



# Journal of the House

State of Indiana

121st General Assembly

First Regular Session

Seventeenth Day

Thursday Morning

February 7, 2019

The invocation was offered by Pastor Tommy Beatley of Delaware & Osgood United Methodist Church in Milan, a guest of Representative Frye.

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

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

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

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

VanNatter  
Wesco  
Wolkins  
Wright

J. Young  
Zent  
Ziemke  
Mr. Speaker

Roll Call 113: 97 present; 2 excused; 1 not present. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused. • indicates not present.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 11, 2019, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 7

The Speaker handed down Senate Concurrent Resolution 7, sponsored by Representative Ellington:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the bridge crossing Doans Creek on Highway 45/58 the "Major Emerson Y. Barker Memorial Bridge".

*Whereas, Major Emerson Y. Barker was born January 17, 1920, in Greene County, Indiana;*

*Whereas, After graduating from Scotland High School in 1937, Emerson Y. Barker entered Indiana Central College, graduating in 1941 as a double major in History and Physical Education;*

*Whereas, In 1940, Emerson Y. Barker entered a pilot training program under the Civil Aeronautics Authority at Stout Field, Indianapolis, Indiana;*

*Whereas, Emerson Y. Barker won a scholarship for pilot training with the Army Aviation Cadet Class in 1941, and graduated from the U.S. Army Air Corps Advance Flying School at Luke Field, Arizona;*

*Whereas, Emerson Y. Barker trained at several air bases in California, Arizona, Georgia, and finally Orlando Air Base in Florida, where he flew P40s, P38s, P47s, and P61s;*

*Whereas, Emerson Y. Barker was promoted to major in the U.S. Army Air Corps, and became the commanding officer of the 419th Night Fighter Squadron;*

*Whereas, During World War II, Major Barker was sent to Guadalcanal where he flew in the first night raid on Rabaul, a Japanese Air Base in the South Pacific, on January 22 and 23, 1944;*

*Whereas, While in flight June 12, 1944, Major Barker's airplane exploded over the Pacific Ocean, and Major Barker and his airplane were never found;*

*Whereas, In recognition of his service, Major Barker was awarded the Air Medal with three Oak Leaf Clusters for meritorious achievement;*

*Whereas, On June 13, 2012, Major Barker was recognized with full military honors, including a headstone dedicated in his memory located at Arlington National Cemetery; and*

*Whereas, In honor of his service and dedication to his home and country, it is fitting that the State of Indiana recognize Major Barker's ultimate sacrifice by naming the bridge crossing Doans Creek on State Road 45/58 in Greene County in remembrance of Major Barker: Therefore,*

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

SECTION 1. That the Indiana General Assembly honors Major Emerson Y. Barker for his service and urges the Indiana Department of Transportation to name the bridge crossing Doans Creek on State Road 45/58, east of U.S. Highway 231 in Greene County, the "Major Emerson Y. Barker Memorial Bridge".

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Mr. Ned Malone and the Commissioner of the Indiana Department of Transportation.

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

#### **Senate Concurrent Resolution 8**

The Speaker handed down Senate Concurrent Resolution 8, sponsored by Representative Ellington:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to honor First Lieutenant Clayton Robert Cullen by naming a portion of State Road 67 the "Lt. Clayton Robert Cullen Memorial Highway".

*Whereas, Lt. Clayton Robert Cullen was born July 9, 1992, in Evansville, Indiana;*

*Whereas, Lt. Cullen grew up in Bicknell, Indiana, graduated from North Knox High School in 2011, and went on to earn a Bachelor's Degree in History from Indiana University in 2015;*

*Whereas, While at Indiana University, Lt. Cullen joined the Indiana University Army ROTC program;*

*Whereas, Upon graduation from Indiana University, Lt. Cullen took an oath to become an active duty officer in the United States Army, specializing in aviation;*

*Whereas, Lt. Cullen served as a member of the 4th Combat Aviation Brigade, 4th Infantry Division;*

*Whereas, During his service, Lt. Cullen received several awards, including the Army Achievement Medal, National Defense Service Medal, and the Army Service Ribbon;*

*Whereas, Lt. Cullen tragically passed away on January 20, 2018, during a helicopter accident as part of a training exercise at Fort Irwin, California;*

*Whereas, Lt. Cullen is survived by his parents, Robert and Julie Cullen, his brother and sister-in-law, Ian and Katie Cullen, his grandmother, Kathleen Curry Pack, along with numerous aunts, uncles, cousins, and friends; and*

*Whereas, In recognition of Lt. Cullen's service and dedication to his hometown, state, and country, it is fitting that his life and service be recognized by the State of Indiana: Therefore,*

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

SECTION 1. That the Indiana General Assembly expresses its deepest gratitude and sympathies to the family of First Lt.

Clayton Robert Cullen and urges the Indiana Department of Transportation to honor Lt. Cullen by naming SR 67 between Bicknell, Indiana and Bruceville, Indiana the "Lt. Clayton Robert Cullen Memorial Highway".

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Robert and Julie Cullen, Craig Lehman, and the Commissioner of the Indiana Department of Transportation.

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

#### **Senate Concurrent Resolution 21**

The Speaker handed down Senate Concurrent Resolution 21, sponsored by Representative Karickhoff:

A CONCURRENT RESOLUTION recognizing the Indiana Region of the American Red Cross and the organization's contributions to Hoosier health and safety.

*Whereas, Since 1916, the Indiana Region of the American Red Cross has worked throughout the state to prevent and alleviate human suffering in the face of emergencies by mobilizing the power of volunteers and the generosity of donors;*

*Whereas, The American Red Cross Home Fire Campaign tests, installs, and replaces smoke alarms and batteries in vulnerable communities, and has saved at least 17 lives in Indiana since the campaign's inception;*

*Whereas, Throughout 2018, more than 20,000 Hoosiers have received lifesaving training in CPR/AED, first-aid, and aquatics safety from the American Red Cross to ensure trained individuals are nearby and ready to respond at a moment's notice;*

*Whereas, The over 3,700 volunteers of the Indiana Region of the American Red Cross provide more than 63,000 hours per year to local communities in disaster preparedness, health and safety services, and service to the armed forces and international services;*

*Whereas, In 2018, Indiana's American Red Cross volunteers responded to 680 home fires and other local disasters, helping more than 921 families with their immediate needs;*

*Whereas, The Indiana Region of the American Red Cross has provided more than 4,000 services to local military personnel and their families;*

*Whereas, As part of the United States's largest blood collection organization, approximately 30,000 donors in Indiana have given close to 60,000 blood products through the Indiana Chapter of the American Red Cross, helping save countless lives; and*

*Whereas, The Indiana Region of the American Red Cross continues to embody the fundamental principles of the global network of the Red Cross and Red Crescent Societies: Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity, and Universality: Therefore,*

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

SECTION 1. That the Indiana Senate recognizes the Indiana Region of the American Red Cross and the organization's contributions to Hoosier health and safety.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Chad Priest, chief executive officer of the Indiana Region of the American Red Cross.

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

### House Concurrent Resolution 12

Representatives Clere, Huston, Behning, Porter, T. Brown, Sullivan, Macer, Frye, Thompson, Fleming, Cook, Goodin, Goodrich, Davisson, Harris, Miller and Lehe introduced House Concurrent Resolution 12:

A CONCURRENT RESOLUTION recognizing the importance of career and technical education during Career and Technical Education Month.

*Whereas, February has been designated Career and Technical Education Month;*

*Whereas, Career and technical education provides Hoosiers with school-to-career connections and is the backbone of a strong, well educated workforce;*

*Whereas, Career and technical education fosters productivity in business and contributes to Indiana's position in the international marketplace;*

*Whereas, Career and technical education offers high school and postsecondary students opportunities to learn lifelong skills through practical and meaningful experiences in a wide range of high wage, high skill, and high demand careers;*

*Whereas, Career and technical education provides students with career choices in their fields and in their communities;*

*Whereas, The Governor's Regional Works Councils recognize the importance of career and technical education in developing a robust pipeline of skilled talent; and*

*Whereas, Preparing Indiana's youth for postsecondary education and career success allows for more industry certifications in high demand career fields forecast to experience the largest and fastest growth. 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 importance of career and technical education during Career and Technical Education Month.

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

### House Resolution 16

Representatives VanNatter and Eberhart introduced House Resolution 16:

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

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

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

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

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

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

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

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

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

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

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

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

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

*Whereas, A national financial capability study found that only 35 percent of Hoosiers and 37 percent of U.S. adults answered four to five questions correctly out of a five-question survey regarding personal finance management: Therefore,*

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

SECTION 1. That the Indiana House of Representatives urges the legislative council to assign to an appropriate study committee the tasks of: (1) studying how the state of Indiana may reduce the regulatory and operational burden on small businesses to promote payroll deduction as a retirement savings option for employees; (2) studying the preparedness of Hoosiers to retire in a financially secure manner; and (3) studying the need for a statewide financial literacy strategy.

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

### House Resolution 17

Representative Summers introduced House Resolution 17:

A HOUSE RESOLUTION recognizing the Indiana Association of Career and Technical Education Districts.

*Whereas, The Indiana Association of Career and Technical Education Districts (IATED) is a professional organization of Indiana Career and Technical Education (CTE) Districts promoting, facilitating, and supporting the continued improvement of career and technical education in Indiana;*

*Whereas, IATED has 47 member districts representing over 95 percent of Indiana's public school corporations;*

*Whereas, the vision of IATED is to lead the nation in providing the highest quality career and technical education programs for Indiana students and to provide relevant professional development for CTE teachers, counselors, and directors;*

*Whereas, IATED supports the continued development of professionally trained educators who are uniquely prepared to meet the learning needs of secondary career and technical education students;*

*Whereas, IACTED believes that career and technical education is the best way to prepare all students at all ability levels for life after high school;*

*Whereas, IACTED works with state and federal governments to help ensure that government policies and procedures support and fully fund career and technical education;*

*Whereas, IACTED proposes academic integration, alignment of core academic and CTE standards, providing dual credit opportunities, and providing certifications in all CTE programs to ultimately create state supported programs of study;*

*Whereas, IACTED stresses accountability for its programs and the continued gathering and evaluation of usable data to guide decision making for CTE programs; and*

*Whereas, IACTED continues to work to equip all students with the knowledge, skills, and desire to promote career choices, lifelong wellness, and prosperity: Therefore,*

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

SECTION 1. That the Indiana House of Representatives acknowledges the outstanding work performed by the Indiana Association of Career and Technical Education Districts.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Executive Board of the Indiana Association of Career and Technical Education Districts.

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

**REPORTS FROM COMMITTEES**

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1057, 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 1057 as printed January 11, 2019.)

Committee Vote: Yeas 21, Nays 0.

HUSTON, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1118, 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 1118 as printed January 11, 2019.)

Committee Vote: Yeas 23, Nays 0.

HUSTON, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1166, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 36-7-14-6.1, AS AMENDED BY P.L.55-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6.1. (a) The five (5) commissioners for a municipal redevelopment commission shall be appointed as follows:

(1) Three (3) shall be appointed by the municipal executive.

(2) Two (2) shall be appointed by the municipal legislative body.

The municipal executive shall also appoint an individual to serve as a nonvoting adviser to the redevelopment commission beginning July 1, 2008.

(b) The commissioners for a county redevelopment commission that has five (5) members shall be appointed as follows:

(1) The county executive shall appoint all the members whose terms of office begin before January 1, 2008.

(2) For terms of office beginning after December 31, 2007, the county executive shall appoint three (3) members, and the county fiscal body shall appoint two (2) members.

The county executive shall also appoint an individual to serve as a nonvoting adviser to the redevelopment commission beginning July 1, 2008.

(c) The commissioners for a county redevelopment commission that has seven (7) members shall be appointed as follows:

(1) The county executive shall appoint all the members whose terms of office begin before January 1, 2008.

(2) For terms of office beginning after December 31, 2007, the county executive shall appoint four (4) members, and the county fiscal body shall appoint three (3) members.

The county executive shall also appoint an individual to serve as a nonvoting adviser to the redevelopment commission beginning July 1, 2008.

(d) A nonvoting adviser appointed under this section:

(1) must also be a member of the school board of a school corporation that includes all or part of the territory served by the redevelopment commission or an individual recommended by the school board to the entity that appoints the nonvoting adviser;

(2) is not considered a member of the redevelopment commission for purposes of this chapter but is entitled to attend and participate in the proceedings of all meetings of the redevelopment commission;

(3) is not entitled to a salary, per diem, or reimbursement of expenses;

(4) serves for a term of two (2) years and until a successor is appointed; and

(5) serves at the pleasure of the entity that appointed the nonvoting adviser.

**(e) This section expires January 1, 2020.**

SECTION 2. IC 36-7-14-6.2, IS ADDED AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6.2. (a) This section applies after December 31, 2019.**

**(b) A municipal redevelopment commission has six (6) commissioners appointed as follows:**

**(1) Four (4) commissioners shall be appointed by the municipal executive. One (1) commissioner shall be appointed from the membership of the governing body of a school corporation located within the territory served by the redevelopment commission. If there is more than one (1) school corporation within the territory served by the municipal redevelopment commission, the commissioner shall be:**

**(A) a member of the governing body of the school corporation that has the largest average daily membership; or**

**(B) an individual recommended by the governing body of the school corporation described in clause (A) who is a member of the governing body of another school corporation within the territory served by the municipal redevelopment commission.**

A commissioner appointed from the membership of the governing body of a school corporation serves on the commission by virtue of office.

(2) Two (2) commissioners shall be appointed by the municipal legislative body.

All commissioners are voting members. In the event that a vote of the commissioners results in a tie vote, the executive of the municipality may cast the deciding vote.

(c) The commissioners for a county redevelopment commission that has six (6) members shall be appointed as follows:

(1) Four (4) commissioners shall be appointed by the county executive. One (1) of the commissioners appointed by the county executive shall be appointed from the membership of the governing board of a school corporation located within the territory served by the redevelopment commission. If there is more than one (1) school corporation within the territory served by the county redevelopment commission, the commissioner shall be:

(A) a member of the governing body of the school corporation that has the largest average daily membership; or

(B) an individual recommended by the governing body of the school corporation described in clause (A) who is a member of the governing body of another school corporation within the territory served by the county redevelopment commission.

A commissioner appointed from the membership of the governing body of a school corporation serves on the commission by virtue of office.

(2) Two (2) commissioners shall be appointed by the county fiscal body.

All commissioners are voting members. In the event that a vote of the commissioners results in a tie vote, the president of the county executive may cast the deciding vote.

(d) The commissioners for a county redevelopment commission that has eight (8) members shall be appointed as follows:

(1) Five (5) commissioners shall be appointed by the county executive. One (1) of the commissioners appointed by the county executive shall be appointed from the membership of the governing board of a school corporation located within the territory served by the redevelopment commission. If there is more than one (1) school corporation within the territory served by the county redevelopment commission, the commissioner shall be:

(A) a member of the governing body of the school corporation that has the largest average daily membership; or

(B) an individual recommended by the governing body of the school corporation described in clause (A) who is a member of the governing body of another school corporation within the territory served by the county redevelopment commission.

A commissioner appointed from the membership of the governing body of a school corporation serves on the commission by virtue of office.

(2) Three (3) commissioners shall be appointed by the county fiscal body.

All commissioners are voting members. In the event that a vote of the commissioners results in a tie vote, the president of the county executive may cast the deciding vote."

Delete page 2.

Page 3, delete lines 1 through 34.

Page 3, line 40, after "chapter" insert "(before its expiration) or section 6.2 of this chapter".

Renumber all SECTIONS consecutively.

(Reference is to HB 1166 as introduced.)

Committee Vote: yeas 11, nays 0. and when so amended that said bill do pass.

MAHAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1175, 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 1175 as printed January 25, 2019.)

Committee Vote: Yeas 23, Nays 0.

HUSTON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Select Committee on Government Reduction, to which was referred House Bill 1269, 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 13.

Page 4, delete lines 25 through 42.

Delete pages 5 through 6.

Page 7, delete lines 1 through 38, begin a new paragraph and insert:

"SECTION 3. IC 9-31-3-19, AS AMENDED BY P.L.179-2017, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) A dealer licensed by the secretary of state under IC 9-32-8-2 may, upon application to the secretary of state, obtain a dealer plate and registration card for use in the testing or demonstrating of motorboats. Two (2) dealer plates must be displayed within a motorboat that is being tested or demonstrated while the motorboat is being tested or demonstrated.

(b) A transfer dealer or automobile auction company licensed under IC 9-32 may request dealer plates under subsection (a).

(c) The fee to obtain a dealer plate and registration card under subsection (a) is ten dollars (\$10). The secretary of state may retain the fee."

Page 7, line 41, delete "auction" and insert "auction company".

Page 8, line 7, reset in roman "The term does not include a person".

Page 8, reset in roman line 8.

Page 8, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 5. IC 9-32-11-1, AS AMENDED BY P.L.137-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Subject to IC 9-32-11-20, the following persons must be licensed under this article to engage in the business of buying, selling, or manufacturing motor vehicles:

(1) An automobile auction company.

(2) A converter manufacturer.

(3) A dealer.

(4) A distributor.

(5) An automotive salvage recycler.

(6) A watercraft dealer.

(7) A manufacturer.

(8) A transfer dealer.

(9) An automotive mobility dealer.

(10) A manufactured home dealer.

The persons listed in this subsection are the only persons eligible for a license under this article.

(b) After January 1, 2018, an automotive mobility dealer must hold an automotive mobility dealer endorsement issued

under this article.

(c) After January 1, 2018, an automotive mobility dealer that fails to be licensed and hold an automotive mobility dealer endorsement under this article, and engages in the business of:

- (1) selling;
- (2) installing;
- (3) servicing; or
- (4) soliciting or advertising the sale, installation, or servicing of;

equipment or modifications specifically designed to facilitate use or operation of a motor vehicle or watercraft by an individual who is disabled or aged commits a Class A infraction."

Delete page 9.

Page 10, delete lines 1 through 2.

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

"SECTION 11. IC 16-31-2-10 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 10: (a) In adopting rules concerning the duties of the commission, the commission shall appoint a technical advisory committee:

(b) Members of the technical advisory committee shall be selected by the commission subject to the approval of the governor on the basis of technical expertise and competency in the specific area of emergency medical service concerned:

(c) Each member of a technical advisory committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency:

(d) Each member of a technical advisory committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency."

