (C) purchase of equipment;

for use of a provider of emergency medical services under IC 16-31-5 to the unit establishing the fund.

(d) In addition to the requirements of IC 6-1.1-41, before a cumulative fund may be established by a township fire protection district, the county legislative body which appoints the trustees of the fire protection district must approve the establishment of the fund.

SECTION 84. IC 36-9-13-2, AS AMENDED BY P.L.233-2015, SECTION 340, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. For purposes of this chapter, the following are considered the governing bodies of their respective eligible entities:

- (1) Board of commissioners, for a county not subject to IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1.
- (2) County council, for a county subject to IC 36-2-2.5 or IC 36-2-3.5.
- (3) City-county council, for a consolidated city or county having a consolidated city.
- (4) Common council, for a city other than a consolidated city.
- (5) Town council, for a town.
- (6) **Township trustee, and township board**, for a civil township.
- (7) Board of school trustees, board of school commissioners, or school board, for a school corporation.
- (8) Board of trustees, for a health and hospital corporation.

SECTION 85. IC 36-9-17.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. (a) The following revenues may be deposited in the cumulative township vehicle and building fund:

- (1) All or part of the revenues from a property tax levy dedicated for township vehicle and building purposes.
- (2) Other sources of revenue specified by ~~resolution~~ **executive order** of the township ~~legislative body~~ **executive**.

(b) Appropriations may be made from the cumulative township vehicle and building fund only for the purposes specified in section 2 of this chapter.

(c) Money in the cumulative township vehicle and building fund does not revert to the township general fund at the end of a township fiscal year."

Page 57, delete lines 1 through 24.

Page 58, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 87. IC 36-10-7-5, AS AMENDED BY P.L.127-2017, SECTION 386, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. (a) This section applies to a township having a population of more than one hundred fifty thousand (150,000) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) The township executive may purchase, accept by grant, devise, bequest, or other conveyance, or otherwise acquire land for park purposes within the township, either inside or outside the corporate boundaries of a municipality, and may make necessary improvements.

(c) If the executive does not purchase, accept, or acquire land within the township for park purposes or make necessary

improvements, two hundred (200) resident taxpayers and voters of the township may petition the executive ~~and the legislative body~~ in writing to:

- (1) purchase, accept, or otherwise acquire the land described in the petition so that a township park may be established under this section; or
- (2) make the improvements designated in the petition.

The petition must be addressed to the executive and legislative body and bear the signatures and addresses of the petitioners in ink, acknowledged before a notary public. After the petition is filed in the office of the executive, the executive shall have notice of the filing published in accordance with IC 5-3-1. The notice must name a date at least sixty (60) days after the date of the last publication on which the executive and legislative body will hear and consider the petition. The notice constitutes notice of the proceedings to all taxpayers within the township, whether resident or nonresident.

(d) At the hearing the executive ~~and legislative body~~ shall hear and consider all remonstrances, whether written and signed in ink or from a resident of the township upon the question of whether the land should be purchased, accepted, or acquired by the township and a township park established, maintained, and improved. After the hearing, the executive ~~and legislative body~~ shall approve the petition unless twenty percent (20%) of the resident taxpayers of the township remonstrate in writing by filing their remonstrance on or before the day fixed for the hearing. In that case the executive and legislative body shall dismiss the petition.

(e) If land has been acquired for park purposes, the executive shall establish a park. After it is established, the executive shall provide for necessary improvements and construct facilities for the comfort and convenience of the public in the township park. Except as otherwise provided, all expenses incurred shall be paid out of the park and recreation fund of the township.

(f) If a park or parkland is acquired by a township under this section and the expense of the acquisition or of the development and improvement of the park is too great to be borne by the park and recreation fund of the township, the ~~legislative body may authorize its chair to township executive may~~ issue the bonds of the township to procure money for these purposes. However, the total bonded indebtedness of the township for park purposes may not exceed one million dollars (\$1,000,000). ~~Upon special notice of the chair in writing to each member of the legislative body stating the time, place, and purpose of the meeting, the legislative body may determine whether to issue the bonds of the township to pay the cost of acquiring, developing, or improving the park or parkland.~~ If the ~~legislative body township executive~~ determines that it is of public benefit to issue the bonds of the township, the ~~legislative body; executive, by a special executive order, entered and signed upon the record, may authorize its chair to~~ issue the bonds of the township. The bonds may run for a period not to exceed ten (10) years, may bear interest at any rate, and may be sold for not less than their par value. Before issuing the bonds, the ~~chair township executive~~ shall publish notice of their sale in accordance with IC 5-3-1. The notice must state the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and hour of sale. The ~~legislative body township executive~~ shall attend the sale and must concur before bonds are sold.

(g) The ~~legislative body township executive~~ shall annually levy a sufficient tax to pay at least one-tenth (1/10) of the amount of the bonds, together with the accrued interest, each year, and the ~~legislative body township executive~~ shall apply the annual tax to the payment of the bonds and interest each year. The tax levy is in addition to all other tax levies authorized by statute. A tax levy authorized by this section shall be levied and collected on all property within the boundaries of the township, including municipalities.

(h) There is established a special nonreverting operating fund for park purposes to be known as the park and recreation fund.

Appropriations may be made from the fund by the ~~township's legislative body township executive~~ for park purposes only. The cost of the maintenance and improvement of the park shall be paid out of the park and recreation fund of the township, and the ~~legislative body township executive~~ shall increase the levy of the fund each year by an amount sufficient to provide the money to maintain the park.

(i) Money in the form of fees procured from golf courses, swimming pools, skating rinks, clubhouses, social centers, or other similar facilities requiring major expenditures for maintenance and improvement shall be deposited in the park and recreation fund and shall be appropriated by the township ~~legislative body executive~~ either in the annual budget or by additional appropriation in the manner as set out in IC 6-1.1-18-5.

(j) The executive shall appoint a superintendent of parks. Said appointment shall be made within thirty (30) days of a vacancy in the position of superintendent of parks. If the executive fails to make said appointment within the prescribed period, the **county** legislative body shall have the power to make said appointment. Political affiliation may not be considered in the selection of the superintendent. The superintendent must:

- (1) be qualified by training or experience in the field of parks and recreation; and
- (2) have a certificate or an advanced degree in the field of parks and recreation.

(k) The superintendent must do the following:

- (1) Propose annually to the executive a plan for the operation of the park.
- (2) Administer the plan as approved by the executive.
- (3) Supervise the general maintenance of the park.
- (4) Keep the records of the park and preserve all papers and documents of the park.
- (5) Keep accurate records of park income and expenditures in the manner prescribed by the state board of accounts.
- (6) Appoint and discharge employees of the park without regard to political affiliation.
- (7) Prepare and present to the executive an annual report.
- (8) Perform other duties that the executive directs.

