



Journal of the Senate

State of Indiana

121st General Assembly

First Regular Session

Thirteenth Meeting Day

Tuesday Afternoon

January 29, 2019

The Senate convened at 1:32 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Pamela Russell, Statehouse Chaplain.

The Pledge of Allegiance to the Flag was led by Senator John Ruckelshaus.

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

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

Roll Call 44: present 49; excused 1. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Concurrent Resolution 7, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: Yeas 8, Nays 0.

CRIDER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Concurrent Resolution 8, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: Yeas 8, Nays 0.

CRIDER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Concurrent Resolution 15, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: Yeas 7, Nays 0.

CRIDER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 109, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

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

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

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

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

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

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

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

SECTION 2. IC 6-9-35-5, AS ADDED BY P.L.214-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (d), the fiscal body of a county may adopt an ordinance not later than June 30, 2005, to impose an excise tax, known as the food and beverage tax, on those transactions described in sections 8 and 9 of this chapter that occur anywhere within the county.

(b) Except as provided in subsection (d), if the county in which the municipality is located has adopted an ordinance imposing an excise tax under subsection (a), the fiscal body of a municipality may adopt an ordinance not later than September 30, 2005, to impose an excise tax, known as the food and beverage tax, on those transactions described in sections 8 and 9 of this chapter that occur anywhere within the municipality.

(c) The rate of the tax imposed under this chapter equals one percent (1%) of the gross retail income on the transaction. With respect to an excise tax in the municipalities set forth in IC 6-9-27-1(1) (Mooreville), IC 6-9-27-1(3) (Plainfield), IC 6-9-27-1(4) (Brownsburg), IC 6-9-27-1(5) (Avon), ~~and~~ IC 6-9-27-1(6) (Martinsville), **IC 6-9-49 (Greenwood), IC 6-9-50 (Danville), and IC 6-9-51 (Whitestown)** the excise tax imposed by the county is in addition to the food and beverage tax imposed by those municipalities. With respect to an excise tax imposed by a county under subsection (a), the excise tax imposed by a municipality under subsection (b) is in addition to the food and beverage tax imposed by the county in which the municipality is located. For purposes of this chapter, the gross retail income received by the retail merchant from such a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5, IC 6-9-27, or this chapter.

(d) If the Marion County city-county council does not adopt all the ordinances required to be adopted by it under

IC 5-1-17-25 on or before June 30, 2005, the counties and municipalities described in section 1 of this chapter are no longer subject to the provisions of this chapter. In that event, the fiscal body of the county or municipality may not adopt an ordinance to impose the excise tax authorized by this chapter, and any ordinance adopted by the fiscal body under subsection (a) or (b) is no longer effective."

Page 1, line 4, delete "Clarksville" and insert "**Greenwood**".

Page 1, line 5, delete "town of Clarksville." and insert "**city of Greenwood.**".

Page 1, line 8, delete "town" and insert "**city**".

Page 1, line 9, delete "town" and insert "**city**".

Page 1, line 11, delete "town" and insert "**city**".

Page 1, line 14, delete "town" and insert "**city**".

Page 1, line 16, delete "town" and insert "**city**".

Page 1, line 17, delete "town" and insert "**city**".

Page 2, line 2, delete "town" and insert "**city**".

Page 2, line 3, delete "town" and insert "**city**".

Page 2, line 6, delete "last day of the month that succeeds the month in" and insert "**first day of the month following sixty (60) days after the date on which the ordinance is adopted.**".

Page 2, delete line 7.

Page 2, line 13, delete "town;" and insert "**city;**".

Page 2, line 32, delete "town" and insert "**city**".

Page 2, line 36, delete "town" and insert "**city**".

Page 3, line 11, delete "town" and insert "**city**".

Page 3, line 14, delete "town, the town" and insert "**city, the city**".

Page 3, line 16, delete "town" and insert "**city**".

Page 3, line 21, delete "town" and insert "**city**".

Page 3, line 22, delete "town's" and insert "**city's**".

Page 3, line 23, delete "town," and insert "**city,**".

Page 3, line 25, delete "town." and insert "**city.**".

Page 3, line 30, delete "town" and insert "**city**".

Page 3, delete line 31.

Page 3, line 32, delete "(5)" and insert "**(4)**".

Page 3, line 33, delete "(6)" and insert "**(5)**".

Page 3, line 35, delete "(5)." and insert "**(4).**".

Page 3, line 37, delete "town" and insert "**city**".

Page 3, line 39, delete "town." and insert "**city.**".