Page 26, delete lines 16 through 18, begin a new paragraph and insert:

"SECTION 35. IC 25-0.5-3-36 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 36: IC 25-1-2-6(b) applies to the Indiana dietitians certification board."

Page 26, delete lines 22 through 32.

Page 26, delete lines 38 through 41.

Page 27, delete lines 4 through 25.

Page 27, delete lines 30 through 39.

Page 28, delete lines 1 through 3.

Page 28, delete lines 7 through 12.

Page 28, delete lines 16 through 28.

Page 29, delete lines 29 through 42.

Page 30, delete lines 1 through 3.

Page 33, delete lines 21 through 22, begin a new paragraph and insert:

"SECTION 51. IC 25-6.1-1-1 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 1: Short Title: This article shall be known and may be cited as the "Auctioneer and Auction Licensing Act."

SECTION 52. IC 25-6.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. **Creation and Membership:** (a) The Indiana auctioneer commission is created consisting of ~~six (6)~~ **five (5)** members, not more than ~~four (4)~~ **three (3)** of whom may be members of the same political party.

(b) **A member of the Subject to IC 25-1-6.5-3, the governor shall appoint each** commission is appointed by the governor **member** to serve for a term of ~~three (3)~~ **three (3)** years and until his successor is appointed and qualified: **under IC 25-1-6.5.** A vacancy arising on the commission shall be filled by the

~~governor, and the individual appointed to fill such vacancy shall serve for the unexpired term of the individual whose vacancy is being filled: under IC 25-1-6.5.~~

(c) ~~Five (5)~~ **Four (4)** individuals appointed to membership on the commission must be citizens of Indiana and engaged as auctioneers for a period of not less than ~~five (5)~~ **five (5)** years immediately preceding their appointment. One (1) individual appointed to membership on the commission must be a citizen of Indiana who has not been associated with auctioneering in any way other than as a consumer.

(d) An individual may not act as a member of the commission while holding another elected or appointed office in either the state or federal government.

**(e) A board member may be removed under IC 25-1-6.5-4."**

Page 45, delete lines 2 through 30, begin a new paragraph and insert:

"SECTION 83. IC 25-20-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) **Subject to IC 25-1-6.5-3**, there is established the committee of hearing aid dealer examiners which consists of ~~five (5)~~ **five (5)** members all appointed by the governor to a term of ~~three (3)~~ **three (3)** years: **under IC 25-1-6.5.** Three (3) members must be hearing aid dealers licensed under this chapter, who are residents of this state and who have been practicing as hearing aid dealers for at least one (1) year prior to their appointment. One (1) member must be an otolaryngologist in this state, who is a resident of this state and who has been engaged in the practice of otolaryngology for at least one (1) year prior to appointment to the committee. One (1) member must be a resident of this state who is in no way associated with the business of hearing aid dealers, audiology, or speech-language pathology other than as a consumer. Whenever a vacancy occurs on the committee, the governor shall appoint a successor ~~to serve the remainder of the term of the vacated member: under IC 25-1-6.5.~~

(b) Three (3) members present constitute a quorum.

(c) The members serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

**(d) A member may be removed under IC 25-1-6.5-4.**

SECTION 84. IC 25-20.2-3-2, AS AMENDED BY P.L.177-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The board is composed of ~~seven (7)~~ **five (5)** members appointed by the governor as follows:

(1) ~~Four (4)~~ **Subject to IC 25-1-6.5-3, three (3)** members, each of whom:

- (A) is licensed in Indiana as a home inspector; and
- (B) has been actively engaged in performing home inspections in Indiana for at least five (5) years immediately before the member's appointment to the board.

(2) **Subject to IC 25-1-6.5-3**, one (1) member who **satisfies either of the following:**

**(A) The member:**

- ~~(A)~~ (i) is a home builder; and
- ~~(B)~~ (ii) has been actively engaged in home building in Indiana for at least five (5) years immediately before the member's appointment to the board.

**(B) The member:**

- (i) is a real estate broker licensed under IC 25-34.1; and
- (ii) has been actively licensed in Indiana under IC 25-34.1 as a real estate broker for at least five (5) years immediately before the member's appointment to the board.

~~(3) One (1) member who:~~

(A) is a licensed real estate broker under IC 25-34-1-3-4.1; and

(B) has been actively engaged in selling, trading, exchanging, optioning, leasing, renting, managing, listing, or appraising residential real estate in Indiana for at least five (5) years immediately before the member's appointment to the board:

(4) (3) **Subject to IC 25-1-6.5-3**, one (1) member who represents the public at large and is not associated with the home inspection, home building, or real estate business other than as a consumer.

(b) The members of the board must be residents of Indiana.

(c) ~~All members of the board serve at the will and pleasure of the governor.~~

Page 47, delete lines 38 through 42.

Delete pages 48 through 50.

Page 51, delete lines 1 through 10.

Page 53, reset in roman lines 7 through 8.

Page 53, line 9, delete "(13)" and insert "(14)".

Page 54, delete lines 15 through 42.

Delete pages 55 through 58, begin a new paragraph and insert:

"SECTION 97. IC 25-23.4-2-2, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) **Subject to IC 25-1-6.5-3**, the committee consists of ~~nine (9)~~ **three (3)** members appointed by the governor as follows:

(1) ~~Three (3)~~ **members** who are certified direct entry midwives.

(2) ~~Two (2)~~ **members** who are licensed under IC 25-22-5 and who practice in the area of obstetrics; ~~one (1) of whom has experience acting as a collaborative home birth physician with a midwife.~~

(3) ~~One (1)~~ **certified nurse midwife** with experience in the practice of home births.

(4) ~~One (1)~~ **member** who is licensed under IC 25-22-5 and practices in the area of family practice.

(5) ~~One (1)~~ **member** who is licensed under IC 25-22-5, who practices in the area of pediatrics, and who has experience acting as a collaborative home birth physician with a midwife.

(6) ~~One (1)~~ **member** representing the public who is not associated with the profession of midwifery or obstetrics other than as a consumer.

(b) Notwithstanding subsection (a)(1), a certified direct entry midwife appointed to the committee under subsection (a)(1) after June 30, 2013, and before September 2, 2014, is not required to be certified under this article. However, a certified direct entry midwife appointed to the committee after June 30, 2013, and before September 2, 2014, under subsection (a) must be designated as a Certified Professional Midwife (CPM) by the North American Registry of Midwives.

SECTION 98. IC 25-23.4-2-3, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) ~~The term of Each committee member is four (4) years: serves a term under IC 25-1-6.5.~~

(b) ~~A committee member may be reappointed for not more than three (3) consecutive terms.~~

(c) ~~A committee member serves until the committee member's successor is appointed. A vacancy occurring in the membership of the committee for any cause shall be filled by appointment by the governor for the unexpired term: under IC 25-1-6.5.~~

(c) ~~A committee member may be removed under IC 25-1-6.5-4.~~

(d) Committee members annually shall select a chairperson and a vice chairperson from among the committee's members.

SECTION 99. IC 25-23.4-2-4, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The committee shall meet at least one (1) time each year at the call of the chairperson. ~~However, the first meeting of the committee shall be called by the licensing agency.~~

(b) With the approval of the executive director of the licensing agency, the committee may meet upon:

(1) the call of the chairperson; or

(2) the request of a majority of the members of the committee.

(c) ~~Five (5)~~ **Two (2)** members of the committee constitute a quorum.

(d) The affirmative vote of ~~five (5)~~ **two (2)** members of the committee is required for the committee to take action."

Page 59, delete lines 1 through 37.

Page 60, line 19, strike "eleven (11)" and insert "**ten (10)**".

Page 60, line 38, reset in roman "Two (2)".

Page 60, line 38, delete "Three (3)".

Page 61, line 23, delete "Three (3)" and insert "**Two (2)**".

Page 61, line 30, after "(3)" insert "**(2)**".

Page 61, line 30, reset in roman "One (1) member who represents manufactured home dealers."

Page 61, line 34, delete "(2)" and insert "**(3)**".

Page 61, line 38, delete "(3)" and insert "**(4)**".

Page 68, delete lines 13 through 16, begin a new paragraph and insert:

"SECTION 119. IC 25-30-1-5.2, AS ADDED BY P.L.185-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5.2. (a) The private investigator and security guard licensing board is established.

(b) The board consists of:

(1) the superintendent of the state police department or the superintendent's designee; and

(2) **subject to IC 25-1-6.5-3**, the following ~~six (6)~~ **four (4)** members appointed by the governor: ~~from different geographic regions of Indiana as determined by the governor.~~

(A) ~~Two (2) individuals~~ **One (1) individual** who are associated with a private investigator firm licensed under this article.

(B) ~~Two (2) individuals~~ **One (1) individual** who are associated with a security guard agency licensed under this article.

(C) One (1) local law enforcement official.

(D) One (1) person who is not associated with the private investigator firm or security guard agency other than as a consumer.

(c) Each member of the board appointed by the governor shall serve a term of ~~two (2) years: under IC 25-1-6.5.~~

(d) The governor may remove a board member appointed by the governor for ~~incompetency or failure to perform the member's duties under this chapter: under IC 25-1-6.5-4.~~

(e) A vacancy in the membership of the board shall be filled by appointment by the governor for the ~~unexpired term: under IC 25-1-6.5.~~

(f) ~~Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).~~ Each member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 120. IC 25-30-1-6.5, AS ADDED BY P.L.185-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6.5. (a) The board shall meet upon the call of the board president.

(b) ~~Four (4)~~ **Three (3)** members of the board constitute a quorum."

Page 71, delete lines 34 through 42.

Delete page 72.  
 Page 73, delete lines 1 through 2.  
 Page 74, delete lines 26 through 42.  
 Delete page 75.  
 Page 76, delete lines 1 through 11.  
 Page 77, delete lines 41 through 42.  
 Delete page 78.  
 Page 79, delete lines 1 through 6.  
 Page 79, delete lines 31 through 42.  
 Delete pages 80 through 82.  
 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1269 as introduced.)  
 and when so amended that said bill do pass.  
 Committee Vote: yeas 12, nays 0.

GUTWEIN, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1342, 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 7, delete "IC 36-8-25-10" and insert "IC 36-8-25-12".

Page 1, line 9, delete "IC 36-8-25-11" and insert "IC 36-8-25-13".

Page 1, line 12, delete "IC 36-8-25-12" and insert "IC 36-8-25-14".

Page 2, line 21, delete "After" and insert "Except as provided in section 11 of this chapter, after".

Page 3, between lines 20 and 21, begin a new paragraph and insert:

**"Sec. 10. If a public safety answering point (as described in IC 36-8-16.7-20) transfers a telephone caller to a public safety telecommunicator described under section 3 of this chapter, the public safety answering point shall do the following:**

(1) Use an evidence based protocol approved by the public safety answering point's medical director for the identification of a person in need of cardiopulmonary resuscitation.

(2) Provide appropriate training and continuing education, as determined by an evidence based protocol and approved by the public safety answering point's medical director, for identification of a person in need of cardiopulmonary resuscitation.

(3) Ensure that any public safety answering point that transfers a telephone call uses public safety telecommunicators that meet the training requirements set forth under section 5 of this chapter to provide instruction on administering cardiopulmonary resuscitation.

**Sec. 11. A public safety telecommunicator who has completed a certified training program in emergency medical dispatch (as described under IC 16-31-3.5) call handling is exempt from completing a T-CPR training program described under this chapter."**

Page 3, line 21, delete "10." and insert "12.".

Page 3, line 29, delete "11." and insert "13.".

Page 3, line 34, delete "12." and insert "14.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1342 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FRYE R, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1349, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, delete "hire" and insert "retirement".

Page 1, line 13, delete "supplemental" and insert "supplementary".

Page 1, delete lines 15 through 17.

Delete page 2.

(Reference is to HB 1349 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FRYE R, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1352, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-2.5-1-19.5, AS ADDED BY P.L.181-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19.5. "~~Facilitator~~" "**Accommodation facilitator**" means a person who:

- (1) contracts or otherwise enters into an agreement:
  - (A) with a person who rents or furnishes rooms, lodgings, or accommodations for consideration; and
  - (B) to market the rooms, lodgings, or accommodations through the Internet; and
- (2) accepts payment from the consumer for the room, lodging, or accommodation.

The term does not include a licensee (as defined in IC 25-34.1-1-2(6)) under the real estate broker licensing act (IC 25-34.1) or the owner of the room, lodging, or accommodation.

SECTION 2. IC 6-2.5-1-21.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 21.7. "**Marketplace**" means a forum, whether physical or electronic, that a marketplace facilitator uses to connect sellers to purchasers for the purpose of making retail transactions involving a seller's products (including tangible personal property, specified digital products, or enumerated services) by means of any of the following:

- (1) Listing, making available, or advertising products.
- (2) Transmitting or otherwise communicating an offer or acceptance of a retail transaction of products between a seller and a purchaser.
- (3) Providing or offering fulfillment or storage services for a seller.
- (4) Setting prices for a seller's sale of the seller's products.
- (5) Providing or offering customer service to a seller or a seller's customers, or accepting or assisting with taking orders, returns, or exchanges of products sold by a seller.
- (6) Branding sales as those of the marketplace facilitator.

**The term does not include real estate that is leased to sellers for retail sales, such as shopping malls or centers, or sporting event venues.**

SECTION 3. IC 6-2.5-1-21.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 21.9.



**"Marketplace facilitator" means a person, including any affiliate (as determined by the relationship standards in Section 267(b) of the Internal Revenue Code) of the person, who:**

- (1) owns, operates, or otherwise controls a marketplace; and
- (2) facilitates a retail transaction pursuant to IC 6-2.5-4-18.

**The term does not include a person who only leases or makes available for lease, real estate for use by a retail merchant in making retail transactions.**

SECTION 4. IC 6-2.5-2-1, AS AMENDED BY P.L.247-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana.

(b) The person who acquires property in a retail transaction is liable for the tax on the transaction and, except as otherwise provided in this chapter, shall pay the tax to the retail merchant as a separate added amount to the consideration in the transaction. The retail merchant shall collect the tax as agent for the state.

(c) A retail merchant that does not have a physical presence in Indiana shall, as an agent for the state, collect the gross retail tax on a retail transaction made in Indiana, remit the gross retail tax as provided in this article, and comply with all applicable procedures and requirements of this article as if the retail merchant has a physical presence in Indiana, if the retail merchant meets either of the following conditions for the calendar year in which the retail transaction is made or for the calendar year preceding the calendar year in which the retail transaction is made:

- (1) The retail merchant's gross revenue from any combination of:
  - (A) the sale of tangible personal property that is delivered into Indiana;
  - (B) a product transferred electronically into Indiana; or
  - (C) a service delivered in Indiana;
 exceeds one hundred thousand dollars (\$100,000).
- (2) The retail merchant sells any combination of:
  - (A) tangible personal property that is delivered into Indiana;
  - (B) a product transferred electronically into Indiana; or
  - (C) a service delivered in Indiana;
 in two hundred (200) or more separate transactions.

**(d) A marketplace facilitator must include both transactions made on its own behalf and transactions facilitated for sellers under IC 6-2.5-4-18 for purposes of establishing the requirement to collect gross retail or use tax without having a physical presence in Indiana for purposes of subsection (c). In addition, except in instances where the marketplace facilitator has not met the thresholds in subsection (c), the transactions of the seller made through the marketplace are not counted toward the seller for purposes of determining whether the seller has met the thresholds in subsection (c).**

SECTION 5. IC 6-2.5-4-4, AS AMENDED BY P.L.181-2016, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A person is a retail merchant making a retail transaction when the person rents or furnishes rooms, lodgings, or other accommodations, such as booths, display spaces, banquet facilities, and cubicles or spaces used for adult relaxation, massage, modeling, dancing, or other entertainment to another person:

- (1) if those rooms, lodgings, or accommodations are rented or furnished for periods of less than thirty (30) days; and
- (2) if the rooms, lodgings, and accommodations are located in:
  - (A) a hotel, motel, inn, tourist camp, tourist cabin,

gymnasium, hall, coliseum, or other place, where rooms, lodgings, or accommodations are regularly furnished for consideration; or

(B) a house, condominium, or apartment in which rooms, lodgings, or accommodations are rented or furnished for transient residential housing for consideration.

(b) **★ An accommodation** facilitator is a retail merchant making a retail transaction when the **accommodation** facilitator accepts payment from the consumer for a room, lodging, or accommodation rented or furnished in Indiana.

(c) Except as provided in section 4.2 of this chapter, each rental or furnishing by a retail merchant under subsection (a) or (b) is a separate unitary transaction regardless of whether consideration is paid to an independent contractor or directly to the retail merchant.

(d) For purposes of this section, "consideration" includes a membership fee charged to a customer.

(e) Notwithstanding subsection (a), a person is not a retail merchant making a retail transaction if:

- (1) the person is a promoter that rents a booth or display space to an exhibitor; and
- (2) the booth or display space is located in a facility that:
  - (A) is described in subsection (a)(2); and
  - (B) is operated by a political subdivision (including a capital improvement board established under IC 36-10-8 or IC 36-10-9) or the state fair commission.

This subsection does not exempt from the state gross retail tax the renting of accommodations by a political subdivision or the state fair commission to a promoter or an exhibitor.

SECTION 6. IC 6-2.5-4-4.2, AS ADDED BY P.L.181-2016, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.2. (a) A person or **a an accommodation** facilitator who is a retail merchant making a retail transaction described in section 4 of this chapter shall give to the consumer of the room, lodging, or accommodation an itemized statement separately stating all the following:

- (1) The part of the gross retail income that is charged by the person for renting or furnishing the room, lodging, or accommodation.
- (2) Any amount collected by the person renting or furnishing the room, lodging, or accommodation for:
  - (A) the state gross retail or use tax; and
  - (B) any innkeeper's tax due under IC 6-9.
- (3) Any part of the gross retail income that is a fee, commission, or other charge of **a an accommodation** facilitator.

(b) A penalty of twenty-five dollars (\$25) is imposed for each transaction described in subsection (a) in which **a an accommodation** facilitator fails to separately state the information required to be separately stated by subsection (a).