(l) The executive shall execute an employment contract with the superintendent that must contain the terms and conditions of the superintendent's employment.

SECTION 88. IC 36-10-7-6, AS AMENDED BY P.L.73-2005, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. (a) This section applies to all townships having a population of at least eight thousand five hundred (8,500) that contain a town.

(b) The township executive may do the following in relation to township parks:

- (1) Purchase, acquire by eminent domain, accept by grant, devise, bequest, or other conveyance, or otherwise acquire land within the township for park purposes.
- (2) Make necessary improvements on the land.
- (3) Maintain and operate the land.
- (4) Dispose of all or part of the land that is unnecessary for the park or park purposes.

(c) If the executive decides to acquire land for park purposes under this section, the following procedures apply:

- (1) ~~A resolution~~ **An executive order** to that effect shall be adopted by the ~~legislative body township trustee, and shall be entered upon the minutes of the legislative body. The resolution must be signed by the members of the legislative body and by the executive.~~

- (2) Upon a petition signed in ink by at least one hundred (100) resident taxpayers and freeholders of the township, the executive shall, after the adoption of the ~~resolution; executive order~~, fix a day not less than fifteen (15) nor more than twenty (20) days after adoption during which

time remonstrances may be filed with the executive against the ~~resolution~~; **executive order**.

(3) The executive shall give notice by publication of the ~~resolution~~ **executive order** and of the time limits for filing remonstrances in accordance with IC 5-3-1.

(4) Remonstrances must be signed in ink and shall be filed not later than the day fixed for the expiration of the time for filing remonstrances in the notices.

(5) If the number of signers of remonstrances exceeds the number of signers who have signed the original petition, determined by the same qualifications, the executive may give notice, in accordance with IC 5-3-1, of a date by which time a supplementary petition containing the names of qualified signers in addition to the names signed to the first petition may be filed asking for acquisition.

(6) A supplemental petition must be signed in ink by signers having the same qualifications as required for the original petition.

(7) If, after the expiration of the period for filing a supplemental petition, it is determined that the number of qualified signers to the original petition and the supplemental petition exceeds the number of signers to the remonstrance, the executive may proceed with the acquisition of land and the improvement and operation of it.

(8) If the number signing the remonstrance is greater than the number signing the original and supplemental petition, then the township may not proceed with the improvement.

However, the remonstrance does not prevent the acquisition of land or inhibit the power of the executive to acquire parkland unless at least twenty percent (20%) of the resident freeholders who are also legal voters, execute the remonstrance. Only the executive and the legislative body may determine the sufficiency of a petition or remonstrance and the qualifications of a signer. These matters are subject to review only for fraud.

(d) The executive may acquire any property, land, privilege, immunities, or other species of interest reasonably necessary for the park or for the purpose of improving, maintaining, or operating it. The executive may sue in the name of the township for the condemnation of any property, land, privilege, immunities, or other species of interest in accordance with statutes available to municipal corporations for condemnation.

(e) To provide money for any of the purposes of this section, the legislative body may authorize the executive to issue the bonds of the township. However, the total bonds issued and outstanding at any time for such purposes may not exceed ninety thousand dollars (\$90,000). The bonds may bear interest at any rate, may be made payable semiannually, shall be sold for at least their par value, and run for a period of not less than ten (10) nor more than twenty (20) years. Parts of the total issue may be sold from time to time as the executive determines. After the authorization of the bonds, the executive shall, in accordance with IC 5-3-1, publish notice of that part of the bonds that will be sold at that time. The notice must state the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and hour of sale. No part of the bonds may be sold except after notice.

(f) The ~~legislative body~~ **township trustee** shall levy annually a sufficient tax to pay at least the principal and interest of bonds that will mature in the following year, and the executive shall apply the tax to the payment of bonds and interest. The tax levy is in addition to other tax levies. The tax shall be levied and collected on all property within the boundaries of the township, including municipalities. The cost of the care, upkeep, repair, maintenance, and improvement of the park shall be paid out of the general fund of the township, and the ~~legislative body~~ **township trustee** shall increase the levy of the fund each year by an amount sufficient to provide the money to maintain the park.

(g) The executive shall direct the expenditure of the money raised by the bond issue to save money that otherwise would be expended for township assistance. The executive may offer persons who are able-bodied and capable of work the opportunity to work upon the park improvement. If a person refuses without good excuse, the executive shall consider the refusal prima facie evidence that the person is not entitled to township assistance.

SECTION 89. IC 36-10-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 7. (a) This section applies to all townships having a population between two thousand (2,000) and three thousand (3,000).

(b) The township executive may accept, acquire, and maintain grounds and structures to be used as public parks upon petition of at least fifty-one percent (51%) of the resident taxpayers of the township.

(c) Whenever a park has been established in the township, the ~~legislative body~~ **township executive** shall at its ~~annual meeting~~ and annually ~~each following year~~, levy a tax not exceeding one and sixty-seven hundredths cents (\$0.0167) on each one hundred dollars (\$100) of taxable property in the township. The money shall be set aside in a public park fund to be used by the executive for the maintenance and improvement of the park and for no other purpose.

SECTION 90. IC 36-10-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 8. (a) This section applies to all townships having a population of less than two thousand (2,000).

(b) The township executive may lease, purchase, accept by grant, devise, bequest, or other conveyance to the township, or otherwise acquire land for park purposes and may make necessary improvements only as provided by this section.

(c) The ~~legislative body~~ **township executive** may establish a township park and may, by ~~resolution~~; **executive order**, appropriate from the general fund of the township the necessary money to lease, purchase, accept, or otherwise acquire land for park purposes or make improvements thereon. The executive shall then lease, purchase, accept, or acquire the land for park purposes or shall make improvements thereon as directed in the ~~resolution~~; **executive order**. However, the costs of the park grounds or of the improvements provided for in the resolution may not exceed in one (1) year ~~one-fifth~~ **two-tenths** of one percent (0.2%) of the adjusted value of all taxable property of the township as determined under IC 36-1-15.

(d) If a park has been established under this section, the executive shall have the park maintained and may make improvements and construct and maintain facilities for the comfort and convenience of the public. However, the executive annually may not spend more than one cent (\$0.01) on each one hundred dollars (\$100) of assessed valuation of taxable property in the township as it appears on the tax duplicates of the auditor of the county in which the township is located. The money shall be paid from the general fund of the township.