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

"SECTION 4. IC 6-9-50 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 50. Danville Food and Beverage Tax

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

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

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

the agenda for the public hearing.

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

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

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

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

- (1) for consumption at a location or on equipment provided by a retail merchant;
- (2) in the town; and
- (3) by a retail merchant for consideration.

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

- (1) served by a retail merchant off the merchant's premises;
- (2) food sold in a heated state or heated by a retail merchant;
- (3) made of two (2) or more food ingredients, mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or
- (4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or package used to transport the food).

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

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

- (1) must be imposed in an increment of twenty-five hundredths percent (0.25%); and
- (2) may not exceed one percent (1%);

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

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

be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

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

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

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

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

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

- (1) Parks, trails, and sidewalk, street, and parking improvements to support tourism in the town.
- (2) For economic development purposes, including the pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations for economic development purposes.

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

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

SECTION 5. IC 6-9-51 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 51. Whitestown Food and Beverage Tax

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

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

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

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

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

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

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

- (1) for consumption at a location or on equipment provided by a retail merchant;
- (2) in the town; and
- (3) by a retail merchant for consideration.

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

- (1) served by a retail merchant off the merchant's premises;
- (2) food sold in a heated state or heated by a retail merchant;
- (3) made of two (2) or more food ingredients, mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or
- (4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or package used to transport the food).

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

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

- (1) must be imposed in an increment of twenty-five hundredths percent (0.25%); and
- (2) may not exceed one percent (1%);

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

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

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

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

(b) The town fiscal officer shall deposit in the fund all

amounts received under this chapter.

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

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

- (1) To reduce the town's property tax levy for a particular year at the discretion of the town, but this use does not reduce the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for the town.
- (2) For economic development purposes, including the pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations for economic development purposes.
- (3) Construction, renovation, improvement, equipping, or maintenance of town capital improvements.
- (4) Parks and recreation.
- (5) The pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations incurred for a purpose described in subdivisions (3) through (4).

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

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

Renumber all SECTIONS consecutively.

(Reference is to SB 109 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 1.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill 172, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

CRIDER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill 182, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 3 with "[EFFECTIVE JULY 1, 2021]".

Replace the effective dates in SECTIONS 7 through 13 with "[EFFECTIVE JULY 1, 2021]".

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

"SECTION 1. IC 9-13-2-39.7, AS ADDED BY P.L.198-2016, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 39.7. "Credential" means the following:

(1) The following forms of documentation in physical form issued by the bureau under IC 9-24:

- (+) (A) A driver's license.
- (-) (B) A learner's permit.
- (-) (C) An identification card.
- (+) (D) A photo exempt identification card.

(2) The following forms of documentation in the form of a mobile credential issued by the bureau under IC 9-24:

- (A) Except for a commercial driver's license issued under IC 9-24-6.1, a driver's license.
- (B) Except for a commercial learner's permit issued under IC 9-24-6.1, a learner's permit.
- (C) An identification card.

SECTION 2. IC 9-13-2-48, AS AMENDED BY P.L.198-2016, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 48. "Driver's license" means the following:

(1) Any type of license issued by the state in physical form authorizing an individual to operate the type of vehicle for which the license was issued, in the manner for which the license was issued, on a highway. The term includes any endorsements added to the license under IC 9-24-8.5.

(2) Except for a commercial driver's license issued under IC 9-24-6.1, any type of license issued by the state in the form of a mobile credential authorizing an individual to operate the type of vehicle for which the license was issued, in the manner for which the license was issued, on a highway. The term includes any endorsements added to the license under IC 9-24-8.5."

Page 2, delete lines 6 through 29, begin a new paragraph and insert:

"SECTION 4. IC 9-13-2-103.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 103.4. "Mobile credential" means a digital representation issued by the bureau under IC 9-24-17.5 of the information contained on the following:

- (1) A driver's license.
- (2) A learner's permit.
- (3) An identification card.

The term does not include a commercial driver's license or commercial learner's permit issued under IC 9-24-6.1 or a photo exempt identification card issued under IC 9-24-16.5.

SECTION 5. IC 9-13-2-123.5, AS AMENDED BY P.L.198-2016, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 123.5. "Permit" means the following:

(1) A permit issued by the state in physical form authorizing an individual to operate the type of vehicle for

which the permit was issued on public streets, roads, or highways with certain restrictions. The term **under this subdivision** includes the following:

- (+) (A) A learner's permit.
- (-) (B) A motorcycle permit.
- (-) (C) A commercial learner's permit.