SECTION 7. IC 6-2.5-4-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) **A marketplace facilitator shall be considered the retail merchant of each retail transaction that is facilitated for sellers on its marketplace when it does any of the following on behalf of the seller:**

- (1) Collects the sales price or purchase price of the seller's products.
- (2) Provides access to payment processing services, either directly or indirectly.
- (3) Charges, collects, or otherwise receives selling fees, referral fees, closing fees, fees for making available products as a marketplace facilitator, or other consideration for active facilitation.

**This subsection does not apply to actions by a marketplace facilitator for a retail transaction under IC 6-2.5-4-4.**

**(b) Regardless of whether a transaction under subsection (a) was made by the marketplace facilitator on its own**

behalf or facilitated on behalf of a seller, a marketplace facilitator is required to do the following with each retail transaction made on its marketplace:

- (1) Collect and remit the gross retail tax, even if a seller for whom a transaction was facilitated:
  - (A) does not have a registered retail merchant certificate; or
  - (B) would not have been required to collect gross retail tax had the transaction not been facilitated by the marketplace facilitator.
- (2) Comply with all applicable procedures and requirements imposed under this article as the retail merchant in such transaction.

SECTION 8. IC 6-2.5-6-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13.5. Any purchaser of tangible personal property or services who has overpaid gross retail or use tax to a marketplace facilitator:

- (1) may file a claim for refund with the department; and
- (2) shall not have a cause of action against the marketplace facilitator for the recovery of the overpayment.

A purchaser wishing to file a claim for refund under subdivision (1) must file the claim on the form, in the manner, and with the supporting documentation prescribed by the department. If a purchaser properly files a valid claim for refund, the department shall refund to the purchaser the amount of the overpayment of gross retail or use tax with respect to the transaction.

SECTION 9. IC 6-2.5-9-3, AS AMENDED BY P.L.158-2013, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. **Except as provided in section 3.3 of this chapter**, an individual who:

- (1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and
- (2) has a duty to remit state gross retail or use taxes (as described in IC 6-2.5-3-2) to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state. If the individual knowingly fails to collect or remit those taxes to the state, the individual commits a Level 6 felony.

SECTION 10. IC 6-2.5-9-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.3. (a) **This section applies for calendar years beginning after December 31, 2018, and before January 1, 2025.**

(b) Subject to subsection (c), for any sale for which the marketplace facilitator is considered a retail merchant making a retail transaction, the marketplace facilitator is not liable for failure to collect or remit state gross retail tax on the retail transaction if the marketplace facilitator demonstrates to the satisfaction of the department that:

- (1) the sale was made through the marketplace facilitator's marketplace;
- (2) the marketplace facilitator and the marketplace seller are not affiliated persons;
- (3) the marketplace facilitator's failure to collect state gross retail tax on the retail transaction was not due to an error in sourcing the sale; and
- (4) the sale facilitated by the marketplace facilitator occurred before January 1, 2025, regardless of when the purchased items are delivered to the purchaser.

(c) For any calendar year to which this section applies, the total amount of a marketplace facilitator's relief from liability under subsection (b) may not exceed the following:

- (1) For 2019, ten percent (10%) of the state gross retail tax that is imposed under this article without regard to

this section on the aggregate gross retail income received by the marketplace facilitator for all retail transactions that:

- (A) are facilitated by the marketplace facilitator during the calendar year; and
- (B) are properly sourced to Indiana.
- (2) For 2020 through 2023, five percent (5%) of the state gross retail tax that is imposed under this article without regard to this section on the aggregate gross retail income received by the marketplace facilitator for all retail transactions that:
  - (A) are facilitated by the marketplace facilitator during the calendar year; and
  - (B) are properly sourced to Indiana.
- (3) For 2024, three percent (3%) of the state gross retail tax that is imposed under this article without regard to this section on the aggregate gross retail income received by the marketplace facilitator for all retail transactions that:
  - (A) are facilitated by the marketplace facilitator during the calendar year; and
  - (B) are properly sourced to Indiana.

(d) A marketplace seller is relieved of liability for collecting and remitting state gross retail tax under this article for a retail transaction if, and to the same extent, that the marketplace facilitator is relieved of liability for collecting and remitting state gross retail tax on the retail transaction.

(e) This section expires January 1, 2026.

SECTION 11. IC 6-8.1-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) A class action for the refund of a tax subject to this chapter may not be maintained in any court, including the Indiana tax court, on behalf of any person who has not complied with the requirements of section 1(a) of this chapter before the certification of the class. A refund of taxes to a member of a class in a class action is subject to the time limits set forth in section 1(a) of this chapter based on the time the class member filed the required claim for refund with the department.

(b) **A class action may not be brought against a marketplace facilitator on behalf of purchasers arising from or in any way related to an overpayment of gross retail tax or use tax collected by the marketplace facilitator, regardless of whether such action is characterized as a tax refund claim. However, nothing in this subsection affects a purchaser's right to seek a refund under this chapter.**

SECTION 12. [EFFECTIVE JULY 1, 2019] **The requirements for a marketplace facilitator under this act shall not be applied retroactively.**

(Reference is to HB 1352 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

Representative Huston, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1365, 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 1365 as introduced.)

Committee Vote: Yeas 10, Nays 2.

SULLIVAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1444, has had the same under

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

Page 2, delete lines 27 through 29, begin a new line block indented and insert:

**"(3) in the case of retail sales of consumable materials or vapor products, such as electronic cigarettes, the gross retail income received from selling at retail is the total sales price of the vapor product or consumable materials, including the tax imposed under IC 6-7-5."**

Page 2, delete lines 37 through 42, begin a new paragraph and insert:

**"SECTION 2. IC 6-7-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:**

**Chapter 5. Electronic Cigarette Tax**

**Sec. 1. As used in this chapter, "consumable material" means any liquid nicotine solution or other material containing nicotine that is depleted as a vapor product is used. The term includes the liquid nicotine in a solution or other form contained in any cartridge or container that is intended to be used with or in a vapor product, including a cartridge contained within a vapor product sold for a single price, but does not include any product regulated by the United States Food and Drug Administration under Chapter V of the federal Food, Drug, and Cosmetic Act.**

**Sec. 2. As used in this chapter, "distributor" means a person that:**

- (1) manufactures, sells, barter, exchanges, or distributes vapor products, consumable materials, or both;
- (2) purchases vapor products, consumable materials, or both directly from a manufacturer of vapor products, consumable materials, or both; or
- (3) purchases for resale vapor products, consumable materials, or both from a wholesaler, jobber, or distributor outside Indiana.

**Sec. 3. As used in this chapter, "manufacturer" means a person within or outside Indiana that:**

- (1) produces vapor products, consumable materials, or both; or
- (2) contracts with another person to produce vapor products, consumable materials, or both, and is the exclusive purchaser of the products under the contract.

**The term includes a retail dealer that produces or mixes consumable materials at its retail location.**

**Sec. 4. As used in this chapter, "retail dealer" means a person engaged in the business of selling vapor products, consumable materials, or both to ultimate consumers.**

**Sec. 5. As used in this chapter, "vapor product" means a device, such as an electronic cigarette, that employs a mechanical heating element, battery, or electronic circuit, regardless of shape or size, that can be used to produce vapor from a consumable material.**

**Sec. 6. (a) The electronic cigarette tax is imposed on the distribution of consumable material in Indiana at the rate of four cents (\$0.04) per fluid milliliter of consumable material. If the tax calculated for a fractional part of a milliliter 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 is rounded to the next additional cent.**

**(b) Except as provided in subsection (c), the distributor of the consumable materials, including a person that sells consumable materials through an Internet web site, is liable for the tax imposed under subsection (a). After June 30, 2019, the tax is imposed at the time the distributor:**

- (1) brings or causes consumable materials to be brought into Indiana for distribution or sale;
- (2) manufactures consumable materials in Indiana for distribution;
- (3) transports consumable materials to retail dealers in

**Indiana for resale by those retail dealers; or**

**(4) first possesses the consumable materials in Indiana in a distributor to distributor transaction.**

**(c) A consumer who purchases consumable materials, including consumable materials purchased through an Internet web site, upon which:**

- (1) the tax imposed under subsection (a) has never been paid; and
- (2) the consumer has not paid the tax;

**is liable for the tax and shall remit the tax to the department on a form prescribed by the department.**

**Sec. 7. Before the fifteenth day of each month, a distributor liable for the tax imposed under this chapter shall:**

**(1) file a return with the department that includes all information required by the department, including the:**

- (A) name of the distributor;
- (B) address of the distributor;
- (C) invoice date;
- (D) invoice number; and
- (E) name and address of the person from whom consumable materials were purchased or the name and address of the person to whom consumable materials were sold; and

**(2) pay the tax for which the distributor is liable under this chapter for the preceding month.**

**All returns required to be filed and taxes required to be paid under this chapter must be made in an electronic format prescribed by the department.**

**Sec. 8. (a) Every distributor, wholesaler, retail dealer, jobber, and subjobber shall keep and preserve for three (3) years records and invoices showing the purchase and sale of all consumable materials.**

**(b) All invoices for consumable materials must state the actual amount of consumable material in milliliters.**

**(c) Records and invoices for consumable materials must be open to inspection by the department at all reasonable times.**

**Sec. 9. (a) A distributor, including a person that sells consumable materials, vapor products, or both through an Internet web site, must obtain a license from the department before distributing consumable materials in Indiana.**

**(b) A retail dealer that is a manufacturer of consumable materials doing business in Indiana must first obtain a license from the department before selling consumable materials in Indiana.**

**(c) If a retailer dealer is also a distributor, only one (1) license is required.**

**Sec. 10. (a) The department shall issue licenses under this chapter to applicants that qualify under this section.**

**(b) A license issued under this section:**

- (1) is valid for one (1) year, unless revoked or suspended by the department; and
- (2) is not transferable.

**(c) An applicant for a license under this section must submit proof to the department of the appointment of an agent of service of process in Indiana if the applicant is:**

- (1) an individual whose principal place of residence is outside Indiana; or
- (2) a person, other than an individual, that has its principal place of business outside Indiana.

**(d) To obtain or renew a license under this section, a person must:**

- (1) submit, for each location where the person intends to distribute or sell consumable materials, an application upon a form prescribed by the department that includes all information required by the department;
- (2) pay a fee of twenty-five dollars (\$25) at the time of the application; and

(3) in the case of a person who is a distributor at the time of the application, post a bond issued by a surety company approved by the department in an amount not less than one thousand dollars (\$1,000) that is conditioned on the applicant's compliance with this chapter.

(e) The department shall investigate each applicant for a license under this section. A license may not be issued if the department determines that any one (1) of the following exists:

- (1) The application is not filed in good faith.
- (2) The applicant is not the real party in interest.
- (3) The license of the real party in interest has been revoked for cause.
- (4) Other reasonable cause for nonissuance exists.

(f) If business is transacted at two (2) or more places by one (1) distributor or retail dealer, a separate license must be obtained for each place of business.

(g) Each license issued under this section must:

- (1) be numbered;
- (2) show the name and address of the distributor or retail dealer; and
- (3) be posted in a conspicuous place at the place of business for which the license is used.

(h) If the department determines that a bond provided by a licensee under subsection (d)(3) is inadequate, the department may require a new bond in the amount necessary to fully protect the state.

(i) If a distributor or retail dealer changes its place of business:

- (1) the distributor or retail dealer shall return its license to the department; and
- (2) the department shall issue a new license for the new place of business free of charge.

Sec. 11. A license issued under this chapter may be surrendered to the department at any time before its expiration, and the department shall refund an amount of money that bears the same proportion to the fee originally paid for the license as the unexpired period of the license bears to one (1) year. However, no refund may be allowed if the license is suspended or revoked.

Sec. 12. The department:

- (1) may revoke or suspend a license issued under this chapter:
  - (A) for any violation of this chapter by the licensee; or
  - (B) if the licensee has an outstanding listed tax liability; and
- (2) may not issue a license under this chapter to an applicant less than six (6) months after the revocation of that applicant's license.

Sec. 13. The department shall credit or refund to a distributor the tax paid under this chapter on consumable materials that are:

- (1) shipped outside Indiana;
- (2) returned to the manufacturer; or
- (3) destroyed by the distributor in the presence of an employee or agent of the department.

Sec. 14. A manufacturer, importer, broker, or shipper must register with the department before selling or otherwise distributing consumable materials to distributors in Indiana.

Sec. 15. A manufacturer, importer, broker, or shipper of consumable materials that sells or otherwise distributes consumable materials to distributors in Indiana shall, before the fifteenth day of each month, submit a report to the department of:

- (1) all of its sales or other distributions to distributors in the preceding month; and
- (2) any other information that the department may require to be reported that the department considers

reasonably necessary.

The report submitted under this section must be in an electronic format prescribed by the department.

Sec. 16. A person who knowingly or intentionally distributes or sells consumable materials without a license issued under this chapter commits a Class B misdemeanor.

Sec. 17. A person who knowingly or intentionally does not comply with section 14 or 15 of this chapter commits a Class B misdemeanor.

Sec. 18. A person who knowingly or intentionally does not comply with:

- (1) section 8 of this chapter; or
- (2) IC 6-8.1-5-4;

commits a Class B misdemeanor.

Sec. 19. A distributor or retail dealer who knowingly:

- (1) acts as a distributor or retail dealer without a license;
- (2) makes a false statement in a report under this chapter; or
- (3) in the case of distributor, does not pay the tax for which the distributor is liable under this chapter;

commits a Class B misdemeanor.

Sec. 20. A retail dealer who knowingly purchases consumable materials from a distributor who has not obtained a license required under section 9 of this chapter, or a distributor whose license has been suspended or revoked by the department, is subject to a civil penalty of an amount that does not exceed the greater of:

- (1) five hundred percent (500%) of the retail value of the consumable materials; or
- (2) five thousand dollars (\$5,000);

for each purchase.

Sec. 21. All revenue from the tax imposed by this chapter must be deposited in the state general fund.

Sec. 22. The department may adopt rules under IC 4-22-2 necessary to enforce this chapter."

Delete page 3.

Page 4, delete lines 1 through 4.

Page 4, line 26, delete "the e-liquids tax" and insert "the electronic cigarette tax (IC 6-7-5)";

Page 4, line 27, delete "(IC 6-7-5)";

Page 4, after line 36, begin a new paragraph and insert:

"SECTION 4. IC 35-52-6-56.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 56.1. IC 6-7-5-16 defines a crime concerning the electronic cigarette tax.**

SECTION 5. IC 35-52-6-56.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 56.2. IC 6-7-5-17 defines a crime concerning the electronic cigarette tax.**

SECTION 6. IC 35-52-6-56.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 56.3. IC 6-7-5-18 defines a crime concerning the electronic cigarette tax.**

SECTION 7. IC 35-52-6-56.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 56.4. IC 6-7-5-19 defines a crime concerning the electronic cigarette tax."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1444 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 1.

HUSTON, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1506, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 2 through 3 with "[EFFECTIVE JANUARY 1, 2020]".

Replace the effective dates in SECTIONS 5 through 6 with "[EFFECTIVE JANUARY 1, 2020]".

Replace the effective date in SECTION 8 with "[EFFECTIVE JANUARY 1, 2020]".

Replace the effective dates in SECTIONS 10 through 27 with "[EFFECTIVE JANUARY 1, 2020]".

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

"SECTION 1. IC 6-3.5-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: **Sec. 0.5. (a) This section applies to an ordinance adopted under this chapter and in effect on January 1, 2020.**

**(b) An adopting entity is not required to amend an ordinance subject to this section as a result of amendments to this chapter concerning vehicle type or weight class for purposes of determining vehicles that are subject to the surtax.**

**(c) The bureau of motor vehicles shall apply an ordinance subject to this section as if the ordinance is in compliance with this chapter concerning vehicle type or weight class for purposes of determining vehicles that are subject to the surtax.**

**(d) The bureau of motor vehicles is not liable to an adopting entity or any taxpayer for actions taken under this section.**

SECTION 2. IC 6-3.5-4-2, AS AMENDED BY P.L.256-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) An adopting entity of any county may, subject to the limitation imposed by subsection ~~(f)~~; **(e)**, adopt an ordinance to impose a county vehicle excise tax in accordance with this chapter on each vehicle ~~listed in subsection (e)~~ **that is subject to the vehicle excise tax under IC 6-6-5** and that is registered in the county.

(b) If a county does not use a transportation asset management plan approved by the Indiana department of transportation, the adopting entity of the county may impose the surtax either:

(1) at a rate of not less than two percent (2%) nor more than ten percent (10%); or

(2) at a specific amount of at least seven dollars and fifty cents (\$7.50) and not more than twenty-five dollars (\$25).

However, the surtax on a vehicle may not be less than seven dollars and fifty cents (\$7.50). The adopting entity shall state the surtax rate or amount in the ordinance which imposes the tax.

(c) If a county uses a transportation asset management plan approved by the Indiana department of transportation, the adopting entity of the county may impose the surtax either:

(1) at a rate of at least two percent (2%) and not more than twenty percent (20%); or

(2) at a specific amount of at least seven dollars and fifty cents (\$7.50) and not more than fifty dollars (\$50).

However, the surtax on a vehicle may not be less than seven dollars and fifty cents (\$7.50). The adopting entity shall state the surtax rate or amount in the ordinance that imposes the tax.

(d) Subject to the limits and requirements of this section, the adopting entity may do any of the following:

(1) Impose the county vehicle excise tax at the same rate or amount on each vehicle that is subject to the tax.

(2) Impose the county vehicle excise tax on vehicles subject to the tax at one (1) or more different rates based

on the class of vehicle listed in ~~subsection (e)~~: **IC 6-6-5-2(a).**

~~(e)~~ **The county vehicle excise tax applies to the following vehicles:**

~~(1) Passenger vehicles;~~

~~(2) Motorcycles;~~

~~(3) Trucks with a declared gross weight that does not exceed eleven thousand (11,000) pounds;~~

~~(4) Motor driven cycles;~~

~~(f)~~ **(e)** The adopting entity may not adopt an ordinance to impose the surtax unless it concurrently adopts an ordinance under IC 6-3.5-5 to impose the wheel tax.

~~(g)~~ **(f)** Notwithstanding any other provision of this chapter or IC 6-3.5-5, ordinances adopted by a county council before June 1, 2013, to impose or change the county vehicle excise tax and the annual wheel tax in the county remain in effect until the ordinances are amended or repealed under this chapter or IC 6-3.5-5.