(e) ~~If the general fund of the township is insufficient to meet the expenses of acquiring or improving the land for park purposes, the executive shall call a special meeting of the legislative body by written notice to each member of the legislative body at least three (3) days before the date of the meeting. The notice must state the time, place, and purpose of the meeting. The legislative body shall meet and determine whether an emergency exists for the issuance of the warrants or bonds of the township. The legislative body shall, by resolution, authorize the issuance and sale of the warrants or bonds of the township in an amount not exceeding two percent (2%) of the adjusted value of all taxable property in the township as determined under IC 36-1-15. The amount of bonds may not exceed the total estimated cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings. The proceeds from the sale of the bonds shall be~~

deposited in the general fund of the township. The bonds become due and payable not less than two (2) nor more than ten (10) years after the date of issuance; may bear interest at any rate, and may not be sold for less than par value. The bonds shall be sold after giving notice of the sale of bonds in accordance with IC 5-3-1. The bonds and the interest thereon are exempt from taxation as provided by IC 6-8-5 and are subject to the provisions of IC 6-1.1-20 relating to the filing of a petition requesting the issuance of bonds; the appropriation of the proceeds of the bonds; and the approval by the department of local government finance.

(f) The legislative body shall, at its next annual meeting after authorization of bonds and annually each following year, levy a sufficient tax against all the taxable property of the township to pay the principal of the bonds, together with accruing interest, as they become due. The executive shall apply the money received from the levy only to the payment of bonds and interest as they become due.

(g) In addition to the levy required by subsection (f), the legislative body shall, when a park has been established under this section and at every annual meeting after establishment, levy a tax not exceeding one cent (\$0.01) on each one hundred dollars (\$100) of taxable property in the township. The levy required by this subsection shall be used by the executive for the maintenance and improvement of the park. The executive may not expend more for maintenance and improvement of the park than the amount collected by the levy except:

- (1) upon petition by fifty-one percent (51%) of the taxpayers of the township; or
- (2) when warrants or bonds are to be issued under this section to finance the expenses of improvements.

The amount received from the levy shall be deposited in the general fund of the township.

(e) If the general fund of the township is insufficient to meet the expenses of acquiring or improving the land for park purposes, the executive shall determine whether an emergency exists for the issuance of the warrants or bonds of the township. The executive shall, by executive order, authorize the issuance and sale of the warrants or bonds of the township in an amount not exceeding two percent (2%) of the adjusted value of all taxable property in the township as determined under IC 36-1-15. The amount of bonds may not exceed the total estimated cost of all land to be acquired and all improvements described in the executive order, including all expenses necessarily incurred in connection with the proceedings. The proceeds from the sale of the bonds shall be deposited in the general fund of the township. The bonds become due and payable not less than two (2) nor more than ten (10) years after the date of issuance, may bear interest at any rate, and may not be sold for less than par value. The bonds shall be sold after giving notice of the sale of bonds in accordance with IC 5-3-1. The bonds and the interest on the bonds are exempt from taxation as provided by IC 6-8-5 and are subject to the provisions of IC 6-1.1-20 relating to the filing of a petition requesting the issuance of bonds, the appropriation of the proceeds of the bonds, and the approval by the department of local government finance. The executive shall, at its next annual budget hearing under IC 6-1.1-17 after authorization of bonds and annually each following year, levy a sufficient tax against all the taxable property of the township to pay the principal of the bonds, together with accruing interest, as they become due. The executive shall apply the money received from the levy only to the payment of bonds and interest as they become due. In addition to the levy, the executive shall, when a park has been established under this section and at every annual budget hearing under IC 6-1.1-17 after establishment, levy a tax not exceeding one cent (\$0.01) on each one hundred dollars (\$100) of taxable property in the township. The levy required by this subsection shall be used by the executive for

the maintenance and improvement of the park. The executive may not expend more for maintenance and improvement of the park than the amount collected by the levy except:

- (1) upon petition by fifty-one percent (51%) of the taxpayers of the township; or
- (2) when warrants or bonds are to be issued under this section to finance the expenses of improvements.

The amount received from the levy shall be deposited in the general fund of the township.

(h) (f) A park established under this section shall be kept open to the public in accordance with rules prescribed by the executive.

(i) (g) If the executive determines that land or other property used for park purposes under this section should be disposed of and that the park should no longer be maintained, the executive shall appoint three (3) disinterested appraisers to appraise the property. The property shall then be disposed of either at public or private sale for at least its appraised value.

(j) (h) This subsection applies if the township sells the property by acceptance of bids. A bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

- (1) beneficiary of the trust; and
- (2) settlor empowered to revoke or modify the trust.

(k) (i) All money from the sale of park property, less the expenses incurred in making the appraisal and sale, shall be paid into the general fund of the township.

SECTION 91. IC 36-10-7-9, AS AMENDED BY P.L.119-2012, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 9. (a) This section applies to the township having the largest population in a county having a population of:

- (1) more than seventy thousand fifty (70,050) but less than seventy-one thousand (71,000); or
- (2) more than two hundred seventy thousand (270,000) but less than three hundred thousand (300,000).

(b) Notwithstanding IC 36-10-7.5-5, the department of parks and recreation of a township described in subsection (a) consists of four (4) members appointed by the township executive on the basis of the members' interest in and knowledge of parks and recreation. The members of a board governed by this section may include any of the following:

- (1) The township executive.
- (2) One (1) or more members of the township board.
- (3) (2) Any other persons residing in the township.

SECTION 92. IC 36-10-7.5-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1.4. A township trustee may take any action required of the township legislative or fiscal body under this chapter, including:

- (1) creating a department of parks and recreation;
- (2) purchasing a blanket bond or crime insurance policy;
- (3) establishing funds and designating the deposit of fees to the funds;
- (4) acquiring real property and making improvements to property;
- (5) issuing bonds; and
- (6) conducting hearings to disclose information about a bond issue.

SECTION 93. IC 36-12-5-3, AS AMENDED BY P.L.42-2018, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. (a) The library board of a public library may file with the township trustee and legislative body an expansion proposal and a notice of intent to file a petition for acceptance of the expansion proposal. The expansion proposal must include the information described in section 2 of this chapter. Not later than ten (10) days after the filing, the township trustee shall publish notice of

the expansion proposal in the manner provided in IC 5-3-1.

(b) Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of the notice, an individual who is a registered voter of the township or part of the township into which the public library seeks to expand may sign one (1) or both of the following:

- (1) A petition in support of the expansion proposal.
- (2) A remonstrance in opposition to the expansion proposal.

(c) A petition or remonstrance under subsection (b) must be filed with the clerk of the circuit court in the county where the township is located. A petition for acceptance of the expansion proposal must be signed by at least twenty percent (20%) of the registered voters of the township or part of the township into which the public library seeks to expand, as determined by the most recent general election.

(d) The following apply to a petition or remonstrance that is filed under this section:

- (1) The petition or remonstrance must show the following:
 - (A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(C) On each page of a petition on which signatures are affixed, language substantially similar to the following: "PETITION IN SUPPORT OF EXPANSION OF THE (insert name of library district), WHICH SEEKS TO INCLUDE (insert name of the township or part of the township into which the library seeks to expand) IN ITS SERVICE DISTRICT."