(2) A permit issued by the state in the form of a mobile credential authorizing an individual to operate the type of vehicle for which the permit was issued on public streets, roads, or highways with certain restrictions. The term under this subdivision includes a learner's permit and a motorcycle permit. The term under this subdivision does not include a commercial learner's permit."

Page 6, between lines 18 and 19, begin a new paragraph and insert:

"(c) The display of a mobile credential shall not serve as consent or authorization for the court, a police officer, or any other person to search, view, or access any data or application on the telecommunications device other than the mobile credential. If a person presents the person's telecommunications device to the court, a police officer, or any other person for the purposes of displaying the person's mobile credential, the court, police officer, or person viewing the mobile credential shall not handle the telecommunications device in order to view the mobile credential and to verify the identity of the person."

Page 8, line 29, after "2." insert "(a)".

Page 8, delete line 36, begin a new paragraph and insert:

"(b) The bureau shall not issue a mobile credential for:
(1) a commercial driver's license issued under IC 9-24-6.1;
(2) a commercial learner's permit issued under IC 9-24-6.1; or
(3) a photo exempt identification card issued under IC 9-24-16.5."

Page 9, after line 5, begin a new paragraph and insert:

"Sec. 4. The bureau may contract with a third party to carry out this chapter."

Renumber all SECTIONS consecutively.

(Reference is to SB 182 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 0.

CRIDER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 442, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, delete lines 5 through 38.

Page 4, delete lines 2 through 6, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "pore space" means the voids in one (1) or more subsurface geologic strata that:

- (1) are located beneath the surface of a particular tract of land;
- (2) are suitable for the storage of carbon dioxide;
- (3) in their natural and undisturbed state, are not:
 - (A) oil bearing formations; or
 - (B) gas bearing formations; and
- (4) are located below the base of the Ordovician formations, as defined by the Indiana geological and water survey established by IC 21-47-2."

Page 4, delete lines 13 through 15, begin a new paragraph and insert:

"Sec. 3. As used in this chapter, "reservoir" means a portion of one (1) or more subsurface geologic strata that:

- (1) in their natural and undisturbed state, are not:
 - (A) oil bearing formations; or
 - (B) gas bearing formations; and
- (2) are located below the base of the Ordovician formations, as defined by the Indiana geological and water survey established by IC 21-47-2;

that is suitable for the injection and storage of carbon dioxide."

Page 5, line 21, after "Sec. 9." insert "(a)".

Page 5, line 34, delete "pooled." and insert "pooled and all persons known to possess a fee simple estate or leasehold estate in minerals of the pore space proposed to be pooled."

Page 6, line 10, delete "applies" and insert "applies:".

Page 6, delete lines 11 through 14, begin a new line triple block indented and insert:

"(i) may submit written comments to the director of the division of oil and gas of the department concerning the prospective storage operator's application for the pooling of pore space at the address set forth in the notice within twenty (20) days after the publication date of the notice; and (ii) may attend the hearing on the prospective storage operator's application for a pooling order; and"

Page 6, between lines 16 and 17, begin a new line block indented and insert:

"(4) Satisfy the notification requirements of subsections (b) and (c).

(b) A prospective storage operator must serve a written notification describing the proposed underground storage of carbon dioxide personally or by certified mail to each of the following:

- (1) Each person who controls:
 - (A) a well for oil and gas purposes, including a well having temporary abandonment status under 312 IAC 29-33;
 - (B) a well for oil and gas purposes that is not yet in production; and
 - (C) an unexpired permit to drill a well for oil and gas purposes;

if the location of the well is not more than one-fourth (1/4) mile from the tract of land that the prospective storage operator intends to use for the underground

storage of carbon dioxide.

(2) The permittee of an underground mine permitted under IC 14-34 if the location of the underground mine is not more than one-fourth (1/4) mile from the tract of land that the prospective storage operator intends to use for the underground storage of carbon dioxide.

(3) A person who files a map under 312 IAC 29-17-1(c) showing the location of commercially minable coal resources if the location of the coal resources is not more than one-fourth (1/4) mile from the tract of land that the prospective storage operator intends to use for the underground storage of carbon dioxide.

(4) Each person who controls an underground gas storage or underground petroleum storage reservoir identified under 312 IAC 29-18-1 if the location of the reservoir is not more than one-fourth (1/4) mile from the tract of land that the prospective storage operator intends to use for the underground storage of carbon dioxide.

(5) Each person having a surface or subsurface property interest (including fee simple or leasehold estate in minerals) in:

- (A) the pore space proposed to be pooled; or
- (B) a tract of land located not more than one-fourth (1/4) mile from the tract of land that the prospective storage operator intends to use for the underground storage of carbon dioxide.