~~(h)~~ **(g)** Subject to subsection **(h)**, a county vehicle excise tax imposed by this chapter for a vehicle is due and shall be paid each year at the time the vehicle is registered.

**(h) If the county vehicle excise tax imposed by this chapter was not paid for one (1) or more preceding years, the bureau may collect only the county vehicle excise tax imposed by this chapter for the:**

**(1) registration year immediately preceding the current registration year;**

**(2) current registration year; and**

**(3) registration year immediately following the current registration year.**

SECTION 3. IC 6-3.5-4-3, AS AMENDED BY P.L.218-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. If an adopting entity adopts an ordinance imposing the surtax after December 31 but before September 1 of the following year, a **motor** vehicle is subject to the tax if it is registered in the county after December 31 of the year in which the ordinance is adopted. If an adopting entity adopts an ordinance imposing the surtax after August 31 but before the following January 1, a **motor** vehicle is subject to the tax if it is registered in the county after December 31 of the year following the year in which the ordinance is adopted. However, in the first year the surtax is effective, the surtax does not apply to the registration of a **motor** vehicle for the registration year that commenced in the calendar year preceding the year the surtax is first effective.

SECTION 4. IC 6-3.5-4-4, AS AMENDED BY P.L.218-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 4. (a) After January 1 but before September 1 of any year, the adopting entity may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the surtax. If the adopting entity adopts such an ordinance, the surtax does not apply to a **motor** vehicle registered after December 31 of the year the ordinance is adopted.

(b) The adopting entity may not adopt an ordinance to rescind the surtax unless it concurrently adopts an ordinance under IC 6-3.5-5 to rescind the wheel tax. In addition, the adopting entity may not adopt an ordinance to rescind the surtax if:

(1) any portion of a loan obtained by the county under IC 8-14-8 is unpaid; or

(2) any bonds issued by the county under IC 8-14-9 are outstanding.

SECTION 5. IC 6-3.5-4-5, AS AMENDED BY P.L.218-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. (a) The adopting entity may, subject to the limitations imposed by subsection (b), adopt an ordinance to increase or decrease the surtax rate or amount. The new surtax rate or amount must be within the range of rates or amounts prescribed by section 2 of

this chapter. A new rate or amount that is established by an ordinance that is adopted after December 31 but on or before September 1 of the following year applies to ~~motor~~ vehicles registered after December 31 of the year in which the ordinance to change the rate or amount is adopted. A new rate or amount that is established by an ordinance that is adopted after September 1 but before January 1 of the following year applies to ~~motor~~ vehicles registered after December 31 of the year following the year in which the ordinance is adopted.

(b) The adopting entity may not adopt an ordinance to decrease the surtax rate or amount under this section if:

- (1) any portion of a loan obtained by the county under IC 8-14-8 is unpaid; or
- (2) any bonds issued by the county under IC 8-14-9 are outstanding."

Page 2, delete lines 1 through 37.

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 7. IC 6-3.5-4-7.3, AS AMENDED BY P.L.147-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 7.3. (a) The amount of surtax imposed by rate under this chapter shall be based upon the classification and age of a vehicle as determined by the bureau of motor vehicles under IC 6-6-5, in accordance with ~~subsection (b) or~~ the schedule set out in subsection ~~(b)~~: (c).

**(b) The amount to be used in section 7 of this chapter, for a vehicle described in IC 6-6-5-3.5, is the amount assessed under IC 6-6-5-3.5.**

**(c) The schedule to be used in determining the amount to be used in section 7 of this chapter for a vehicle that is not described in IC 6-6-5-3.5 is as follows:**

Age	I	II	III	IV	V
0	\$12	\$36	\$60	\$96	\$132
1	12	30	51	84	114
2	12	27	42	72	96
3	12	24	33	60	78
4	12	18	24	48	66
5	12	12	18	36	54
6	12	12	12	24	42
7	12	12	12	18	24
8	12	12	12	12	12
9	12	12	12	12	12
and thereafter					
Age	VI	VII	VIII	IX	X
0	\$168	\$206	\$246	\$300	\$344
1	147	184	220	268	298
2	126	154	186	230	260
3	104	127	156	196	224
4	82	101	128	164	191
5	63	74	98	130	157
6	49	60	75	104	129
7	30	40	54	80	106
8	18	21	34	40	50
9	12	12	12	12	12
and thereafter					
Age	XI	XII	XIII	XIV	XV
0	\$413	\$500	\$600	\$700	\$812
1	358	434	520	607	705
2	312	378	450	529	614
3	269	326	367	456	513
4	229	278	300	389	420
5	188	228	242	319	338
6	155	188	192	263	268
7	127	129	129	181	181
8	62	62	62	87	87
9	21	26	30	36	42
and thereafter					

Age	XVI	XVII
0	\$938	\$1,063
1	814	922
2	709	795
3	611	693
4	521	591
5	428	483
6	353	383
7	258	258
8	125	125
9	49	55

and thereafter

SECTION 8. IC 6-3.5-4-7.4, AS AMENDED BY P.L.3-2008, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 7.4. (a) If a vehicle has been acquired or brought into Indiana, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required under the motor vehicle registration laws of Indiana to register vehicles, the amount of surtax computed under section 7.3 of this chapter shall be reduced in the same manner as the excise tax is reduced under IC 6-6-5-7.2.

(b) The owner of a vehicle who sells **or otherwise disposes of** the vehicle in a year in which the owner has paid the surtax imposed by this chapter is entitled to receive a credit that is calculated in the same manner and subject to the same requirements as the credit for the excise tax under IC 6-6-5-7.2.

(c) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the surtax liability of the owner shall be adjusted in the same manner as excise taxes are adjusted under IC 6-6-5-7.2.

**(d) The owner of a vehicle who moves out of state in a year in which the owner has paid the surtax imposed by this chapter is entitled to receive a refund that is calculated in the same manner and subject to the same requirements as the credit for the excise tax under IC 6-6-5-7.4.**

SECTION 9. IC 6-3.5-5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 0.5. (a) **This section applies to an ordinance adopted under this chapter and in effect on January 1, 2020.**

(b) An adopting entity is not required to amend an ordinance subject to this section as a result of amendments to this chapter concerning vehicle type or weight class for purposes of determining vehicles that are subject to the wheel tax.

(c) The bureau of motor vehicles shall apply an ordinance subject to this section as if the ordinance is in compliance with this chapter concerning vehicle type or weight class for purposes of determining vehicles that are subject to the wheel tax.

(d) The bureau of motor vehicles is not liable to an adopting entity or any taxpayer for actions taken under this section.

SECTION 10. IC 6-3.5-5-2, AS AMENDED BY P.L.256-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) The adopting entity of any county may, subject to the limitation imposed by subsection (b), adopt an ordinance to impose a county wheel tax in accordance with this chapter on each vehicle that:

- (1) is included in one (1) of the classes of vehicles listed in section 3 of this chapter;
- (2) is not exempt from the wheel tax under section 4 of this chapter; and
- (3) is registered in the county.

(b) The adopting entity of a county may not adopt an ordinance to impose the wheel tax unless it concurrently adopts an ordinance under IC 6-3.5-4 to impose the county vehicle

excise tax.

(c) The adopting entity may impose the wheel tax at a different rate for each of the classes of vehicles listed in section 3 of this chapter. In addition, the adopting entity may establish different rates within the classes of buses, semitrailers, trailers, tractors, and trucks based on weight classifications of those vehicles that are established by the bureau of motor vehicles for use throughout Indiana. However, the wheel tax rate for a particular class or weight classification of vehicles:

- (1) may not be less than five dollars (\$5) and may not exceed forty dollars (\$40), if the county does not use a transportation asset management plan approved by the Indiana department of transportation; or
- (2) may not be less than five dollars (\$5) and may not exceed eighty dollars (\$80), if the county uses a transportation asset management plan approved by the Indiana department of transportation.

The adopting entity shall state the initial wheel tax rates in the ordinance that imposes the tax.

(d) **Subject to subsection (e)**, a wheel tax imposed by this chapter for a vehicle is due and shall be paid each year at the time the vehicle is registered.

**(e) If the county wheel tax imposed by this chapter was not paid for one (1) or more preceding years, the bureau may collect only the county wheel tax imposed by this chapter for the:**

- (1) registration year immediately preceding the current registration year;
- (2) current registration year; and
- (3) registration year immediately following the current registration year.

SECTION 11. IC 6-3.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. The wheel tax applies to the following classes of vehicles:

- (1) buses;
- (2) recreational vehicles;
- (3) semitrailers;
- ~~(4) tractors;~~
- ~~(5) (4) trailers with a declared gross weight of at least nine thousand (9,000) pounds; and~~
- ~~(6) (5) trucks and tractors with a declared gross weight of at least eleven thousand (11,000) pounds."~~

Page 3, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 13. IC 6-3.5-10-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 0.5. (a) **This section applies to an ordinance adopted under this chapter and in effect on January 1, 2020.**

**(b) An adopting municipality is not required to amend an ordinance subject to this section as a result of amendments to this chapter concerning vehicle type or weight class for purposes of determining vehicles that are subject to the surtax.**

**(c) The bureau of motor vehicles shall apply an ordinance subject to this section as if the ordinance is in compliance with this chapter concerning vehicle type or weight class for purposes of determining vehicles that are subject to the surtax.**

**(d) The bureau of motor vehicles is not liable to an adopting municipality or any taxpayer for actions taken under this section.**

SECTION 14. IC 6-3.5-10-2, AS AMENDED BY P.L.256-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) The fiscal body of an eligible municipality may, subject to subsections ~~(d) and (e)~~, **(c) and (d)**, adopt an ordinance to impose a municipal vehicle excise tax on each vehicle ~~listed in subsection (e)~~ **that is subject to the vehicle excise tax under IC 6-6-5 and** that is registered in the eligible municipality. The

eligible municipality may impose the surtax at a specific amount of:

- (1) at least seven dollars and fifty cents (\$7.50); and
- (2) not more than twenty-five dollars (\$25).

The eligible municipality shall state the surtax rate or amount in the ordinance that imposes the tax.

(b) Subject to the limits and requirements of this section, the fiscal body of an eligible municipality may do any of the following:

- (1) Impose the municipal vehicle excise tax at the same amount on each vehicle that is subject to the tax.
- (2) Impose the municipal vehicle excise tax on vehicles subject to the tax at one (1) or more different amounts based on the class of vehicle listed in ~~subsection (e)~~: **IC 6-6-5-2(a).**

~~(c) The municipal vehicle excise tax applies to the following vehicles:~~

- ~~(1) Passenger vehicles;~~
- ~~(2) Motorcycles;~~
- ~~(3) Trucks with a declared gross weight that does not exceed eleven thousand (11,000) pounds;~~
- ~~(4) Motor driven cycles;~~

~~(d) (c)~~ The fiscal body of an eligible municipality may not adopt an ordinance to impose the surtax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-11 to impose the municipal wheel tax.

~~(e) (d)~~ The fiscal body of an eligible municipality may not adopt an ordinance to impose the surtax unless the eligible municipality uses a transportation asset management plan approved by the Indiana department of transportation.

~~(f) (e)~~ **Subject to subsection (f)**, a municipal vehicle excise tax imposed by this chapter for a vehicle is due and shall be paid each year at the time the vehicle is registered.

**(f) If the municipal vehicle excise tax imposed by this chapter was not paid for one (1) or more preceding registration years, the bureau may collect only the municipal vehicle excise tax imposed by this chapter for the:**

- (1) registration year immediately preceding the current registration year;
- (2) current registration year; and
- (3) registration year immediately following the current registration year.

SECTION 15. IC 6-3.5-10-3, AS AMENDED BY P.L.218-2017, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. If the fiscal body of an eligible municipality adopts an ordinance imposing the surtax after December 31 but on or before September 1 of the following year, a ~~motor~~ vehicle is subject to the tax if the ~~motor~~ vehicle is registered in the adopting municipality after December 31 of the year in which the ordinance is adopted. If the fiscal body of an eligible municipality adopts an ordinance imposing the surtax after September 1 but before the following January 1, a ~~motor~~ vehicle is subject to the tax if the ~~motor~~ vehicle is registered in the adopting municipality after December 31 of the year following the year in which the ordinance is adopted. However, in the first year the surtax is effective, the surtax does not apply to the registration of a ~~motor~~ vehicle for the registration year that commenced in the calendar year preceding the year the surtax is first effective.

SECTION 16. IC 6-3.5-10-4, AS AMENDED BY P.L.218-2017, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 4. (a) After January 1 but before September 1 of any year, the fiscal body of an adopting municipality may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the surtax. If a fiscal body adopts an ordinance to rescind the surtax, the surtax does not apply to a ~~motor~~ vehicle registered after December 31 of the year in which the ordinance is adopted.

(b) A fiscal body may not adopt an ordinance to rescind the



surtax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-11 to rescind the municipal wheel tax."

Page 4, delete lines 1 through 16.

Page 4, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 18. IC 6-3.5-10-8, AS ADDED BY P.L.146-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 8. (a) If a vehicle has been acquired or brought into Indiana, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required under the motor vehicle registration laws of Indiana to register vehicles, the amount of the surtax shall be reduced in the same manner as the excise tax is reduced under IC 6-6-5-7.2.

(b) The owner of a vehicle who sells or otherwise disposes of the vehicle in a year in which the owner has paid the surtax imposed by this chapter is entitled to receive a credit that is calculated in the same manner and subject to the same requirements as the credit for the excise tax under IC 6-6-5-7.2.

(c) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the surtax liability of the owner shall be adjusted in the same manner as excise taxes are adjusted under IC 6-6-5-7.2.

**(d) The owner of a vehicle who moves out of state in a year in which the owner has paid the surtax imposed by this chapter is entitled to receive a refund that is calculated in the same manner and subject to the same requirements as the credit for the excise tax under IC 6-6-5-7.4.**

SECTION 19. IC 6-3.5-11-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 0.5. (a) **This section applies to an ordinance adopted under this chapter and in effect on January 1, 2020.**

**(b) An adopting municipality is not required to amend an ordinance subject to this section as a result of amendments to this chapter concerning vehicle type or weight class for purposes of determining vehicles that are subject to the wheel tax.**

**(c) The bureau of motor vehicles shall apply an ordinance subject to this section as if the ordinance is in compliance with this chapter concerning vehicle type or weight class for purposes of determining vehicles that are subject to the wheel tax.**

**(d) The bureau of motor vehicles is not liable to an adopting municipality or any taxpayer for actions taken under this section.**

SECTION 20. IC 6-3.5-11-2, AS AMENDED BY P.L.256-2017, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) The fiscal body of an eligible municipality may, subject to subsections (b) and (c), adopt an ordinance to impose a municipal wheel tax in accordance with this chapter on each vehicle that:

- (1) is included in one (1) of the classes of vehicles listed in section 3 of this chapter;
- (2) is not exempt from the wheel tax under section 4 of this chapter; and
- (3) is registered in the eligible municipality.

(b) The fiscal body of an eligible municipality may not adopt an ordinance to impose the wheel tax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-10 to impose the municipal vehicle excise tax.

(c) The fiscal body of an eligible municipality may not adopt an ordinance to impose the wheel tax unless the eligible municipality uses a transportation asset management plan approved by the Indiana department of transportation.

(d) The fiscal body of an eligible municipality may impose the wheel tax at a different rate for each of the classes of

vehicles listed in section 3 of this chapter. In addition, the fiscal body may establish different rates within the classes of buses, recreational vehicles, semitrailers, trailers, tractors, and trucks based on weight classifications of those vehicles that are established by the bureau of motor vehicles for use throughout Indiana. However, the wheel tax rate for a particular class or weight classification of vehicles may not be less than five dollars (\$5) and may not exceed forty dollars (\$40). The fiscal body shall state the initial wheel tax rates in the ordinance that imposes the tax.

(e) **Subject to subsection (f)**, a wheel tax imposed by this chapter for a vehicle is due and shall be paid each year at the time the vehicle is registered.

**(f) If the municipal wheel tax imposed by this chapter was not paid for one (1) or more preceding registration years, the bureau may collect only the municipal wheel tax imposed by this chapter for the:**

- (1) registration year immediately preceding the current registration year;**
- (2) current registration year; and**
- (3) registration year immediately following the current registration year.**

SECTION 21. IC 6-3.5-11-3, AS ADDED BY P.L.146-2016, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. The wheel tax applies to the following classes of vehicles:

- (1) Buses.
- (2) Recreational vehicles.
- (3) Semitrailers.
- ~~(4) Tractors.~~
- ~~(5) (4) Trailers with a declared gross weight of at least nine thousand (9,000) pounds.~~**
- ~~(6) (5) Trucks and tractors with a declared gross weight of at least eleven thousand (11,000) pounds."~~**

Page 4, delete line 42.

Page 5, delete lines 1 through 23, begin a new paragraph and insert:

"SECTION 23. IC 6-6-5-2, AS AMENDED BY P.L.256-2017, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) The vehicle excise tax is imposed on the following vehicles in accordance with this chapter:

- (1) Passenger motor vehicles.
- (2) Motorcycles.
- (3) Motor driven cycles.
- (4) Collector vehicles.
- (5) Trailer vehicles with a declared gross weight of nine thousand (9,000) pounds or less.
- (6) Trucks with a declared gross weight of eleven thousand (11,000) pounds or less.
- (7) Mini-trucks.
- (8) Military vehicles.

(b) The vehicle excise tax is imposed on a vehicle:

- (1) instead of the ad valorem property tax levied for state or local purposes; and
- (2) in addition to any registration fees imposed under IC 9-18.1 on the vehicle.

(c) The vehicle excise tax imposed by this chapter is a listed tax and subject to the provisions of IC 6-8.1.

(d) **Subject to subsection (e)**, the vehicle excise tax imposed by this chapter for a vehicle is due and shall be paid each year at the time the vehicle is registered.

**(e) If the vehicle excise tax imposed by this chapter was not paid for one (1) or more preceding registration years, the bureau may collect only the vehicle excise tax imposed by this chapter for the:**

- (1) registration year immediately preceding the current registration year;**
- (2) current registration year; and**
- (3) registration year immediately following the current**



**registration year."**

Page 5, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 25. IC 6-6-5.1-10, AS AMENDED BY P.L.256-2017, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 10. (a) An excise tax is imposed on the following in accordance with this chapter:

- (1) Recreational vehicles.
- (2) Truck campers.