(D) On each page of a remonstrance on which signatures are affixed, language substantially similar to the following: "REMONSTRANCE AGAINST THE (insert name of library district) EXPANSION, WHICH SEEKS TO INCLUDE (insert name of the township or part of the township into which the library seeks to expand) IN ITS SERVICE DISTRICT."

- (2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance, stating that each signature on the petition or remonstrance:
 - (A) was affixed in the individual's presence; and
 - (B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit described in subdivision (2). A signer may file the petition or remonstrance, or a copy of the petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day.

- (4) Not later than fifteen (15) days after a petition or remonstrance is filed, the clerk of the circuit court in the county in which the township is located shall do the following:
 - (A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.
 - (B) Strike the name from either the petition or the remonstrance of an individual who:
 - (i) signed both the petition and the remonstrance; and
 - (ii) personally, in the clerk's office, submits a voluntary written and signed request for the clerk to strike the individual's name from the petition or the remonstrance.
 - (C) Certify the number of signatures on the petition and on any remonstrance that:

(i) are not duplicates; and

(ii) represent individuals who are registered voters in the township or the part of the township on the day the individuals signed the petition or remonstrance.

(D) Establish a record of the certification in the clerk's office and file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the township legislative body.

The clerk of the circuit court may only strike an individual's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(e) Not later than forty (40) days after the certification of a petition or remonstrance under subsection (d)(4), the township legislative body executive shall compare the petition and remonstrance, if any. If a remonstrance has not been filed or a greater number of voters have signed the petition than have signed the remonstrance, the township legislative body executive shall agree to the expansion by written resolution.

(f) Not later than ten (10) days after the written resolution establishing an expanded library district is adopted, the township legislative body executive shall submit a copy of the resolution for filing:

(1) in the office of the county recorder in the county where the administrative office of the public library is located; and

(2) with the Indiana state library.

The expansion is effective as of the date the written resolution is filed.

(g) If the number of registered voters who have signed a remonstrance against the establishment of an expanded library district is equal to or greater than the number who have signed the petition in support of the expansion, the township legislative body executive shall dismiss the petition. Another petition to establish the expanded library district may not be initiated until one (1) year after the date the legislative body township executive dismissed the latest unsuccessful petition."

Delete pages 59 through 63.

Page 64, delete lines 1 through 37.

Renumber all SECTIONS consecutively.

(Reference is to HB 1650 as printed February 8, 2019.)

FRYE

Motion withdrawn. The bill was ordered engrossed.

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

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

House Bill 1651

Representative Schaibley called down House Bill 1651 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1651-1)

Mr. Speaker: I move that House Bill 1651 be amended to read as follows:

Page 4, line 37, delete "court;" and insert "**court following a hearing under IC 35-47-14-5;**".

Page 5, line 4, delete "person;" and insert "**person following a hearing under IC 35-47-14-5;**".

Page 5, line 12, delete "Level 6 felony" and insert "**Class A misdemeanor**".

Page 5, line 17, delete "knowing" and insert "**knowingly**".

Page 5, line 20, delete "court;" and insert "**court following a hearing under IC 35-47-14-5;**".

Page 6, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 8. IC 35-47-14-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. For the purposes of this chapter, an individual is a "responsible third party" if:**

- (1) the individual does not cohabitate with the person found to be dangerous in the hearing conducted under section 5 of this chapter;**
- (2) the individual is a proper person (as defined under IC 35-47-1-7) who may lawfully possess a firearm; and**
- (3) the individual is willing to enter into a written court agreement to accept the transfer of the firearm as a responsible third party under section 10 of this chapter."**

Page 6, between lines 32 and 33, begin a new paragraph and insert:

"(c) A law enforcement agency storing a firearm seized under this section shall use reasonable care to ensure that the firearm is not lost or damaged, and the agency is prohibited from marking the firearm for identification or other purposes. A law enforcement agency shall be liable for any damage to or loss of the firearm that results from the agency's negligence in the storage or handling of the firearm."

Page 7, line 22, delete "individual." and insert "individual as quickly as practicable, but not later than five (5) days."

Page 7, between lines 22 and 23, begin a new paragraph and insert:

"(g) A law enforcement agency storing a firearm seized under this section shall use reasonable care to ensure that the firearm is not lost or damaged, and the agency is prohibited from marking the firearm for identification or other purposes. A law enforcement agency shall be liable for any damage to or loss of the firearm that results from the agency's negligence in the storage or handling of the firearm."

Page 9, line 35, delete "practicable" and insert "**practicable, but not later than five (5) days,**".

Page 10, line 32, delete "practicable" and insert "**practicable, but not later than five (5) days,**".

Page 11, line 21, strike "to" and insert "to:

- (1) transfer the firearm to a responsible third party as described under section 1.5 of this chapter;**
- (2) transfer the firearm to an individual who possesses a valid federal firearms license issued under 18 U.S.C. 923 for storage or an eventual lawful sale whose terms are mutually agreed upon between the licensee and the individual or rightful owner, as applicable; or**
- (3)".**

Page 11, between lines 23 and 24, begin a new line blocked left and insert:

"The responsible third party who accepts transfer of the firearm from the law enforcement agency under a court order under this section shall enter into a written court agreement that obligates the responsible third party to the reasonable care and storage of the firearm, including not providing access or transferring the firearm to the individual found to be dangerous in a hearing under section 5 of this chapter."

Page 12, between lines 6 and 7, begin a new paragraph and insert:

"(g) A law enforcement agency storing a firearm seized under this section shall use reasonable care to ensure that the firearm is not lost or damaged, and the agency is prohibited from marking the firearm for identification or other purposes. A law enforcement agency shall be liable for any damage to or loss of the firearm that results from the agency's negligence in the storage or handling of the firearm."

Renumber all SECTIONS consecutively.

(Reference is to HB 1651 as printed February 8, 2019.)

SCHAIBLEY

Upon request of Representatives Forestal and Moed, the Speaker ordered the roll of the House to be called. Roll Call 138: yeas 68, nays 25. Motion prevailed. The bill was ordered engrossed.

House Bill 1668

Representative Lauer called down House Bill 1668 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1003

Representative DeVon called down Engrossed House Bill 1003 for third reading:

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

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

Roll Call 139: yeas 68, nays 27. 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 Mishler and Raatz.

Engrossed House Bill 1284

Representative Lucas called down Engrossed House Bill 1284 for third reading:

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

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

Roll Call 140: yeas 80, 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 Tomes, Messmer and Garten.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1253, 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 19, after "teachers" insert ", **school staff, and school employees**".