(c) The written notification provided under subsection (b):

- (1) must specify that a person, within fifteen (15) days after receiving the notification, may submit written comments to the director of the division of oil and gas of the department concerning the prospective storage operator's application for the pooling of pore space; and

(2) must include:

- (A) the address to which the person's written comments may be forwarded;
- (B) the address from which additional information about the prospective storage operator's application for the pooling of pore space may be obtained; and
- (C) instructions for obtaining a copy of the prospective storage operator's application for the pooling of pore space."

Page 6, line 20, delete "and".

Page 6, line 25, after "interest;" insert "and

(3) all persons to whom section 9(b)(1) through 9(b)(5) of this chapter applies;"

Page 6, line 26, delete "IC 4-21.5-3-1." and insert "IC 4-21.5-3-1 or this chapter."

Page 6, line 29, delete "(a)(1) applies; or" and insert "(a)(1);"

Page 6, line 30, delete "(a)(2) applies;" and insert "(a)(2); or (3) section 9(b)(1) through 9(b)(5) of this chapter;"

Page 6, line 31, before "shall" insert "applies".

Page 6, line 41, after "judge," insert "in light of all written comments submitted before the hearing and all testimony given and written evidence presented at the hearing,"

Page 7, line 14, delete "apply;" and insert "apply, and on other property owners and holders of property interests

described in section 9(b)(1) through 9(b)(5) of this chapter;"

Page 8, line 32, delete "oil and gas environmental" and insert "pore space pooling application".

Page 8, line 33, delete "IC 14-37-10-2." and insert "IC 14-39-2.5-1."

Page 9, between lines 2 and 3, begin a new paragraph and insert:

"Sec. 16. (a) Except for the provisions of this chapter concerning:

- (1) notice being provided to; and
- (2) the submission of written comments, testimony, and written evidence by;

the holders of interests in extractable mineral resources, nothing in this chapter may be construed to apply to extractable mineral resources.

(b) The rights and requirements of this chapter:

- (1) are subordinate to rights pertaining to oil, gas, and coal reserves; and
- (2) shall in no way adversely affect oil, gas, and coal reserves.

(c) Notwithstanding any other law, nothing in this chapter may be construed to preclude the rights provided under IC 14-37-9.

SECTION 17. IC 14-39-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 2.5. Carbon Dioxide Storage Fees and Funds

Sec. 1. (a) The pore space pooling application fund is established for the purpose of defraying the expenses of the department described in IC 14-39-2-13(b).

(b) The department shall administer the fund.

(c) The fund consists of the following:

- (1) Fees collected under IC 14-39-2-9 from persons applying for pore space pooling orders.
- (2) Accrued interest and other investment earnings of the fund.
- (3) Gifts, grants, donations, or appropriations from any source.

(d) Money in the fund does not revert to the state general fund at the end of a state fiscal year.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) The expenses of administering the fund shall be paid from money in the fund.

(g) Money in the fund is annually appropriated for the purpose of defraying the expenses of the department described in IC 14-39-2-13(b).

Sec. 2. (a) The definitions in IC 14-39-3 apply throughout this section.

(b) A storage operator that injects carbon dioxide underground at a storage facility shall pay a carbon dioxide storage fee. Subject to subsection (c), the amount of the fee is ten cents (\$0.10) per metric ton of carbon dioxide injected underground at the storage facility.

(c) When a total of five million dollars (\$5,000,000) has

been paid in carbon dioxide storage fees under this section for the injection of carbon dioxide underground at a particular storage facility, the storage operator operating the storage facility is no longer required to pay carbon dioxide storage fees under this section for the injection of carbon dioxide underground at the storage facility.

Sec. 3. (a) The carbon dioxide storage fund is established.

(b) The purpose of the fund is to meet:

- (1) expenses incurred by the state of Indiana in fulfilling monitoring requirements with respect to Class VI wells under IC 14-39-3-13(b);
- (2) expenses incurred by the state of Indiana for emergency and remedial response with respect to Class VI wells under IC 14-39-3-12(b); and
- (3) other expenses incurred by the state of Indiana as owner of storage facilities under IC 14-39-3-15.

(c) The department shall administer the fund.

(d) The fund consists of the following:

- (1) Fees collected under section 2 of this chapter.
- (2) Accrued interest and other investment earnings of the fund.
- (3) Gifts, grants, donations, or appropriations from any source.