## (b) The excise tax is imposed:

- (1) instead of the ad valorem property tax levied for state or local purposes; and
- (2) in addition to any registration fees imposed on recreational vehicles.

(c) The excise tax imposed by this chapter is a listed tax and subject to IC 6-8.1.

(d) **Subject to subsection (e)**, the excise tax imposed by this chapter is due and shall be paid:

- (1) for recreational vehicles, at the time the recreational vehicle is registered; and
- (2) for truck campers, on or before the owner's annual registration date for vehicles determined by the bureau on the schedule established under IC 9-18.1-11-1.

**(e) If the excise tax imposed by this chapter was not paid for one (1) or more preceding registration years, the bureau may collect only the excise tax imposed by this chapter for the:**

- (1) registration year immediately preceding the current registration year;
- (2) current registration year; and
- (3) registration year immediately following the current registration year.

(f) A truck camper subject to taxation under this chapter is taxable in the county of the owner's residence.

SECTION 26. IC 6-6-5.5-3, AS AMENDED BY P.L.256-2017, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. (a) The commercial vehicle excise tax is imposed on the following vehicles in accordance with this chapter:

- (1) Trucks or tractors with a declared gross weight of more than eleven thousand (11,000) pounds.
- (2) Trailers with a declared gross weight of more than nine thousand (9,000) pounds.
- (3) Semitrailers.

(b) The commercial vehicle excise tax is imposed on a vehicle described in subsection (a):

- (1) instead of the ad valorem property tax levied for state or local purposes; and
- (2) in addition to any registration fees imposed under IC 9-18.1 on the vehicle.

(c) Owners of commercial vehicles paying an apportioned registration to the state under the International Registration Plan shall pay an apportioned excise tax calculated by dividing in-state actual miles by total fleet miles generated during the preceding year. If in-state miles are estimated for purposes of proportional registration, these miles are divided by total actual and estimated fleet miles.

(d) **Subject to subsection (e)**, the commercial vehicle excise tax imposed by this chapter is a listed tax and subject to the provisions of IC 6-8.1.

**(e) If the commercial vehicle excise tax imposed by this chapter was not paid for one (1) or more preceding registration years, the bureau may collect only the commercial vehicle excise tax imposed by this chapter for the:**

- (1) registration year immediately preceding the current registration year;
- (2) current registration year; and
- (3) registration year immediately following the current

**registration year.**

(f) The commercial vehicle excise tax imposed by this chapter is due and shall be paid each year at the time the vehicle is registered.

SECTION 27. IC 6-6-11-13, AS AMENDED BY P.L.256-2017, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 13. (a) A boat owner shall pay:

- (1) the boat excise tax;
- (2) the department of natural resources fee imposed by section 12(a) of this chapter;
- (3) the lake and river enhancement fee imposed by section 12(b) of this chapter; and
- (4) if:

(A) the motorboat is legally registered in another state; and

(B) the boat owner pays:

- (i) the excise tax and fees under subdivisions (1), (2), and (3); and
- (ii) the two dollar (\$2) fee imposed by IC 9-31-3-2;

for a boating year to the bureau of motor vehicles.

**(b) Subject to subsection (c)**, the tax and fees **set forth in subsection (a)** must be paid at the same time that the boat owner pays or would pay the registration fee and vehicle excise taxes on motor vehicles under IC 9-18 (before its expiration), IC 9-18.1, and IC 6-6-5. When the boat owner pays the tax and fees, the owner is entitled to receive the excise tax decals.

**(c) If the boat excise tax imposed by this chapter was not paid for one (1) or more preceding boating years, the bureau may collect only the boat excise tax imposed by this chapter for the:**

- (1) boating year immediately preceding the current boating year;
- (2) current boating year; and
- (3) boating year immediately following the current boating year.

SECTION 28. IC 9-13-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. (a) **This section applies to an ordinance adopted under this title and in effect on January 1, 2020.**

**(b) An adopting municipality is not required to amend an ordinance subject to this section as a result of amendments to this title.**

**(c) The bureau of motor vehicles shall apply an ordinance subject to this section as if the ordinance is in compliance with this title.**

**(d) The bureau of motor vehicles is not liable to an adopting municipality or any taxpayer for actions taken under this section."**

Page 6, delete lines 1 through 2.

Page 8, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 32. IC 9-18.1-11-3, AS ADDED BY P.L.198-2016, SECTION 326, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. (a) Upon becoming subject to registration under this article, a vehicle must be registered for a period that is not:

- (1) less than three (3) months; or
- (2) greater than twenty-four (24) months.

(b) A registration under this article may be renewed:

- (1) for a vehicle with an unexpired registration, for a period of twelve (12) months from the date on which the registration will expire; ~~expire~~; or
- (2) for a vehicle with an expired registration, for a period of not:

(A) less than three (3) months; or

(B) greater than twenty-four (24) months.

(c) Subject to subsection (a), the registration year for a registration, other than a renewal described in subsection (b),

begins on the date on which the vehicle becomes subject to registration as determined under section 4 of this chapter and ends on the following date selected by the person registering the vehicle:

(1) The date on which the vehicle's registration expires, as determined under the schedule established under section 1 of this chapter.

(2) Twelve (12) months after the date described in subdivision (1)."

Page 13, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 39. IC 9-24-10-4, AS AMENDED BY P.L.147-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit or driver's license must include the following:

(1) A test of the following of the applicant:

(A) Eyesight.

(B) Ability to read and understand highway signs regulating, warning, and directing traffic.

(C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5.

(2) An actual demonstration of the applicant's skill in exercising ordinary and reasonable control in the operation of a motor vehicle under the type of permit or driver's license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon a highway. The applicant must provide the motor vehicle used in the examination. An autocycle may not be used as the motor vehicle provided for the examination.

(c) The bureau may waive:

(1) the testing required under subsection (a)(1)(A) if the applicant provides evidence from a licensed ophthalmologist or licensed optometrist that the applicant's vision is fit to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property;

(2) the actual demonstration required under subsection (a)(2) for an individual who has passed:

(A) a driver's education class and a skills test given by a driver training school; or

(B) a driver education program given by an entity licensed under IC 9-27; ~~and~~

(3) the testing, other than eyesight testing under subsection (a)(1)(A), of an applicant who has passed:

(A) an examination concerning:

(i) subsection (a)(1)(B); and

(ii) subsection (a)(1)(C); and

(B) a skills test;

given by a driver training school or an entity licensed under IC 9-27; ~~and~~

**(4) the testing, other than the eyesight testing described in subsection (a)(1)(A), of an applicant who:**

**(A) is at least eighteen (18) years of age;**

**(B) was previously a nonresident but now qualifies as an Indiana resident at the time of application; and**

**(C) holds a valid driver's license, excluding a learner's permit or its equivalent, from the applicant's state of prior residence.**

(d) The following are not civilly or criminally liable for a report made in good faith to the bureau, commission, or driver licensing medical advisory board concerning the fitness of the applicant to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property:

(1) An instructor having a license under IC 9-27-6-8.

(2) A licensed ophthalmologist or licensed optometrist."

Renumber all SECTIONS consecutively.

(Reference is to HB 1506 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

Sullivan, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1596, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 27 through 32, begin a new line block indented and insert:

**"(6) requires participants to complete a degree or certificate program and complete satisfactory progress toward obtaining a degree or certificate.**

**(d) A commission:**

**(1) may establish a requirement that a participant in a program described in subsection (b) must reside in the unit; and**

**(2) shall require a participant to work for employers located in the unit;**

**for a specified period of time."**

Page 2, delete line 42.

Page 3, delete lines 1 through 5.

(Reference is to HB 1596 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

MAHAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1650, 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 43, delete lines 17 through 20, begin a new paragraph and insert:

"SECTION 41. IC 36-6-1.5-5, AS AMENDED BY P.L.255-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. (a) The township trustees, with the approval of a ~~majority of the members of the township legislative body of each township that wants to merge township governments under this chapter; the county fiscal body~~, must comply with this section.

(b) The township trustees must present identical resolutions approving the township government merger to the ~~trustees' respective township legislative bodies. A township legislative body county fiscal body. The county fiscal body~~ may adopt a resolution under this chapter only after the ~~legislative county fiscal body~~ has held a public hearing concerning the proposed merger. The ~~township legislative county fiscal 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.

(c) The ~~township legislative bodies county fiscal body~~ may adopt ~~the identical resolutions a resolution~~ approving the township government merger under this chapter not later than ninety (90) days after the ~~legislative body county fiscal body~~ has held the public hearing under subsection (b).

(d) The trustees of the participating townships shall jointly file a copy of the identical resolutions with:

(1) the department of local government finance;

(2) the circuit court clerk; and

(3) the office of the secretary of state.

(e) A ~~township legislative county fiscal body~~ may not adopt

a resolution ordering a merger after January 1 of a year in which:

- (1) a general election is held; and
- (2) a township trustee is elected.

(f) A merger under this chapter may reduce the term of a township trustee of a former township government.

SECTION 42. IC 36-6-1.5-7, AS ADDED BY P.L.240-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 7. If township governments merge under this chapter,

- ~~(1) IC 36-6-6 applies to the election of the township board; and~~  
~~(2) IC 36-6-5-1 applies to the election of a township assessor of the new township government.~~

SECTION 43. IC 36-6-1.5-10, AS ADDED BY P.L.240-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 10. When a new township government is established under this chapter, the following occur:

- (1) The resolutions, rules, and bylaws of each of the former township governments:
  - (A) remain in force within the territory to which they applied before the merger; and
  - (B) continue in force until amended or repealed by ~~the legislative body or an administrative body~~ of the new township government.
- (2) Pending actions that involve any former township government shall be prosecuted to final judgment and execution, and judgments rendered in those actions may be executed and enforced against the new township government without any change of the name of the plaintiff or defendant.

SECTION 44. IC 36-6-1.5-12, AS AMENDED BY P.L.255-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 12. (a) Subject to subsection (b), the officers of the new township government shall:

- (1) obtain from the department of local government finance approval under IC 6-1.1-18.5-7 of:
  - (A) a budget;
  - (B) an ad valorem property tax levy; and
  - (C) a property tax rate;
- (2) fix the annual budget under IC 6-1.1-17;
- (3) impose a property tax levy; and
- (4) take any action necessary to ensure the collection of fees and other revenue;

for the new township government for the budget year following the year the officers take office.

(b) The resolutions approving the township government merger under this chapter must specify the amount (if any) of the decrease that the department of local government finance shall make to the maximum permissible property tax levies, maximum permissible property tax rates, and budgets under IC 6-1.1-17 and IC 6-1.1-18.5 of the new township to:

- (1) eliminate double taxation for services or goods provided by the new township; or
- (2) eliminate any excess by which the amount of property taxes imposed by the new township exceeds the amount necessary to pay for services or goods provided under this article.

(c) The ~~fiscal body~~ of the new township shall determine and certify to the department of local government finance the amount of the adjustment (if any) under subsection (b). The amount of the adjustment (if any) to be made under subsection (b) must comply with the resolutions approving the township government merger.

SECTION 45. IC 36-6-1.6-3, AS ADDED BY P.L.240-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. (a) Freeholders may initiate proceedings to reestablish a township government by

filing a petition in the office of the county auditor of the county where the freeholder's land is located. The petition must be signed by the lesser of:

- (1) at least ten percent (10%) of; or
- (2) at least fifty (50);

freeholders owning land within the proposed reestablished township. A petition may also be filed with the county auditor by a merged township government under a resolution adopted by ~~the legislative body~~ of the township government.

- (b) A county legislative body may adopt an ordinance that:
- (1) dissolves a merger of township governments that took effect under IC 36-6-1.5; and
  - (2) reestablishes the township governments that were subject to the merger.

(c) The county legislative body must file a copy of the ordinance with:

- (1) the circuit court clerk; and
- (2) the secretary of state.

SECTION 46. IC 36-6-1.6-8, AS ADDED BY P.L.240-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 8. When a reestablished township government is created under this chapter, the following occur:

- (1) The resolutions, rules, and bylaws of the merged township government:
  - (A) remain in force in the reestablished township governments; and
  - (B) continue in force until amended or repealed by ~~the legislative body or an administrative body~~ of the reestablished township government.
- (2) Pending actions that involve the merged township government shall be prosecuted to final judgment and execution, and judgments rendered in those actions may be executed and enforced against the reestablished township governments without any change of the name of the plaintiff or defendant."

Page 46, delete lines 2 through 42.

Page 47, delete lines 1 through 15.

Page 54, delete lines 27 through 42.

Delete page 55.

Renumber all SECTIONS consecutively.

(Reference is to HB 1650 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

Mahan, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1668, 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 1668 as introduced.)

Committee Vote: Yeas 8, Nays 0.

BURTON, Chair

Report adopted.

#### ENGROSSED HOUSE BILLS ON THIRD READING

##### Engrossed House Bill 1443

Representative T. Brown called down Engrossed House Bill 1443 for third reading:

A BILL FOR AN ACT concerning education.

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

Roll Call 114: yeas 93, 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 Mishler.

Representatives Forestal and Candelaria Reardon, are excused.

### Engrossed House Bill 1482

Representative Sullivan called down Engrossed House Bill 1482 for third reading:

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

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

Roll Call 115: yeas 80, nays 15. 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 Crider.

Representative Candelaria Reardon, who had been excused, is now present.

### Engrossed House Bill 1542

Representative Kirchhofer called down Engrossed House Bill 1542 for third reading:

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

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

Roll Call 116: yeas 95, 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 Crider and Charbonneau.

### Engrossed House Bill 1569

Representative Zent called down Engrossed House Bill 1569 for third reading:

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

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

Roll Call 117: yeas 93, 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 Perfect.

### Engrossed House Bill 1588

Representative Carbaugh called down Engrossed House Bill 1588 for third reading:

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

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

Roll Call 118: yeas 96, 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 Bassler.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 12:10 p.m. with the Speaker in the Chair.

Upon request of Representative Austin, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 119: 67 present. The Speaker declared a quorum present.

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

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1664

Representative Manning called down Engrossed House Bill 1664 for third reading:

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

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

Roll Call 120: 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 Koch and Houchin.

## HOUSE BILLS ON SECOND READING

### House Bill 1003

Representative DeVon called down House Bill 1003 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1003-7)

Mr. Speaker: I move that House Bill 1003 be amended to read as follows:

Replace the effective date in SECTION 5 with "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 6.

Page 4, line 9, delete "(a) Each school corporation shall make".

Page 4, delete lines 10 through 13.

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

Page 4, line 14, delete "(b)".

Page 4, line 25, reset in roman "(b)".

Page 4, line 25, delete "(c)".

Page 4, line 27, reset in roman "(c)".

Page 4, line 27, delete "(d)".

Page 4, line 28, reset in roman "(a)".

Page 4, line 28, delete "(b)".

Page 4, line 29, delete "(e) Beginning in 2020" and insert "(d) Beginning in 2019".

Page 4, delete lines 32 through 42, begin a new line blocked left and insert:

**"On or before July 1, 2021, the department shall submit a report to the office of management and budget and, in an electronic format under IC 5-14-6, to the legislative council summarizing the transfers made between a school corporation's operations fund and education fund and may make recommendations as to:**

**(1) whether a school corporation should specify in the school corporation's proposed budget the anticipated amount the school corporation will transfer from the school corporation's education fund to the school corporation's operations fund;**

- (2) what percentage of funds transferred from a school corporation's education fund to the school corporation's operations fund is reasonable to demonstrate school fiscal efficiency;
- (3) what steps can be taken to improve school fiscal efficiency and provide more dollars to improve classroom instruction;
- (4) what assistance can be provided to a school corporation from state agencies to improve school fiscal efficiency; and
- (5) whether it is beneficial to report various employment information to the budget committee and legislative council; and
- (6) other actions that may be taken to increase the percentage of money received by a school corporation that is used to provide classroom instruction.

**SECTION 2. An emergency is declared for this act."**

Delete pages 5 through 8.

Renumber all SECTIONS consecutively.

(Reference is to HB 1003 as printed February 5, 2019.)

WRIGHT

Upon request of Representatives GiaQuinta and Porter, the Speaker ordered the roll of the House to be called. Roll Call 121: yeas 32, nays 62. Motion failed.

Representative Kirchhofer and Davisson, who had been present, are now excused.

**HOUSE MOTION**  
(Amendment 1003-6)

Mr. Speaker: I move that House Bill 1003 be amended to read as follows:

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 1. IC 20-24-7-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 16. (a) Each charter school shall establish:**

- (1) an education fund for the payment of expenses that are allocated to student instruction and learning; and
- (2) an operations fund which may be used only to do the following:

(A) Capital projects, renovations, or repairs.

(B) Pay transportation costs.

(C) Pay expenses that are allocated to overhead and operational expenditures or to nonoperational expenditures.

(b) State tuition support received by a charter school shall be deposited in the charter school's education fund. A charter school may transfer money from the charter school's education fund to the charter school's operations fund after holding a public meeting regarding the transfer.

(c) A charter school shall establish a proposed budget and specify in its proposed budget the anticipated amount that will be transferred from the total revenue deposited in the charter school's education fund to its operations fund during the next calendar year. The charter school shall acknowledge whether the charter school's anticipated transfer amount will be more than fifteen percent (15%) of the total revenue deposited in the charter school's education fund to its operations fund during the next calendar year.

(d) Each charter school shall make every reasonable effort to transfer no more than fifteen percent (15%) of the total revenue deposited in the charter school's education fund from the charter school's education fund to the charter school's operations fund during a calendar year."

Page 2, line 9, after "and" insert "teachers at an eligible school (as defined in IC 20-51-1-4.7) and".

Page 2, line 11, delete "." and insert ", administrators working for each charter school organizer, and administrators of an eligible school (as defined in

IC 20-51-1-4.7)."

Page 2, line 12, delete "." and insert "and teachers at each eligible school (as defined in IC 20-51-1-4.7)."

Page 2, line 13, after "teachers" insert "of each public school and each eligible school (as defined in IC 20-51-1-4.7)."

Page 2, line 15, after "teachers" insert "at a public school and teachers employed by an eligible school (as defined in IC 20-51-1-4.7)."

Page 2, line 17, after "period" insert "(or the equivalent)".

Page 2, line 18, delete "period." and insert "(or the equivalent)."