Page 2, line 21, after "teachers" insert ", **school staff, and school employees**".

Page 3, line 36, after "Teachers" insert ", **School Staff, and School Employees**".

Page 4, line 7, after "teacher" insert ", **staff member, or employee**".

Page 4, line 11, delete "and".

Page 4, line 17, after "(C);" insert "**and**".

Page 4, between lines 17 and 18, begin a new line block indented and insert:

"(3) authorized by:

(A) a school board (as defined by IC 20-26-9-4); or

(B) the body that administers a charter school established under IC 20-24;

to carry a firearm in or on school property;".

Page 4, line 20, after "teacher" insert ", **school staff member, or school employee**".

Page 4, line 24, after "teacher" insert ", **school staff member, or school employee**".

Page 4, line 25, after "teacher" insert ", **staff member, or employee**".

Page 4, delete lines 27 through 28, begin a new line block indented and insert:

"(1) is taught by an instructor who is or instructors who are qualified to provide instruction in the topics described in subdivision (2); and".

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

"(C) Not less than twenty four (24) hours on the following topics:

(i) Basic marksmanship training that includes a qualification standard established by the instructor.

(ii) Scenario based training."

Page 5, delete lines 1 through 2.

Page 6, between lines 13 and 14, begin a new line double block indented and insert:

"(K) Not less than one (1) hour of tactical emergency medical instruction.

Sec. 5. A teacher, school staff member, or school employee who wishes to apply for a grant from the institute under section 3 of this chapter must:

(1) have successfully completed the Minnesota multiphasic personality inventory 2 (MMPI-II) prior to applying for a grant described under section 3 of this chapter; and

(2) be able to provide proof of having completed the Minnesota multiphasic personality inventory 2 (MMPI-II) to the institute upon request."

Page 6, line 14, delete "5." and insert "6."

Page 6, line 14, after "teacher" insert ", **school staff member, or school employee**".

Page 6, line 21, delete "6." and insert "7."

Page 6, line 21, after "teacher" insert ", **school staff member, or school employee**".

Page 6, line 32, delete "7." and insert "8."

Page 6, delete lines 38 through 42, begin a new paragraph and insert:

"Sec. 9. A teacher, school staff member, or school employee who:

(1) violates section 8 of this chapter;

(2) uses a grant provided under section 3 of this chapter for a purpose not specified in section 4 of this chapter; or

(3) is unable to provide the institute with:

(A) a certificate of completion described in section 7(b) of this chapter;

(B) proof that the teacher, school staff member, or school employee is:

(i) currently enrolled; or

(ii) otherwise in the process of completing;

a course of firearms instruction that complies with section 4 of this chapter upon request; or

(C) proof of having completed the Minnesota multiphasic personality inventory 2 (MMPI-II) upon request by the institute;

must reimburse the institute in an amount equal to the amount of any grant originally issued to the teacher, school staff member, or school employee under this chapter."

Delete pages 7 through 8.

Renumber all SECTIONS consecutively.

(Reference is to HB 1253 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1594, 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 5, delete "any" and insert "a".

Page 1, line 7, delete "regardless of the statutory".

Page 1, delete line 8.

Page 1, line 9, delete "including" and insert "**under**".

Page 1, line 10, delete "and" and insert "**or**".

Page 1, line 14, delete "another statute," and insert "**IC 5-23, IC 8-15.5, or IC 8-15.7,**".

Page 2, line 1, after "agreement" insert "**entered into after May 1, 2019,**".

Page 2, line 4, delete "With respect to any public-private".

Page 2, delete lines 5 through 8.

Page 2, line 9, delete "The" and insert "**(a) This section applies only to an extension or an amendment to a public-private agreement that is proposed or entered into after May 1, 2019.**

(b) If any proposed extension or amendment to a public-private agreement described in section 1 of this chapter results in a fiscal impact, the"

Page 2, line 9, delete "any" and insert "**the**".

Page 2, line 19, after "(a)" insert "**This section applies only to an extension or an amendment to a public-private agreement that is proposed or entered into after May 1, 2019.**

(b)"

Page 2, line 21, delete "agreement," and insert "**agreement in accordance with section 3 of this chapter,**".

Page 2, line 26, delete "(b)" and insert "**(c)**".

Page 2, line 28, delete "(c)" and insert "**(d)**".

Page 2, line 28, delete "may invest" and insert "**shall invest or cause to be invested all**".

Page 2, line 28, after "payment" insert "**reserve fund in one (1) or more fiduciary accounts with a trustee that is a financial institution in accordance with the authority's investment policy.**".

Page 2, delete lines 29 through 30.

Page 2, line 31, delete "(d)" and insert "**(e)**".

(Reference is to HB 1594 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

HUSTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1628, 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 3 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 5 with "[EFFECTIVE UPON PASSAGE]".

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

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

(1) is at least four (4) years of age and less than five (5) years of age on August 1 of the state fiscal year for which a grant is sought under the prekindergarten pilot program;

(2) is a resident of Indiana or otherwise has legal settlement in Indiana, as determined under IC 20-26-11; ~~(3) meets the requirements under section 7.1 of this chapter;~~

(3) is a member of a household with an annual income that does not exceed one hundred twenty-seven percent (127%) of the federal poverty level and meets the requirements under section 7.2 of this chapter;

(4) receives qualified early education services from an eligible provider, as determined by the office;

(5) has a parent or guardian who participates in a parental engagement and involvement component provided by the eligible provider; and

(6) has a parent or guardian who agrees to ensure that the child meets the attendance requirements determined by the office."

Page 2, delete lines 1 through 11.

Page 2, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 3. IC 12-17.2-7.2-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: **Sec. 2.1. As used in this chapter, "extended enrollment period" refers to the period set forth by the office beginning not later than June 1 of each calendar year.**

SECTION 4. IC 12-17.2-7.2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: **Sec. 2.5. As used in this chapter, "limited eligibility child" refers to an individual who:**

(1) is at least four (4) years of age and less than five (5) years of age on August 1 of the state fiscal year for which a grant is sought under the prekindergarten pilot program;

(2) is a resident of Indiana or otherwise has legal settlement in Indiana, as determined under IC 20-26-11;

(3) receives qualified early education services from an eligible provider, as determined by the office;

(4) has a parent or guardian who agrees to ensure that the child meets the attendance requirements determined by the office;

(5) is a member of a household with an annual income that does not exceed:

(A) one hundred twenty-seven percent (127%) of the federal poverty level but does not meet the requirements under section 7.2(a) of this chapter; or
(B) one hundred eighty-five percent (185%) of the federal poverty level; and

(6) meets the requirements under section 7.2(b) of this chapter.

SECTION 5. IC 12-17.2-7.2-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: **Sec. 5.7. As used in this chapter, "priority enrollment period" refers to the period set forth by the office beginning not later than April 1 of each calendar year."**

Page 3, delete lines 1 through 2.

Page 3, line 34, after "that county." insert **"Beginning July 1, 2020, the total number of grants during the immediately preceding state fiscal year shall include the number of grants issued under a preschool program established in March 2015 that operates in a consolidated city."**

Page 4, delete lines 10 through 15, begin a new paragraph and insert:

"(e) In addition to the counties listed in subsection (c) and counties designated under subsection (d), the prekindergarten pilot program includes eligible providers in any county in Indiana."

Page 4, line 35, after "program." insert **"After December 31,**

2020, the office shall, subject to the availability of funding, determine the number of limited eligibility children who will participate in the prekindergarten pilot program."

Page 5, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 7. IC 12-17.2-7.2-7.1 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 7.1. (a) Except as provided in subsection (b); for an eligible child to qualify for a grant under this chapter, the eligible child must be a member of a household with an annual income that does not exceed one hundred twenty-seven percent (127%) of the federal poverty level.~~

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

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

(A) applied for a grant under this chapter; and

(B) meet the requirements to receive a grant under this chapter;

have been awarded a grant under this chapter.

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

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

(c) At least ten percent (10%) but not more than fifty percent (50%) of the tuition for eligible children described in subsection

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

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

(1) the amount awarded to all eligible children in that

county in the immediately preceding state fiscal year; plus
(2) twenty percent (20%) of the amount described in subdivision (1);

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

(1) which applicants shall be awarded a grant; and

(2) subject to subsection (b) and to the availability of funding, the amount of each grant.

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

(1) tuition for eligible children under the prekindergarten pilot program; or

(2) expansion plan described in section 7.4(a) of this chapter;

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

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

(1) who attends a prekindergarten program full time

must equal at least two thousand five hundred dollars (\$2,500) during the state fiscal year; and
 (2) may not exceed six thousand eight hundred dollars (\$6,800) **from state money provided under this chapter** during the state fiscal year.

SECTION 9. IC 12-17.2-7.2-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: **Sec. 8.1. (a) Up to twenty percent (20%) of the grants provided under this chapter may be used to provide grants to limited eligibility children.**

(b) During the priority enrollment period, the office shall provide grants to eligible children in the prekindergarten pilot program on a first-come, first-served basis. The office shall date stamp and reserve applications for limited eligibility children received during the priority enrollment period for processing during the extended enrollment period.

(c) During the extended enrollment period, the office shall provide grants to eligible children and limited eligibility children in the prekindergarten pilot program on a first-come, first-served basis to the extent of available funding and in accordance with the limit established by subsection (a).

SECTION 10. **An emergency is declared for this act.**

Delete pages 6 through 8.

Renumber all SECTIONS consecutively.

(Reference is to HB 1628 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

Behning, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1641, 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, line 11, strike "and".

Page 4, line 16, delete "." and insert "; and".

Page 4, between lines 16 and 17, begin a new line block indented and insert:

"(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."

Page 4, delete lines 41 through 42.

Page 5, delete lines 1 through 21.

Page 13, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 11. IC 20-26-5-32.2, AS AMENDED BY P.L.6-2012, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 32.2. (a) Notwithstanding IC 22-2-5-1, a school corporation, **educational service center**, or charter school and:

- (1) an employee if there is no representative described under subdivision (2) or (3) for that employee;
- (2) the exclusive representative of its certificated employees with respect to those employees; or
- (3) a labor organization representing its noncertificated employees with respect to those employees;

may agree in writing to a wage payment arrangement.

(b) A wage payment arrangement under subsection (a) may provide that compensation earned during a school year may be paid:

- (1) using equal installments or any other method; and
- (2) over:

(A) all or part of that school year; or

(B) any other period that begins not earlier than the first day of that school year and ends not later than thirteen (13) months after the wage payment arrangement period begins.

Such an arrangement may provide that compensation earned in a calendar year is paid in the next calendar year, so long as all the compensation is paid within the thirteen (13) month period beginning with the first day of the school year.

(c) A wage payment arrangement under subsection (a) must be structured in such a manner so that it is not considered:

(1) a nonqualified deferred compensation plan for purposes of Section 409A of the Internal Revenue Code; or

(2) deferred compensation for purposes of Section 457(f) of the Internal Revenue Code.

(d) Absent an agreement under subsection (a), a school corporation, **educational service center**, or charter school remains subject to IC 22-2-5-1.

(e) Wage payments required under a wage payment arrangement entered into under subsection (a) are enforceable under IC 22-2-5-2.

(f) If an employee leaves employment for any reason, either permanently or temporarily, the amount due the employee under IC 22-2-5-1 and IC 22-2-9-2 is the total amount of wages earned and unpaid. If the employment relationship ends at the conclusion of a school year, the school corporation, **educational service center**, or charter school may pay the employee the remaining wages owed as provided in the written wage payment arrangement.

(g) Employment with a school corporation, **educational service center**, or charter school may not be conditioned upon the acceptance of a wage payment arrangement under subsection (a).

(h) An employee may revoke a wage payment arrangement under subsection (a) at the beginning of each school year.

(i) A wage payment arrangement under this chapter may not contain any terms beyond those permitted to be bargained under IC 20-29-6-4."

Page 13, line 34, after "not" insert "**enter into a lease agreement or**".

Page 17, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 12. IC 20-26-7.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 7.1. Transfers of Vacant School Buildings to Charter Schools or Neighboring School Corporations.

Sec. 1. This chapter does not apply to a school building that on July 1, 2011, is leased or loaned by the school corporation that owns the school building to another entity, if the entity is not a building corporation or other entity that is related in any way to, or created by, the school corporation or the governing body.

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

(1) "**Charter school**" has the meaning set forth in IC 20-24-1-4 and includes an entity that has filed an application with an authorizer and is seeking approval from the authorizer to operate a charter school under IC 20-24-3.

(2) "**Neighboring school corporation**" refers to a school corporation that shares a common boundary with the school corporation that owns a vacant or unused school building under this chapter.

Sec. 3. (a) Before a governing body may sell or exchange a building described in this section in accordance with IC 20-25-4-14, IC 20-26-5-4(7), or IC 20-26-7-1, and except as provided in subsections (b), (c), and (d), a governing body shall make available for lease or purchase to any charter

school or neighboring school corporation any school building owned by the school corporation or any other entity that is related in any way to, or created by, the school corporation or the governing body, including but not limited to a building corporation, that:

(1) is not used in whole or in part for classroom instruction at the time the charter school or neighboring school corporation seeks to lease the building; and

(2) was previously used for classroom instruction;

in order for the charter school or neighboring school corporation to conduct classroom instruction.