Page 2, line 20, delete "." and insert ", administrators working for each charter school organizer, and administrators of an eligible school (as defined in IC 20-51-1-4.7)."

Page 2, line 22, delete "." and insert "and teachers at each eligible school (as defined in IC 20-51-1-4.7)."

Page 2, line 24, delete "," and insert "and teachers at each eligible school (as defined in IC 20-51-1-4.7)."

Page 2, line 28, delete "," and insert "and administrators at each eligible school (as defined in IC 20-51-1-4.7)."

Page 2, line 33, delete "public".

Page 2, line 33, delete "." and insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)."

Page 2, line 36, delete "." and insert "or the equivalent for a charter school or eligible school (as defined in IC 20-51-1-4.7)."

Page 2, line 37, after "teacher" insert "and eligible school (as defined in IC 20-51-1-4.7) teacher".

Page 2, line 40, delete "." and insert "or the equivalent for a charter school or eligible school (as defined in IC 20-51-1-4.7)."

Page 2, line 42, delete "." and insert "or the equivalent for a charter school or eligible school (as defined in IC 20-51-1-4.7)."

Page 3, line 1, after "teachers" insert "and eligible school (as defined in IC 20-51-1-4.7) teachers".

Page 3, line 3, after "teachers" insert "and eligible school (as defined in IC 20-51-1-4.7) teachers".

Page 3, line 5, after "corporation," insert "charter school, or eligible school (as defined in IC 20-51-1-4.7)."

Page 3, line 6, delete "public".

Page 3, line 15, after "corporation," insert "charter school, or eligible school (as defined in IC 20-51-1-4.7)."

Page 3, line 21, after "teacher" insert "and eligible school (as defined in IC 20-51-1-4.7) teacher".

Page 3, line 35, after "report." insert "The board may require charter schools and eligible schools (as defined in IC 20-51-1-4.7) to submit to the board specific information needed to complete the report."

Page 4, delete lines 29 through 42, begin a new paragraph and insert:

"(e) Beginning in 2020, the department shall track for each school corporation transfers from the school corporation's education fund to its operations fund for the preceding six (6) month period. In addition, the department shall track for each charter school and eligible school (as defined in IC 20-51-1-4.7) transfers from the charter school's or eligible school's (as defined in IC 20-51-1-4.7) education fund to its operations fund for the preceding six (6) month period. Beginning in 2021, before February 1 of each year, the department shall provide to the office of management and budget an excessive education fund transfer list comprised of all school corporations, charter schools, and eligible schools (as defined in IC 20-51-1-4.7) that transferred more than fifteen percent (15%) of the total revenue deposited in the school corporation's, charter school's, or eligible school's (as defined in IC 20-51-1-4.7) education fund from the school corporation's, charter school's, or eligible school's (as defined in IC 20-51-1-4.7)

education fund to the school corporation's, charter school's, or eligible school's (as defined in IC 20-51-1-4.7) operations fund during the immediately preceding calendar year. A school corporation, charter school, or eligible school (as defined in IC 20-51-1-4.7) that is not included on the excessive education fund transfer list is considered to have met the education fund transfer target percentage for the immediately preceding calendar year."

Page 5, line 10, after "corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 5, line 17, after "body" insert ", or the equivalent entities of a charter school or eligible school (as defined in IC 20-51-1-4.7)".

Page 5, line 17, after "corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 5, between lines 30 and 31, begin a new paragraph and insert:

"(c) If a charter school or eligible school (as defined in IC 20-51-1-4.7) receives a notice from the office of management and budget under subsection (a), the charter school or eligible school (as defined in IC 20-51-1-4.7) shall do all of the following:

(1) Conduct a public meeting and acknowledge receipt of the excessive education fund transfer list notice from the office.

(2) Publish on the charter school's or eligible school's (as defined in IC 20-51-1-4.7) Internet web site the office's notice and any relevant individual reports prepared by the office within thirty (30) days after the public meeting described in subdivision (1)."

Page 5, line 34, after "corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 5, line 38, after "corporations" insert ", charter schools, and eligible schools (as defined in IC 20-51-1-4.7)".

Page 5, line 42, after "corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 6, line 1, after "personnel," insert "or the equivalent entities of a charter school or eligible school (as defined in IC 20-51-1-4.7)".

Page 6, line 4, after "the" insert "charter school's, eligible school's (as defined in IC 20-51-1-4.7), or".

Page 6, line 5, after "school corporation" insert ", charter school, or eligible school".

Page 6, line 7, after "steps the" insert "charter school's, eligible school's (as defined in IC 20-51-1-4.7), or".

Page 6, line 11, after "superintendent" insert ", or the equivalent entities of a charter school or eligible school (as defined in IC 20-51-1-4.7)".

Page 6, delete lines 14 through 19, begin a new paragraph and insert:

"(d) Upon submission of the explanatory documentation under subsection (b), the school corporation's superintendent shall present the explanatory documentation to the school corporation's governing body at its next public meeting. The governing body shall enter both the actual documentation and corresponding discussion into its official minutes for that meeting. A charter school or eligible school (as defined in IC 20-51-1-4.7) shall present the explanatory documentation to the governing body of the charter school or eligible school (as defined in IC 20-51-1-4.7) at a public meeting."

Page 6, line 21, after "corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 6, line 25, after "a" insert "charter school's, eligible school's (as defined in IC 20-51-1-4.7), or".

Page 6, line 34, after "the" insert "charter school's, eligible school's (as defined in IC 20-51-1-4.7), or".

Page 6, line 40, after "personnel," insert "or the equivalent entities of a charter school or eligible school (as defined in IC 20-51-1-4.7)".

Page 6, line 41, after "corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 7, line 3, after "committee the" insert "charter school, eligible school (as defined in IC 20-51-1-4.7), or".

Page 7, line 5, delete ":" and insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7):".

Page 7, line 30, after "personnel," insert "or the equivalent entities of a charter school or eligible school (as defined in IC 20-51-1-4.7)".

Page 7, line 31, after "corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 7, line 34, after "corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 7, line 35, after "the" insert "charter school's, eligible school's (as defined in IC 20-51-1-4.7), or".

Page 7, line 39, delete "the school" and insert "the charter school's, eligible school's (as defined in IC 20-51-1-4.7), or school".

Page 7, line 41, after "corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 8, line 3, after "corporation" insert ", and may assist a charter school or eligible school (as defined in IC 20-51-1-4.7)".

Page 8, line 12, after "recommendation." insert "A charter school or eligible school (as defined in IC 20-51-1-4.7) shall acknowledge receipt of the recommendation at a public meeting."

Page 8, line 12, after "school corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 8, line 13, after "corporation's" insert ", charter school's, or eligible school's (as defined in IC 20-51-1-4.7)".

Page 8, line 15, after "corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 8, line 18, after "corporation," insert "charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 8, line 20, after "corporation's" insert ", charter school's, or eligible school's (as defined in IC 20-51-1-4.7)".

Page 8, line 21, after "corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 8, line 25, after "corporation" insert ", charter school, or eligible school (as defined in IC 20-51-1-4.7)".

Page 8, after line 27, begin a new paragraph and insert:

"SECTION 9. IC 20-51-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) Each eligible school shall establish:

(1) an education fund for the payment of expenses that are allocated to student instruction and learning; and  
(2) an operations fund which may be used only to do the following:

(A) Capital projects, renovations, or repairs.

(B) Pay transportation costs.

(C) Pay expenses that are allocated to overhead and operational expenditures or to nonoperational expenditures.

(b) State tuition support received by an eligible school shall be deposited in the eligible school's education fund. An eligible school may transfer money from the eligible school's education fund to the eligible school's operations fund after holding a public meeting regarding the transfer.

(c) An eligible school shall establish a proposed budget and specify in its proposed budget the anticipated amount that will be transferred from the total revenue deposited in the eligible school's education fund to its operations fund during the next calendar year. The eligible school shall acknowledge whether the eligible school's anticipated transfer amount will be more than fifteen percent (15%) of the total revenue deposited in the eligible school's fund to its operations fund during the next calendar year.

(d) Each eligible school shall make every reasonable

**effort to transfer no more than fifteen percent (15%) of the total revenue deposited in the eligible school's education fund from the eligible school's education fund to the eligible school's operations fund during a calendar year."**

Renumber all SECTIONS consecutively.  
(Reference is to HB 1003 as printed February 5, 2019.)  
PFAFF

Upon request of Representatives Mahan and Huston, the Speaker ordered the roll of the House to be called. Roll Call 122: yeas 31, nays 64. Motion failed.

HOUSE MOTION  
(Amendment 1003-4)

Mr. Speaker: I move that House Bill 1003 be amended to read as follows:

Page 8, after line 27, begin a new paragraph and insert:  
"SECTION 9. IC 20-43-2-3, AS AMENDED BY P.L.135-2018, SECTION 3, AND AS AMENDED BY P.L.192-2018, SECTION 47, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. *If the total amount to be distributed: In determining the total amount to be distributed for purposes of section 2 of this chapter, distributions:*

- (1) as basic tuition support;
- (2) for honors ~~diploma~~ designation awards;
- (3) for complexity grants;
- (4) for special education grants;
- (5) for career and technical education grants;
- (6) for licensed teacher pay grants;**
- ~~(6)~~ (7) for choice scholarships; and
- ~~(7)~~ (8) for Mitch Daniels early graduation scholarships;

*are to be considered for a particular state fiscal year. exceeds the amounts appropriated by the general assembly for those purposes for the state fiscal year; the total amount to be distributed for those purposes to each recipient during the remaining months of the state fiscal year shall be proportionately reduced so that the total reductions equal the amount of the excess.*

SECTION 10. IC 20-43-9.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

**Chapter 9.5. Licensed Teacher Pay Grants**

**Sec. 1.** This chapter does not apply to a charter school.

**Sec. 2. (a)** In addition to the amount a school corporation is entitled to receive in basic tuition support, each school corporation is entitled to receive a grant under this chapter for teacher salaries if the minimum annual gross salary paid to full-time licensed teachers employed by the school corporation is at least forty thousand dollars (\$40,000).

**(b)** In order to receive a grant under this chapter, the school corporation must:

- (1) submit information prescribed by the department that is necessary to verify the school corporation's teacher salaries; and
- (2) certify, in a manner prescribed by the department, how grants received under this chapter will be used to increase classroom teacher compensation.

**Sec. 3.** A school corporation's teacher pay grant under this chapter for a state fiscal year is equal to:

- (1) one hundred dollars (\$100); multiplied by
- (2) the result of:
  - (A) the school corporation's current ADM; minus
  - (B) the school corporation's ADM of students whose primary means of instruction is virtual instruction."

Renumber all SECTIONS consecutively.  
(Reference is to HB 1003 as printed February 5, 2019.)  
DELANEY

Upon request of Representatives GiaQuinta and Pierce, the

Speaker ordered the roll of the House to be called. Roll Call 123: yeas 31, nays 63. Motion failed.

HOUSE MOTION  
(Amendment 1003-1)

Mr. Speaker: I move that House Bill 1003 be amended to read as follows:

Page 8, after line 27, begin a new paragraph and insert:  
"SECTION 9. IC 20-42.5-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.5.** The office of management and budget, in collaboration with the department of state revenue, the department of local government finance, and the department, shall include in the report described in section 5(a)(1) of this chapter, and include on the office of management and budget's Internet web site each year, the following information:

- (1) For each school corporation, the average amount of state tuition support received by the school corporation under IC 20-43 per student.
- (2) For each school corporation, the school corporation's total assessed value divided by the school corporation's average daily membership as determined under IC 20-43-4-2.
- (3) For each school corporation, the per capita losses attributable to the credits for excessive property taxes under IC 6-1.1-20.6.
- (4) For each school corporation, the school corporation's ADM.
- (5) For each school corporation, the school corporation's percentage of levy remaining for the school corporation after the reduction from credits for excessive property taxes under IC 6-1.1-20.6.
- (6) For each school corporation, the per capita income of an individual who resides within the attendance area of the school corporation.
- (7) For each school corporation, the percentage of levy remaining in the school corporation's operations fund after the payment of debt obligations of the school corporation.
- (8) For each school corporation, the amount of money received from a operating levy referendum (if applicable).
- (9) For each school corporation, the amount of money received from a controlled project levy referendum (if applicable)."

Renumber all SECTIONS consecutively.  
(Reference is to HB 1003 as printed February 5, 2019.)  
DELANEY

Motion withdrawn.

HOUSE MOTION  
(Amendment 1003-3)

Mr. Speaker: I move that House Bill 1003 be amended to read as follows:

Page 8, after line 27, begin a new paragraph and insert:  
"SECTION 1. IC 20-40-18-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 13. (a)** Before December 1 of each year, the department shall do the following:

- (1) Calculate school operating budget cost of service indexes as described in subsection (b) for the following groups of school corporations:
  - (A) School corporations having a current ADM of less than or equal to one thousand (1,000).
  - (B) School corporations having a current ADM of more than one thousand (1,000) and less than or equal to five thousand (5,000).
  - (C) School corporations having a current ADM of more than five thousand (5,000).



(2) Prepare a school operating budget cost of service index report that describes the indexes calculated under subdivision (1).

(3) Make the report available to the public on the department's Internet web site.

(b) For a group of school corporations for a specified period, the school operating budget cost of service index for the period is the average of the sum of the costs of the key operating budget items for each school corporation in the group for the period. Key operating budget items include the following:

(1) Utilities.

(2) Property and casualty insurance.

(3) Physical plant maintenance.

(4) Grounds maintenance.

(5) Janitorial service.

(6) Food service.

(7) Any other expenditure category that the department considers to be more than a de minimis expenditure.

(c) For each group of school corporations for which the school operating budget cost of service index is calculated for a period, the report required by subsection (a) must also:

(1) break down the average costs for each category of expenditure for the school corporations in the group; and

(2) calculate a two (2) year inflationary cost estimate for each average cost category included under subdivision (1)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1003 as printed February 5, 2019.)

PORTER

Upon request of Representatives Mahan and Torr, the Speaker ordered the roll of the House to be called. Roll Call 124: yeas 92, nays 0. Motion prevailed. The bill was ordered engrossed.

#### House Bill 1065

Representative Frye called down House Bill 1065 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1115

Representative Karickhoff called down House Bill 1115 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1155

Representative Goodin called down House Bill 1155 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1173

Representative Negele called down House Bill 1173 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1182

Representative Lehman called down House Bill 1182 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1238

Representative Soliday called down House Bill 1238 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1284

Representative Lucas called down House Bill 1284 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1332

Representative Speedy called down House Bill 1332 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1432

Representative Macer called down House Bill 1432 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1432-1)

Mr. Speaker: I move that House Bill 1432 be amended to read as follows:

Page 3, line 26, after "life" delete "," and insert ";".

Page 3, delete lines 27 through 28.

Page 5, line 24, after "relationship." insert "**In determining whether to dismiss a petition to terminate a parent-child relationship pursuant to a motion to dismiss that specifies allegations described in subdivision (4), the court may consider the length of time remaining in the incarcerated parent's sentence and any other factor the court considers relevant.**"

(Reference is to HB 1432 as printed February 5, 2019.)

MACER

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1473

Representative Steuerwald called down House Bill 1473 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1520

Representative GiaQuinta called down House Bill 1520 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1520-1)

Page 2, line 12, delete "." and insert "**and a custodial parent of the child, noncustodial parent of the child, or guardian of the child files notice under subsection (c) advising the court that the child continues or will continue to be enrolled in secondary school.**"

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"(c) Notice under subsection (a)(4) must:

(1) be filed with the court and provided to each party to the child support proceeding:

(A) not earlier than the date on which the child becomes seventeen (17) years of age; and

(B) not later than the date on which the child graduates from secondary school; and

(2) include:

(A) proof of the child's enrollment; and

(B) the child's expected graduation date.

(d) If:

(1) a parent or guardian files a notice under subsection (a)(4); and

(2) an objection or request for a hearing is not filed by a party to the child support proceeding not later than thirty (30) days after the party receives the notice;

the court shall, without holding a hearing, issue an order continuing child support through the date on which the child is expected to graduate. The order may be made retroactive to the date on which the child became nineteen (19) years of age.



**(e) Failure to file notice under subsection (a)(4) before the child becomes nineteen (19) years of age does not terminate the duty to support the child until the child's graduation."**

Page 2, line 25, strike "(c)" and insert "(f)".

Page 2, line 31, strike "(d)" and insert "(g)".

Page 2, line 37, strike "(e)" and insert "(h)".

Page 3, line 5, strike "(c)" and insert "(f)".

(Reference is to HB 1520 as printed February 5, 2019.)

GIAQUINTA

Motion prevailed. The bill was ordered engrossed.

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

### House Bill 1660

Representative Goodrich called down House Bill 1660 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1660-1)

Mr. Speaker: I move that House Bill 1660 be amended to read as follows:

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

"SECTION 1. IC 5-30-5-3, AS ADDED BY P.L.74-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A potential design-builder responding to the request for qualifications under section 2 of this chapter must submit a verified statement of qualifications setting forth the qualifications of the potential design-builder and team members, if applicable, and provide the other information required by the request for qualifications.

(b) The verified statement of qualifications required under this section must include the following:

(1) A listing of all prime contractors and architectural and engineering firms that participate financially as part of the team.

(2) A statement that:

(A) the design-builder or the team members have completed or demonstrated the experience, competency, capability, and capacity to complete projects of similar size, scope, or complexity; and  
(B) proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project.

(3) A statement that the design-builder or team members have the licenses, registrations, and credentials required to design and construct the project, including information on the revocation or suspension of a license, credential, or registration.

(4) A statement that the design-builder has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance.

(5) The experience modifier rate, the United States Occupational Safety and Health Administration total recordable case incident rate (TCIR) and days away, restricted or transferred case incident rate (DART) for the design-builder and each design build team, and the average United States Occupational Safety and Health Administration TCIR and DART rates for the industrial classification of the design-builder and each design-build team.

(6) A statement that the design-builder or the employees of the team performing construction services, including the employees of all subcontractors, ~~have completed or are enrolled in an apprenticeship program certified by the United States Department of Labor Bureau of Apprenticeship and Training; comply with IC 5-30-8-9, if applicable.~~

(7) Information regarding any prior serious, repeat, willful,

or criminal violation of the federal Occupational Safety and Health Act of 1970 and any equivalent violation under a state plan authorized under Section 18 of the federal act that has become a final order.