(b) The following are not required to comply with the requirements provided in section 4 of this chapter:

(1) A governing body that vacates a school building in order to renovate or demolish the school building and build a new school building on the same site as the demolished building.

(2) An emergency manager of a distressed school corporation under IC 6-1.1-20.3.

(3) The governing body of the School City of East Chicago school corporation for the Carrie Gosch Elementary School building.

(c) Notwithstanding subsection (a), a lease entered into by a governing body under IC 20-26-5-4(7) prior to July 1, 2019, with an accredited nonpublic school shall remain in full force and effect. In addition, the governing body may, during or at the expiration of the term of such lease, sell the school building leased under IC 20-26-5-4(7) to the nonpublic school at a purchase price mutually agreed to by the governing body and the nonpublic school.

(d) This subsection applies to a vacant or unused school building with more than two hundred fifty thousand (250,000) gross square feet. A school corporation shall make appropriate space available as part of the school corporation's disposition of the school building, or to cause the acquirer of the school building to make appropriate space available as part of the acquirer's initial development of the school building site, for lease by the charter school or neighboring school corporation on the real estate occupied by the unused or vacant school building at fifty percent (50%) or less than the current market rate for similar property. In the event that the charter school or neighboring school corporation does not enter into a lease for the appropriate space as part of the initial development of the school building parcel, the school corporation or the acquirer of the school building is not required to make the space available for use by another charter school or neighboring school corporation.

Sec. 4. (a) Not later than ten (10) days after passing a resolution or taking other official action to close, no longer use, or no longer occupy a school building that was previously used for classroom instruction, the governing body shall:

(1) notify the department of the official action and the effective date that the school building will be closed, no longer used, or no longer occupied;

(2) make the school building available for inspection by a charter school or neighboring school corporation that notifies the department that it is interested in leasing or purchasing the school building described under section 3 of this chapter; and

(3) make the following information available to a charter school or neighboring school corporation described in subdivision (2):

(A) Estimates of the operating expenses for the school building for the past three (3) years.

(B) Written information regarding the condition of the building, including the age of the roof and the HVAC system, and any known conditions which, in the governing body's opinion, require prompt repair

or replacement.

(C) A description of the property as shown on the current tax statement.

(b) Within five (5) days of receiving notice under subsection (a)(1), the department shall provide written notification to each neighboring school corporation, each charter school authorizer (excluding school corporation authorizers as defined in IC 20-24-1-2.5(1)), and statewide organizations representing charter schools in Indiana of the school corporation's resolution or official action described in subsection (a), including the date when the school building will close, no longer be used, or become vacant.

(c) A charter school or neighboring school corporation may lease the school building for one dollar (\$1) per year for as long as the charter school or neighboring school corporation uses the school building for classroom instruction or for a term at the neighboring school corporation or charter school's discretion, or purchase the school building from the school corporation for one dollar (\$1), if the charter school or neighboring school corporation does the following:

(1) Within thirty (30) days of receiving the department's notice under subsection (b), a charter school or neighboring school corporation must submit a preliminary request to purchase or lease the school building.

(2) Subject to subsection (d), within ninety (90) days of receiving the department's notice under subsection (b), a charter school or neighboring school corporation must submit to the school corporation the following information:

(A) The name of the charter school or neighboring school corporation that is interested in leasing or purchasing the vacant or unused school building.

(B) A time frame, which may not exceed two (2) years from the date that the school building is to be closed, no longer used, or no longer occupied, in which the charter school or neighboring school corporation intends to begin providing classroom instruction in the vacant or unused school building.

(C) A resolution, adopted by the board of the charter school or a resolution of the governing body of a neighboring school corporation stating that the board has determined that, after the charter school or neighboring school corporation has made any necessary repairs or modifications, the school building will be sufficient to meet the neighboring school corporation or charter school's needs and can be operated within the neighboring school corporation or charter school's budget.

(D) This clause applies to a vacant or unused school building with more than two hundred fifty thousand (250,000) gross square feet. In addition to the information provided in clauses (A) through (C), a charter school shall submit the following:

(i) The charter school's projected enrollment when all of the grade levels are added.

(ii) A letter from the charter school's authorizer or prospective authorizer that indicates that the charter school's authorizer or prospective authorizer has reviewed the items described in clauses (B) through (D) and that the projected enrollment of the charter school when all of the grade levels are added or fully implemented will be fifty percent (50%) or greater than the capacity of the school building as validated by the state fire marshal.

(d) If the department does not receive any preliminary requests to purchase or lease a school building within the time frame described in subsection (c)(1) and except as provided in section 7 of this chapter, the department shall

send notification to the school corporation that the department has not received any preliminary requests to purchase or lease the school building. Upon receipt of the notification under this subsection, the school corporation may sell or otherwise dispose of the school building in accordance with IC 36-1-11.

(e) In the event that two (2) or more charter schools submit a preliminary request to purchase or lease a charter school within the time frame described in subsection (c)(1), the department shall send notification to an authorizer described in IC 20-24-1-2.5(3) and each statewide charter school authorizer and statewide organization representing charter schools in Indiana (excluding school corporation authorizers as defined in IC 20-24-1-2.5(1)) and the school corporation that the department has received two (2) or more preliminary requests under this section. An authorizer committee shall be established, with each statewide authorizer appointing a representative, with the committee to establish the chair person, and procedures for the committee. Within sixty (60) days of receiving notice under this subsection, the committee shall select which charter school may proceed to purchase or lease the school building or determine if two (2) or more charter schools should co-locate within the school building. In the event that the committee determines that two (2) or more charter schools should co-locate in the school building, the charter school or charter schools have sixty (60) days to submit a memorandum of understanding stating that the charter schools shall be jointly and severally liable for the obligations related to the sale or lease of the school building, and specifying how the charter schools will utilize the school building and share responsibility for operational, maintenance, and renovation expenses.

(f) A school corporation shall lease the school building for one dollar (\$1) per year for as long as the charter school or neighboring school corporation uses the school building for classroom instruction or for a term at the neighboring school corporation or charter school's discretion, or sell the school building to the charter school or neighboring school corporation for one dollar (\$1), if the charter school or neighboring school corporation has met the requirements set forth in subsection (c). If a charter school or neighboring school corporation has not met the requirements under subsection (c), the school corporation may, subject to section 7 of this chapter, sell or otherwise dispose of the school building in accordance with IC 36-1-11.

Sec. 5. (a) If a school building is sold to a charter school or neighboring school corporation under section 4 of this chapter and the neighboring school corporation, charter school, or any entity related to the neighboring school corporation or charter school subsequently sells or transfers the school building to a third party, the charter school, neighboring school corporation, or related entity must transfer an amount equal to the gain in the property minus the adjusted basis (including costs of improvements to the school building) to the school corporation that initially sold the vacant school building to the charter school. Gain and adjusted basis shall be determined in the manner prescribed by the Internal Revenue Code and the applicable Internal Revenue Service regulations and guidelines.

(b) In the event a charter school or neighboring school corporation does not use the school building for classroom instruction within two (2) years after acquiring the school building, the school building shall revert to the school corporation, which may sell or otherwise dispose of the school building under IC 36-1-11.

Sec. 6. During the term of a lease under section 4 of this chapter, the charter school or neighboring school corporation is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. The school

corporation is responsible for any debt incurred for or liens that attached to the school building before the charter school or neighboring school corporation leased the school building.

Sec. 7. Notwithstanding IC 36-1-11, if the school corporation does receive notification from the department that the department has not received any preliminary requests to purchase or lease a vacant or unused school building under section 4(c)(1) of this chapter or a charter school or neighboring school corporation has not met the requirements under section 4(c)(2) or 4(e) of this chapter, the school corporation must sell a vacant school building to a nonpublic school, postsecondary educational institution, or nonprofit organization that sends a letter of intent to the school corporation to purchase the vacant or unused school building for an amount not more than the fair market value of the vacant or unused school building determined in accordance with IC 36-1-11. The nonpublic school, postsecondary educational institution, or nonprofit organization must submit its letter of intent to purchase the school building within thirty (30) days of the date the school corporation passing a resolution or taking other official action to close, no longer use, or no longer occupy a school building that was previously used for classroom instruction. However, in the event that a charter school or neighboring school corporation has submitted a preliminary request to purchase or lease a school building, the nonpublic school, postsecondary educational institution, or nonprofit organization may send a letter of intent to purchase or lease the school building within ninety (90) days of the date that the school corporation passed a resolution or took official action to close, no longer use, or no longer occupy a school building.

Sec. 8. If a school corporation does not comply with the requirements provided in this chapter, the school corporation shall submit any proceeds from the sale of the vacant school building to the state board to provide grants under the charter school and innovation grant program under IC 20-24-13."

Delete pages 18 through 20.

Page 21, delete lines 1 through 19.

Page 21, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 13. IC 20-26-16-1, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter applies to a school corporation, including a school city (as defined in IC 20-25-2-12) **and a charter school.**

SECTION 14. IC 20-26-16-2, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The governing body of a school corporation **or charter school** may establish a school corporation **or charter school** police department under this chapter.

SECTION 15. IC 20-26-16-3, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The governing body of a school corporation **or the equivalent for a charter school** may do the following for the school corporation **or charter school** police department:

- (1) Appoint school corporation **or charter school** police officers.
- (2) Prescribe the duties and direct the conduct of school corporation **or charter school** police officers.
- (3) Prescribe distinctive uniforms.
- (4) Provide emergency vehicles.

SECTION 16. IC 20-26-16-4, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. An individual appointed as a school corporation **or charter school**

police officer must successfully complete at least:

- (1) the pre-basic training course established under IC 5-2-1-9(f); and
- (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

SECTION 17. IC 20-26-16-5, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least:

- (1) the pre-basic training course established under IC 5-2-1-9(f); and
- (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation **or charter school** police officer may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the school corporation **or charter school** police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

SECTION 18. IC 20-26-16-6, AS ADDED BY P.L.132-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) A school corporation **or charter school** police officer appointed under this chapter:

- (1) is a law enforcement officer (as defined in IC 5-2-1-2(1));
- (2) must take an appropriate oath of office in a form and manner prescribed by the governing body **or the equivalent for a charter school**;
- (3) serves at the governing body's **(or the equivalent for a charter school)** pleasure; and
- (4) performs the duties that the governing body **or the equivalent for a charter school** assigns.

(b) School corporation **or charter school** police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing body **or the equivalent for a school corporation**; however, any powers may be expressly forbidden them by the governing body **(or the equivalent for a charter school)** employing them. In addition to any other powers or duties, such police officers shall enforce and assist the educators and administrators of their school corporation **or charter school** in the enforcement of the rules and regulations of the school corporation **or charter school** and assist and cooperate with other law enforcement agencies and officers.

(c) Such police officers may exercise the powers granted under this section only upon any property owned, leased, or occupied by the school corporation **or charter school**, including the streets passing through and adjacent to the property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.

SECTION 19. IC 20-27-9-2, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The governing body of a school corporation may allow, by written authorization, the use of a school bus **or a special purpose bus** for the transportation of adults at least sixty-five (65) years of age **or disabled adults**.

SECTION 14. IC 20-27-9-5, AS AMENDED BY P.L.228-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A special purpose bus may be used:

- (1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;
- (2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;
- (3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, and, if applicable, the individual's sibling; ~~and~~
- (4) to transport homeless students under IC 20-27-12; **and**
- (5) **to transport adults under section 2 of this chapter.**

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school corporation, and meet the following requirements:

- (1) If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid:
 - (A) operator's;
 - (B) chauffeur's;
 - (C) public passenger chauffeur's; or
 - (D) commercial driver's;

license.

(2) If the special purpose bus has a capacity of more than fifteen (15) passengers, the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1."

Page 23, delete line 42.

Delete pages 24 through 26.

Page 27, delete lines 1 through 31.

Renumber all SECTIONS consecutively.

(Reference is to HB 1641 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

Behning, 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 1582 and 1596 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representatives Behning and Judy be added as coauthors of House Bill 1003.

DEVON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Bill 1024.

AYLESWORTH

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 Deal be added as coauthor of House Bill 1165.

BAUER

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 Representatives Kirchhofer, Shackelford and Manning be added as coauthors of House Bill 1175.

ZIEMKE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Carbaugh and Moseley be added as coauthors of House Bill 1182.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Smaltz and Lindauer be added as coauthors of House Bill 1211.

MAYFIELD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Judy and Stutzman be added as coauthors of House Bill 1253.

LUCAS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as coauthor of House Bill 1269.

GUTWEIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Zent, Davisson and Fleming be added as coauthors of House Bill 1308.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Jackson be added as coauthor of House Bill 1405.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative McNamara be added as coauthor of House Bill 1411.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative May be added as coauthor of House Bill 1437.

ENGLEMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Prescott and Wright be added as coauthors of House Bill 1492.

BAIRD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Carbaugh, Schaibley and Hatfield be added as coauthors of House Bill 1505.

HOSTETTLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Zent be added as coauthor of House Bill 1582.

CANDELARIA REARDON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Wesco and Moseley be added as coauthors of House Bill 1597.

MAYFIELD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1627.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Miller be added as coauthor of House Bill 1660.

GOODRICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as coauthor of House Bill 1668.

LAUER

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Mayfield, the House adjourned at 6:00 p.m., this eleventh day of February, 2019, until Tuesday, February 12, 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