(8) Information concerning the debarment, disqualification, or removal of the design-builder or a team member from a federal, state, or local government public works project.

(9) Information concerning the bankruptcy or receivership of the design-builder or a team member."

Page 1, delete lines 5 through 12, begin a new paragraph and insert:

"SECTION 2. IC 5-30-8-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) The definitions set forth in IC 5-16-13-4 apply throughout this section.

(b) This section applies after June 30, 2019, only to a contractor that employs ten (10) or more employees.

(c) A contractor must provide access to a training program applicable to the tasks to be performed in the normal course of the employee's employment with the contractor.

(d) A contractor may comply with this section through any of the following:

(1) An apprenticeship program.

(2) A program offered by Ivy Tech Community College of Indiana.

(3) A program offered by Vincennes University.

(4) A program established by or for the contractor.

(5) A program offered by an entity sponsored by the United States Department of Labor, Bureau of Apprenticeship and Training.

(6) A program that results in the award of an industry recognized portable certification.

(7) A program approved by the United States Department of Transportation, Federal Highway Administration.

(8) A program approved by the Indiana department of transportation.

(e) This subsection applies after June 30, 2019, to a tier 1 or tier 2 contractor that employs fifty (50) or more journeymen. The contractor shall participate in an apprenticeship or training program that meets the standards established by or has been approved by any of the following:

(1) The United States Department of Labor, Bureau of Apprenticeship and Training.

(2) The department of labor.

(3) The United States Department of Transportation, Federal Highway Administration.

(4) The Indiana department of transportation."

Renumber all SECTIONS consecutively.

(Reference is to HB 1660 as printed February 5, 2019.)

GOODRICH

Motion prevailed.

HOUSE MOTION  
(Amendment 1660-2)

Mr. Speaker: I move that House Bill 1660 be amended to read as follows:

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

"SECTION 1. IC 5-16-13-2, AS ADDED BY P.L.252-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as provided in subsection (b); As used in this chapter, "applicable public works statute" refers to whichever of the following statutes is applicable to public works projects of the public agency:

(1) IC 4-13.6.

(2) This article.

(3) IC 36-1-12.

**(4) IC 5-23-4 (build, operate, transfer, and public-private agreements).**

**(5) IC 5-30 (design-build).**

**(6) IC 5-32 (employment of construction manager as constructor).**

**(7)** Any other statute applicable to the public works projects of the public agency.

**(b)** This definition does not include the following statutes:

**(1) IC 5-23-4 (build, operate, transfer, and public-private agreements).**

**(2) IC 5-30 (design-build).**

**(3) IC 5-32 (employment of construction manager as constructor)."**

Page 1, line 3, delete "do not".

Page 1, delete lines 5 through 12, begin a new paragraph and insert:

"SECTION 2. IC 5-32-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. IC 5-16-13 and IC 5-16-14 apply to a contract awarded under this article, regardless of which applicable public works statute applies to the contract.**"

Re-number all SECTIONS consecutively.

(Reference is to HB 1660 as printed February 5, 2019.)

BECK

Upon request of Representatives GiaQuinta and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 125: yeas 31, nays 62. Motion failed.

HOUSE MOTION  
(Amendment 1660-3)

Mr. Speaker: I move that House Bill 1660 be amended to read as follows:

Page 1, line 3, after "8." insert "**(a) Except as provided in subsection (b),**".

Page 1, between lines 4 and 5, begin a new paragraph and insert:

**"(b) IC 5-16-13-14 applies to a contract awarded under this article."**

(Reference is to HB 1660 as printed February 5, 2019.)

CHYUNG

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 126: yeas 32, nays 60. Motion failed. The bill was ordered engrossed.

*[Journal Clerk's Note: the Speaker requested a moment of silence for former staff member, Jack Halloran, who passed away.]*

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1014, 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 16, begin a new paragraph and insert:

"SECTION 1. IC 35-46-1-21, AS AMENDED BY P.L.113-2017, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) As used in this section, "advertisement" means any communication by any medium within the borders of Indiana, including print advertisements, digital advertisements, radio, television, and outdoor advertising signs.

(b) Except as provided in subsection (e); (d), only a person

that is an attorney licensed to practice law in Indiana or a child placing agency licensed under the laws of Indiana may place an advertisement that:

(1) a child is offered or wanted for adoption; or

(2) the person is able to place, locate, or receive a child for adoption.

**(e) A person described in subsection (b) that places an advertisement in Indiana shall include the following in the advertisement:**

**(1) For an attorney licensed to practice law in Indiana, the person's attorney number.**

**(2) For a child placing agency licensed under the laws of Indiana, the number on the person's child placing agency license.**

**(d) (c)** A person who knowingly or intentionally violates subsection (b) commits unauthorized adoption advertising, a Level 6 felony.

**(e) (d)** Subsection (b) may not be enforced against:

**(1) a federal agency; or**

**(2) the Indiana department of child services; or**

**(3) a person seeking to adopt a child on the person's own behalf."**

(Reference is to HB 1014 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

MCNAMARA, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1029, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "studying" insert "**issues consumers face related to**".

Page 1, line 4, delete "price transparency by drug manufacturers," and insert "**pricing, access, and costs,**".

Page 1, delete lines 6 through 18, begin a new line block indented and insert:

**"(1) The process in which a prescription drug moves through the supply chain to the consumer, including the role of pharmaceutical manufacturers, wholesale distributors, pharmacies, specialty pharmacies, health insurers, and pharmacy benefit managers. Information may include the following:**

**(A) The financial transactions that occur between prescription drug supply entities.**

**(B) The role of rebates and discounts in the prescription drug supply chain.**

**(C) The impact that drug prices and supply chain issues have on the ability of state and local governments to provide effective prescription drug treatments.**

**(2) The methods that health insurers and pharmacy benefit managers currently use to manage prescription drug costs, including information on the following:**

**(A) Utilization management.**

**(B) Formularies and preferred drug lists.**

**(C) Pharmacy networks.**

**(3) The function of pharmaceutical manufacturer rebates and discounts used by health insurers and pharmacy benefit managers to decrease the cost of a prescription drug for a consumer.**

**(4) The current trends in health care spending in the United States, including prescription drug spending.**

**(5) The trends in insurance benefit design and the potential impact that changes are having or may have on consumer out-of-pocket costs for prescription**

drugs.

(6) The efforts that pharmaceutical manufacturers, health insurers, and pharmacy benefit managers have made to be transparent about the following:

(A) Prescription drug costs.

(B) Utilization management methods, including drug formulary changes, prior authorization, and step therapy requirements."

Page 2, delete lines 1 through 5.

(Reference is to HB 1029 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

KIRCHHOFER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1141, 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 18, delete "a valid driver's license." and insert "driving privileges."

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"(g) A petition filed under this section is not an admission of guilt or liability."

Page 4, line 42, after "bureau." insert "The court shall include in its order a statement that the order is not a conviction, finding of guilt, or finding of liability."

(Reference is to HB 1141 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

MCNAMARA, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1192, 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 10-12-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) A person entitled to, having an interest in, or sharing a pension or benefit from the trust funds does not, before the actual payment of the pension or benefit, have the right to anticipate, sell, assign, pledge, mortgage, or otherwise dispose of or encumber the pension or benefit.

(b) A person's interest, share, pension, or benefit, before the actual payment of the interest, share, pension, or benefit, may not be:

- (1) used to satisfy the debts or liabilities of the person entitled to the interest, share, pension, or benefit;
- (2) subject to attachment, garnishment, execution, or levy or sale on judicial proceedings; or
- (3) transferred by any means, voluntarily or involuntarily.

(c) The trustee may pay from the trust fund the amounts that the trustee determines are proper and necessary expenses of the trust fund.

(d) However, the person's contributions or benefits, or both, may be transferred to reimburse the person's employer for loss resulting from the person's criminal taking of the employer's property by the trustee if the trustee receives adequate proof of the loss. The loss resulting from the person's criminal taking of the employer's property must

be proven by an order for restitution in favor of the employer issued by the sentencing court following a felony or misdemeanor conviction.

(e) The trustee may withhold payment of the person's contributions and interest if the employer of the person notifies the trustee that felony or misdemeanor charges accusing the person of the criminal taking of the employer's property have been filed.

(f) The trustee may withhold payment of a person's contributions and interest under subsection (e) until the final resolution of the criminal charges.

SECTION 2. IC 33-38-6-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19.5. (a) All assets in the fund are exempt from levy, sale, garnishment, attachment, or other legal process. However, the participant's contributions or benefits, or both, may be transferred to reimburse the participant's employer for loss resulting from the participant's criminal taking of the employer's property by the board if the board receives adequate proof of the loss. The loss resulting from the participant's criminal taking of the participant's employer's property must be proven by an order for restitution in favor of the employer issued by the sentencing court following a felony or misdemeanor conviction.

(b) The board may withhold payment of a participant's contributions and interest if the employer of the participant notifies the board that felony or misdemeanor charges accusing the participant of the criminal taking of the employer's property have been filed.

(c) The board may withhold payment of a participant's contributions and interest under subsection (b) until the final resolution of the criminal charges.

SECTION 3. IC 33-39-7-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10.5. (a) All assets in the fund are exempt from levy, sale, garnishment, attachment, or other legal process. However, a participant's contributions or benefits, or both, may be transferred to reimburse the participant's employer for loss resulting from the participant's criminal taking of the employer's property by the board if the board receives adequate proof of the loss. The loss resulting from the participant's criminal taking of the participant's employer's property must be proven by an order for restitution in favor of the employer issued by the sentencing court following a felony or misdemeanor conviction.

(b) The board may withhold payment of a participant's contributions and interest if the employer of the participant notifies the board that felony or misdemeanor charges accusing the participant of the criminal taking of the employer's property have been filed.

(c) The board may withhold payment of a participant's contributions and interest under subsection (b) until the final resolution of the criminal charges."

Page 2, delete lines 28 through 38, begin a new paragraph and insert:

"(c) If the offense described in subsection (a) is committed by a public servant who exerted unauthorized control over public funds (as defined by IC 5-22-2-23) from the public servant's employer, the employer may be reimbursed in accordance with IC 2-3.5-4-11, IC 2-3.5-5-9, IC 5-10-5.5-19, IC 5-10.3-8-9, IC 5-10.4-5-14, IC 10-12-2-10, IC 33-38-6-19.5, IC 33-39-7-10.5, IC 36-8-6-14, IC 36-8-7-22, IC 36-8-7.5-19, or IC 36-8-8-17.

SECTION 5. IC 36-8-6-14, AS AMENDED BY P.L.127-2017, SECTION 245, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) If there is not sufficient money to the credit of the 1925 fund to pay all claims against it in full, claims arising from the death of members of the department shall be paid in full first with as

little delay as possible, after which an equal percentage shall be paid upon all other claims to the full extent of the money on hand, until the fund is replenished.

(b) All pensions shall be paid by the treasurer of the local board at the treasurer's office at the same time and in the same installments as the members of the police department are paid.

(c) All pensions payable out of the 1925 fund are exempt from seizure or levy upon attachment, execution, supplemental process, and all other process, whether mesne or final. Except as provided in section 21 of this chapter, pensions are not subject to sale, assignment, or transfer by a beneficiary.

**(d) However, the member's contributions or benefits, or both, may be transferred to reimburse the member's employer for loss resulting from the member's criminal taking of the employer's property by the treasurer of the local board if the treasurer receives adequate proof of the loss. The loss resulting from the members's criminal taking of the employer's property must be proven by an order for restitution in favor of the employer issued by the sentencing court following a felony or misdemeanor conviction.**

**(e) The treasurer of the local board may withhold payment of the member's contributions and interest if the employer of the member notifies the treasurer that felony or misdemeanor charges accusing the member of the criminal taking of the employer's property have been filed.**

**(f) The treasurer of the local board may withhold payment of a person's contributions and interest under subsection (e) until the final resolution of the criminal charges.**

SECTION 6. IC 36-8-7-22, AS AMENDED BY P.L.146-2008, SECTION 778, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. (a) The 1937 fund may not be, either before or after an order for distribution to members of the fire department or to the surviving spouses or guardians of a child or children of a deceased, disabled, or retired member, held, seized, taken, subjected to, detained, or levied on by virtue of an attachment, execution, judgment, writ, interlocutory or other order, decree, or process, or proceedings of any nature issued out of or by a court in any state for the payment or satisfaction, in whole or in part, of a debt, damages, demand, claim, judgment, fine, or amercement of the member or the member's surviving spouse or children. The 1937 fund shall be kept and distributed only for the purpose of pensioning the persons named in this chapter. The local board may, however, annually expend an amount from the 1937 fund that it considers proper for the necessary expenses connected with the fund. Notwithstanding any other law, neither the fiscal body, the county board of tax adjustment, nor the department of local government finance may reduce these expenditures.

**(b) However, the member's contributions or benefits, or both, may be transferred to reimburse the member's employer for loss resulting from the member's criminal taking of the employer's property by the local board if the local board receives adequate proof of the loss. The loss resulting from the members's criminal taking of the employer's property must be proven by an order for restitution in favor of the employer issued by the sentencing court following a felony or misdemeanor conviction.**

**(c) The local board may withhold payment of the member's contributions and interest if the employer of the member notifies the local board that felony or misdemeanor charges accusing the member of the criminal taking of the employer's property have been filed.**

**(d) The local board may withhold payment of a person's contributions and interest under subsection (c) until the final resolution of the criminal charges.**

SECTION 7. IC 36-8-7.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) All pensions, annuities, and benefits payable out of the 1953 fund

are exempt from seizure or levy upon attachment, garnishment, execution, and all other process. Except as provided in section 23 of this chapter, pensions, annuities, and benefits are not subject to sale, assignment, or transfer by a beneficiary.

**(b) However, the member's contributions or benefits, or both, may be transferred to reimburse the member's employer for loss resulting from the member's criminal taking of the employer's property by the local board if the local board receives adequate proof of the loss. The loss resulting from the members's criminal taking of the employer's property must be proven by an order for restitution in favor of the employer issued by the sentencing court following a felony or misdemeanor conviction.**

**(c) The local board may withhold payment of the member's contributions and interest if the employer of the member notifies the local board that felony or misdemeanor charges accusing the member of the criminal taking of the employer's property have been filed.**

**(d) The local board may withhold payment of a person's contributions and interest under subsection (c) until the final resolution of the criminal charges.**

SECTION 8. IC 36-8-8-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) The benefits of this chapter are exempt from attachment and garnishment and may not be seized, taken, or levied upon by any execution or process. **However, a fund member's contributions or benefits, or both, may be transferred to reimburse the fund member's employer for loss resulting from the fund member's criminal taking of the employer's property by the system board if the system board receives adequate proof of the loss. The loss resulting from the fund member's criminal taking of the employer's property must be proven by an order for restitution in favor of the employer issued by the sentencing court following a felony or misdemeanor conviction.**

**(b) The system board may withhold payment of a fund member's contributions and interest if the employer of the fund member notifies the board that felony or misdemeanor charges accusing the participant of the criminal taking of the employer's property have been filed.**

**(c) The system board may withhold payment of a fund member's contributions and interest under subsection (b) until the final resolution of the criminal charges.**

~~(b)~~ **(d)** Except as provided in subsection ~~(e)~~ **(e)** and section 17.2 of this chapter, a person receiving a benefit under this chapter may not transfer, assign, or sell the benefit.

~~(e)~~ **(e)** Notwithstanding any other provision of this chapter, to the extent required by Internal Revenue Code Section 401(a)(31), as added by the Unemployment Compensation Amendments of 1992 (P.L.102-318), and any amendments and regulations related to Section 401(a)(31), the 1977 fund shall allow participants and qualified beneficiaries to elect a direct rollover of eligible distributions to another eligible retirement plan."

Renumber all SECTIONS consecutively.

(Reference is to HB 1192 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

MCNAMARA, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1308, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 23 through 42, begin a new line block indented and insert:

"(1) Subject to subdivision (2), for audits initiated after June 30, 2019, the audit look back period must be three (3) years and one hundred-eighty (180) days.

(2) If the office discovers information that may indicate a credible allegation of fraud, abusive billing practices, or a claims process error rate greater than thirty percent (30%), the office may increase the audit look back period to a total of seven (7) years."

Delete pages 3 through 4

Page 5, delete lines 1 through 2.

Page 5, line 3, delete "8." and insert "4."

Page 5, line 12, delete "9." and insert "5."

(Reference is to HB 1308 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

Kirchhofer, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1311, 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 3-11-4-2, AS AMENDED BY P.L.169-2015, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the voter may designate an individual eligible to assist the voter under IC 3-11-9-2(a) to sign the application on behalf of the voter and add the individual's name to the application. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.

**If a political party, political action committee, or other committee provides an individual with an application for an absentee ballot, the political party or committee must disclose to the individual the name of the political party or committee that provided the application to the individual, even if no information is printed or otherwise set forth on the application as described in this subsection.**

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- (4) The reason why the individual is entitled to vote an

absentee ballot:

(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.

(5) The voter identification number of the individual.

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person received the application, and file the application with the appropriate county election board not later than:

(1) noon ten (10) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the election division. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) The date (or dates) that the absentee ballot applications attached to the affidavit were received.

(4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(5) A statement that the person is executing the affidavit under the penalties of perjury.

(6) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit."

Page 2, delete lines 24 through 30, begin a new paragraph and insert:

"(c) This subsection applies to ~~the primary every~~ election held ~~before the general election conducted in 2018 and every four (4) years thereafter.~~ **after December 31, 2019.** An application for an absentee ballot for the ~~primary~~ election may not be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) earlier than December 1 of the year before the ~~primary~~ election."

Renumber all SECTIONS consecutively.

(Reference is to HB 1311 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

Wesco, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1437, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the amendment adopted by the house committee on local government on January 31, 2019.

Delete the title and insert the following:

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

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 13.

Page 4, delete lines 12 through 30, begin a new paragraph and insert:

"**Sec. 2. As used in this chapter, "training course" refers to a training course related to the executive, legislative, or fiscal body of a county that is compiled or developed by the Association of Indiana Counties and approved by the state board of accounts.**"

Page 4, line 31, delete "Sec. 5." and insert "**Sec. 3.**"

Page 4, line 33, delete "six (6)" and insert "**twelve (12)**".

Page 4, line 36, delete "March 1," and insert "**July 1,**".

Page 4, line 39, delete "March 1," and insert "**July 1,**".

Page 4, line 40, delete "Sec. 6." and insert "**Sec. 4.**".

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

Page 5, line 4, delete "Sec. 7." and insert "**Sec. 5.**".

Page 5, between lines 9 and 10, begin a new paragraph and insert:

"**Sec. 6. Expenses incurred for a training course by an individual who is a member on June 30, 2019, may be paid from the county's general fund without appropriation.**"

Page 10, delete lines 14 through 32, begin a new paragraph and insert:

"**Sec. 3. As used in this chapter, "training course" refers to a training course related to the executive, legislative, or fiscal body of a municipality that is compiled or developed by Accelerate Indiana Municipalities and approved in conjunction with the state board of accounts, the public access counselor, or the department of local government finance.**"

Page 10, line 33, delete "Sec. 6." and insert "**Sec. 4.**".

Page 10, line 35, delete "six (6)" and insert "**twelve (12)**".

Page 10, line 38, delete "March 1," and insert "**July 1,**".

Page 10, line 41, delete "March 1," and insert "**July 1,**".

Page 10, line 42, delete "Sec. 7." and insert "**Sec. 5.**".

Page 11, line 4, delete "6" and insert "**4**".

Page 11, line 6, delete "Sec. 8." and insert "**Sec. 6.**".

Page 11, between lines 8 and 9, begin a new paragraph and insert:

"**Sec. 7. Expenses incurred for a training course by an individual who is a member on June 30, 2019, may be paid from the municipality's general fund without appropriation.**"

Page 12, line 19, delete "six (6)" and insert "**twelve (12)**".

Page 12, line 21, delete "March 1," and insert "**July 1,**".

Page 12, line 24, delete "March 1," and insert "**July 1,**".

Page 13, line 33, delete "six (6)" and insert "**twelve (12)**".

Page 13, line 35, delete "March 1," and insert "**July 1,**".

Page 13, line 38, delete "March 1," and insert "**July 1,**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1437 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 Education, to which was referred House Bill 1484, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"**Sec. 3. As used in this chapter, "deaf or hard of hearing", which may be referred to as a hearing impairment, means the following:**

**(1) A disability that, with or without amplifications, adversely affects the student's:**

**(A) ability to use hearing for developing language and learning;**

**(B) educational performance; and**

**(C) developmental progress.**

**(2) The hearing loss may be:**

**(A) permanent or fluctuating;**

**(B) mild to profound; or**

**(C) unilateral or bilateral.**

**(3) Students who are deaf or hard of hearing may use:**

**(A) spoken language;**

**(B) sign language; or**

**(C) a combination of spoken language and signed systems."**

Page 1, line 11, delete "3." and insert "**4.**".

Page 1, line 13, delete "4." and insert "**5.**".

Page 2, line 1, delete "5." and insert "**6.**".

Page 2, line 1, delete "9" and insert "**10**".

Page 2, line 4, delete "8" and insert "**9**".

Page 2, line 27, delete "8" and insert "**9**".

Page 2, line 34, delete "6." and insert "**7.**".

Page 2, line 35, delete "for educators".

Page 2, line 38, delete "educator".

Page 2, between lines 39 and 40, begin a new line block indented and insert:

"**(1) administered annually;**"

Page 2, line 40, delete "(1)" and insert "**(2)**".

Page 2, line 42, delete "(2)" and insert "**(3)**".

Page 2, line 42, after "educators" insert "**and speech language pathologists**".

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

Page 3, line 7, delete "(4)" and insert "**(5)**".

Page 3, line 11, delete "educator".

Page 3, line 20, after "A" insert "**child's parent may opt the child out of the annual assessments required in subsection**

**(a), if the child is consistently performing at or above age level for that particular age. A".**

Page 3, line 22, delete "educator".  
 Page 3, line 24, delete "educator".  
 Page 3, line 26, delete "9" and insert "10".  
 Page 3, line 27, delete "7." and insert "8."  
 Page 3, line 28, delete "5" and insert "6".  
 Page 3, line 32, delete "educator".  
 Page 3, line 32, delete "6" and insert "7".  
 Page 3, line 36, delete "educator".  
 Page 3, line 37, delete "6" and insert "7".  
 Page 4, line 2, delete "6" and insert "7".  
 Page 4, line 5, delete "8." and insert "9".  
 Page 4, line 6, delete "9" and insert "10".  
 Page 4, line 10, delete "5" and insert "6".  
 Page 4, line 20, delete "9" and insert "10".  
 Page 4, line 22, delete "5" and insert "6".  
 Page 4, line 25, delete "5" and insert "6".  
 Page 4, line 27, delete "9." and insert "10".  
 Page 4, line 32, delete "5" and insert "6".  
 Page 5, line 12, delete "8" and insert "9".  
 Page 5, line 15, delete "10." and insert "11".  
 Page 5, line 25, delete "11." and insert "12".

(Reference is to HB 1484 as introduced.)  
 and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1543, 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 1543 as introduced.)

Committee Vote: Yeas 12, Nays 0.

KIRCHHOFER, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1546, 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, delete "IC 27-1-37.5," and insert "**IC 27-1-37.5 after December 31, 2020,**".

Page 2, line 14, after "(1)" insert "**after December 31, 2020,**".

Page 2, line 29, delete "The" and insert "**After December 31, 2020, the**".

Page 2, line 36, after "(4)" insert "**After December 31, 2020,**".

(Reference is to HB 1546 as introduced.)  
 and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

Kirchhofer, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1597, 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 1597 as introduced.)

Committee Vote: Yeas 10, Nays 0.

WESCO, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1615, 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 7 through 10.

Page 2, delete lines 32 through 42.

Page 3, delete lines 1 through 4.

Page 3, delete lines 12 through 16.

Page 4, delete lines 5 through 9.

Page 4, line 10, reset in roman "(3)".

Page 4, line 10, delete "(4)".

Page 4, line 19, reset in roman "(4)".

Page 4, line 19, delete "(5)".

Page 5, line 2, delete "(6)" and insert "(5)".

Page 5, line 5, delete "(7)" and insert "(6)".

Re-number all SECTIONS consecutively.

(Reference is to HB 1615 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

MCNAMARA, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1627, 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 13, delete "except as provided in subsection (d),".

Page 3, delete lines 23 through 32.

(Reference is to HB 1627 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BEHNING, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1638, 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, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 1. IC 15-13-1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9.5. "Delegated board member" means a member of the board serving under IC 15-13-5-2(a)(4) or IC 15-13-5-2(a)(5) who has been assigned a department by the board.**"

Page 8, between lines 16 and 17, begin a new line block indented and insert:

"(5) **A member of the board serving under IC 15-13-5-2(a)(4) who is appointed by a majority of the members of the board serving under IC 15-13-5-2(a)(5).**"

Page 8, between lines 35 and 36, begin a new paragraph and insert:



"SECTION 10. IC 15-13-2-10, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) The commission shall employ an executive director who is the chief administrative officer of the commission.

(b) The executive director shall implement the policies of the commission **and board**.

(c) The commission may delegate to the executive director any of the commission's powers. The commission may make a delegation under this subsection by either of the following:

(1) A resolution adopted by the commission.

(2) A rule adopted by the commission under IC 4-22-2."

Page 8, line 39, before "shall ensure" insert "**and board**".

Page 9, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 12. IC 15-13-3-4, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The commission may do the following:

(1) Enter into contracts related to the commission's powers and duties under this article.

(2) Receive gifts.

(3) Charge admissions.

(4) Purchase, lease, and sell real and personal property.

(5) Make improvements to the fairgrounds and property owned by the commission.

**(b) The commission is responsible for all contracts related to the fair."**

Page 10, line 4, delete "fair." and insert "**fair with the assistance of staff.**".

Page 11, line 6, delete "an" and insert "**at least one (1)**".

Page 11, between lines 7 and 8, begin a new paragraph and insert:

**"(d) The Indiana state department of agriculture shall maintain on the department's Internet web site a list of organizations, coordinated by district, that are certified to vote in the previous and next district election."**

Page 13, delete lines 20 through 23, begin a new line block indented and insert:

**"(2) Approving the annual premium books for the fair that set forth the general terms and conditions, schedule, loading and unloading of livestock, qualifications, animal testing, breed specific terms and conditions, entry fees, and premiums for all fair exhibits and judges.**

**(3) Advising on matters related to agriculture and livestock, including department staffing and judges.**

**(4) Approving breed champions to be included in the celebration of champions, and establishing the formula for determining monetary awards, based on recommendations of the Indiana State Fair Foundation.**

**(5) Approving future dates of the fair.**

**(6) Fundraising to support youth development.**

**(7) Advocating for the fair within the community.**

**(8) Participating in the commission's strategic planning process.**

(d) The board shall assign each delegated board member to at least one (1) department during the fair. With the assistance of staff, the delegated board member is responsible for issues involving judging and exhibitions within the delegated board member's department during the fair.

(e) The board, in consultation with each delegated board member, shall provide a list of recommendations to the commission concerning the hiring of staff and judges for livestock and competitive events during the fair. The commission shall use the recommendations provided by the board to hire staff and judges for livestock and competitive events during the fair."

Renumber all SECTIONS consecutively.  
(Reference is to HB 1638 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

LEHE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1640, 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 19, line 26, delete "May 14, 2019." and insert "**June 30, 2019.**".

Page 20, line 31, delete "May 14, 2019." and insert "**June 30, 2019.**".

Page 21, line 18, delete "May 14, 2019." and insert "**June 30, 2019.**".

Page 21, line 21, delete "May" and insert "**June 30, 2024.**".

Page 21, delete line 22.

Page 28, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 42. IC 20-30-2-1, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this chapter, "instructional time" is time during which students are participating in:

(1) an approved course;

(2) a curriculum; or

(3) an educationally related activity;

under the direction of a teacher, including a reasonable amount of passing time between classes. Instructional time does not include lunch or recess.

**(b) The term described in subsection (a) includes:**

**(1) virtual education or electronic learning days (E-Learning days); or**

**(2) other virtual instructional:**

**(A) opportunities;**

**(B) courses;**

**(C) curricula; or**

**(D) related activities."**

Page 28, line 32, delete "(b) or (c)."

Page 28, line 32, reset in roman "(b), (c), or (d)."

Page 29, between lines 2 and 3, begin a new paragraph and insert:

**"(d) If a school corporation:**

**(1) delays the start of the school day by not more than two (2) hours later than the normal school start time; or**

**(2) releases students not more than two (2) hours earlier than the normal student release time;**

**because of weather or to otherwise ensure the safety of the students, the school day shall count as a full instructional day."**

Page 33, line 31, after "board." insert "**The state board may take not more than one (1) year to determine if a school meets the legal standards under this chapter.**".

Page 34, line 42, after "A" insert "**public**".

Page 35, between lines 32 and 33, begin a new line block indented and insert:

**"(25) IC 20-51 (school scholarships).**

**(d) If a nonpublic school that is accredited under this chapter is placed in the lowest category or designation of school improvement for four (4) consecutive years, the state board shall revoke the nonpublic school's accreditation under this chapter. However, a nonpublic school may submit a request to the state board to waive or delay the revocation of the school's accreditation for a particular school year. The state board may grant a request to a**



nonpublic school that requests a waiver or delay under this subsection if the nonpublic school demonstrates that a majority of students in the eligible school demonstrated academic improvement during the preceding school year. A waiver or delay granted to a nonpublic school under this subsection is for one (1) school year only. A nonpublic school must make an additional request under this subsection to the state board to receive an additional delay or waiver of the accreditation revocation."

Page 50, delete lines 19 through 23, begin a new paragraph and insert:

"SECTION 82. [EFFECTIVE JULY 1, 2019] (a) Notwithstanding any other law, 511 IAC 6.1 expires on the date the state board of education establishes rules under IC 20-31-4.1-5, as added by this act.

(b) This SECTION expires July 1, 2021."

Renumber all SECTIONS consecutively.

(Reference is to HB 1640 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1643, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, line 34, delete "be five dollars (\$5)" and insert "**not be collected**".

Page 9, line 35, delete "not be collected" and insert "**be five dollars (\$5)**".

Page 9, line 38, delete "not be collected" and insert "**be five dollars (\$5)**".

Page 9, line 42, delete "be thirty dollars (\$30)" and insert "**not be collected**".

Page 10, line 2, delete "not be collected" and insert "**shall be thirty dollars (\$30)**".

Page 10, line 5, delete "not be collected" and insert "**shall be thirty dollars (\$30)**".

Page 11, line 36, delete "Unless the person knows or reasonably should know that" and insert "**A person who:**".

Page 11, delete lines 37 through 39.

(Reference is to HB 1643 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

SMALTZ, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1651, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 5-2-6-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.5. (a) The following terms are defined for this section:**

(1) "**Dangerous**" has the meaning set forth in IC 35-47-14-1.

(2) "**Firearm**" has the meaning set forth in IC 35-47-1-5.

(3) "**NFA regulated firearm**" means any firearm described under 26 U.S.C. 5845(a) through 26 U.S.C. 5845(f).

(4) "**Office**" means the office of judicial administration established under IC 33-24-6-1.

(b) The office shall track and record the following information:

(1) The name of the law enforcement agency responsible for each confiscation of a firearm under IC 35-47-14-2 and IC 35-47-14-3.

(2) The number of:

(A) warrant based firearm confiscations under IC 35-47-14-2; and

(B) warrantless firearm confiscations under IC 35-47-14-3;

for each county, as applicable, each year.

(3) The total number of:

(A) handguns;

(B) long guns; and

(C) NFA regulated firearms;

confiscated under IC 35-47-14 for each county, as applicable, each year.

(4) The:

(A) county;

(B) court of origin; and

(C) judge;

responsible for each written court order that finds an individual to be dangerous under IC 35-47-14-5.

(5) The:

(A) county;

(B) court of origin; and

(C) judge;

for each appeal of or reversal of a written court order that finds an individual to be dangerous under IC 35-47-14-5.

(6) The:

(A) county;

(B) court of origin; and

(C) judge;

responsible for enacting or enforcing an agreed entry.

(c) The office shall, not later than January 1 of each year, submit a report to the general assembly in an electronic format under IC 5-14-6 that consolidates and presents the information described in subsection (b).

(d) Notwithstanding subsections (b) and (c), the office shall not collect, store, disclose, distribute, transfer, or provide the following information to any assembly, person, entity, agency, or department:

(1) The:

(A) name;

(B) date of birth;

(C) Social Security number;

(D) address; or

(E) other unique identifier;

belonging to or associated with an individual alleged to be dangerous by a law enforcement officer or found to be dangerous by a circuit or superior court.

(2) The make, model, or serial number of any handgun, long gun, firearm, or NFA regulated firearm seized, confiscated, retained, disposed of, or sold under IC 35-47-14.

(e) Information:

(1) collected by the office; or

(2) used by the office;

to prepare the report described in subsection (c) is confidential and not subject to public inspection or copying under IC 5-14-3-3.

(f) The office shall make the report described in subsection (c) available to the public."

Delete page 2.

Page 3, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 2. IC 12-26-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2. (a) A**

commitment under this chapter may be begun by any of the following methods:

(1) Upon request of the superintendent under IC 12-26-3-5.

(2) An order of the court:

(A) having jurisdiction over the individual following emergency detention; or

(B) after having a hearing under IC 35-47-14-5.

(3) Filing a petition with a court having jurisdiction in the county:

(A) of residence of the individual; or

(B) where the individual may be found.

(b) A petitioner under subsection (a)(3) must be at least eighteen (18) years of age.

(c) A petition under subsection (a)(3) must include a physician's written statement stating both of the following:

(1) The physician has examined the individual within the past thirty (30) days.

(2) The physician believes the individual is:

(A) mentally ill and either dangerous or gravely disabled; and

(B) in need of custody, care, or treatment in an appropriate facility."

Page 6, delete lines 31 through 33.

Page 6, line 37, delete "finds, or has previously found under section 2 of" and insert "finds".

Page 6, line 38, delete "this chapter,".

Page 7, line 36, delete "alleged to be dangerous" and insert "from whom the firearm was seized".

Page 7, after line 42, begin a new paragraph and insert:

"(c) A court shall determine at a hearing under this section whether a separate, concurrent hearing under IC 12-26-6 should be held to consider whether the individual may be involuntarily detained or committed under IC 12-26-6."

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

Page 8, delete lines 10 through 16.

Page 8, line 17, delete "(f)" and insert "(e)".

Page 8, line 19, delete "(c)" and insert "(d)".

Page 8, line 20, after "transmit" insert ", after the hearing,".

Page 9, strike lines 1 through 4.

Page 9, line 13, after "transmit" insert ", after the hearing,".

Page 9, line 23, delete "and".

Page 9, between lines 23 and 24, begin a new line block indented and insert:

"(2) order the law enforcement agency having custody of the firearm to return the firearm as quickly as practicable to the individual from whom it was seized; and"

Page 9, line 24, delete "(2)" and insert "(3)".

Page 10, line 11, strike "not" and insert "no longer".

Page 10, line 15, after "is" delete ":".

Page 10, delete line 16.

Page 10, line 17, delete "(B)".

Page 10, run in lines 15 through 17.

Page 10, delete line 18.

Page 10, line 21, after "firearm" insert "as quickly as practicable".

Renumber all SECTIONS consecutively.

(Reference is to HB 1651 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

McNamara, 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 1166 and 1643 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Schaibley be added as coauthor of House Bill 1179.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Moseley be added as coauthors of House Bill 1349.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Summers be added as coauthor of House Bill 1432.

MACER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Torr and McNamara be added as coauthors of House Bill 1520.

GIAQUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Judy and Klinker be added as coauthors of House Bill 1542.

KIRCHHOFFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Shackelford be added as coauthor of House Bill 1543.

KIRCHHOFFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Schaibley and Shackelford be added as coauthors of House Bill 1546.

KIRCHHOFFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Shackelford be added as coauthor of House Bill 1548.

KIRCHHOFFER

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 85, 94, 99, 109, 114, 119, 142, 156, 172, 190, 191, 194, 208, 230, 231, 255, 278, 319, 325, 424, 474, 479, 532, 554, 568, 603, 608 and 621 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 23 and

the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 8 and 11 and the same are herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Zent, the House adjourned at 1:22 p.m., this seventh day of February, 2019, until Monday, February 11, 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