(e) Money in the fund does not revert to the state general fund at the end of a state fiscal year.

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(g) The expenses of administering the fund shall be paid from money in the fund.

(h) Money in the fund is annually appropriated for the purposes set forth in subsection (b)."

Page 11, after line 35, begin a new paragraph and insert:

"Sec. 16. (a) Notwithstanding any other law, nothing in this chapter may be construed to apply to extractable mineral resources.

(b) The rights and requirements of this chapter:

- (1) are subordinate to rights pertaining to oil, gas, and coal reserves; and
- (2) shall in no way adversely affect oil, gas, and coal reserves.

(c) Notwithstanding any other law, nothing in this chapter may be construed to preclude the rights provided under IC 14-37-9."

Renumber all SECTIONS consecutively.

(Reference is to SB 442 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 8, Nays 3.

MESSMER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 608, has had the same

under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 42, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-6-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 6.5. Railroad Crossing Lanes

Sec. 1. As used in this chapter, "department" means the Indiana department of transportation established by IC 8-23-2-1.

Sec. 2. Subject to section 3 of this chapter and to available funding, the department shall in locations where practical construct the following at each railroad crossing on all state highways under the department's jurisdiction with a speed limit of forty (40) miles per hour or greater:

- (1) An additional lane for the purpose of allowing a vehicle that is required by law to stop at a railroad crossing to stop and not impede traffic.**
- (2) An additional lane for the purpose of allowing a vehicle that has stopped at a railroad crossing to accelerate and safely merge back into traffic.**
- (3) Signs to instruct traffic on the existence and proper use of lanes constructed under this chapter.**

Sec. 3. (a) The department shall give priority to the following railroad crossings located on a state highway under the department's jurisdiction when constructing lanes and signs under this chapter:

- (1) A railroad crossing located on a state highway with a speed limit of sixty (60) miles per hour or greater.**
- (2) A railroad crossing located on a state highway with a high vehicle per day count.**
- (3) A railroad crossing with a high number of accidents or fatalities.**
- (4) A railroad crossing with poor sight distance.**

(b) The department may use any other information related to the safety of a railroad crossing to determine the priority of construction under subsection (a).

Sec. 4. (a) A lane constructed under this chapter may be used only by a person required to stop at a railroad crossing under the following:

- (1) 49 CFR 392.10.**
- (2) IC 9-21-8-40.**
- (3) IC 9-21-12-5.**

(b) A person not listed under subsection (a) may use a lane constructed under this chapter for emergency purposes.

(c) Except as provided in subsection (b), a person who is not listed under subsection (a) and who uses a lane constructed under this chapter commits a Class C infraction.

(Reference is to SB 42 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security and Transportation.

BRAY, Chair

Report adopted.

REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 97, the Senate Committee on Ethics met on January 28, 2019, to render an advisory opinion with regard to Senator Perfect's request that the Committee consider whether or not he has a conflict of interest pertaining to SB 342 which would require him to be excused from any further action on this bill at all stages of the legislative process. The members in attendance were: Chairman L. Brown, Senator Charbonneau, Senator Walker, and Senator Lonnie M. Randolph.

The Senate Committee on Ethics has considered the facts presented by Senator Perfect and the Committee found that Senator Perfect has no conflict of interest with regard to SB 342. The vote of the Committee was 4-0.

L. BROWN, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 5 and 10 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1004, 1008, 1009, 1021, 1034, 1139, 1200 and 1246 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE BILLS ON SECOND READING

Senate Bill 130

Senator Doriot called up Senate Bill 130 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 130-2)

Madam President: I move that Senate Bill 130 be amended to read as follows:

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

"SECTION 1. IC 22-3-6-1, AS AMENDED BY P.L.204-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the context otherwise requires:

(a) "Employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, limited liability partnership, or corporation or the receiver or trustee of the same, using the services of another for pay. A corporation, limited liability company, or limited liability partnership that controls the activities of another corporation, limited liability company, or limited liability partnership, or a corporation and a limited liability company or a corporation and a limited liability partnership that are commonly owned entities, or the controlled corporation, limited liability company, limited liability partnership, or commonly owned entities, and a parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the controlled corporation's, the limited liability company's, the limited liability partnership's, the commonly owned entities', the parent's, or the subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5. The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) "Employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship, written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer.

(1) An executive officer elected or appointed and empowered in accordance with the charter and bylaws of a corporation, other than a municipal corporation or governmental subdivision or a charitable, religious, educational, or other nonprofit corporation, is an employee of the corporation under IC 22-3-2 through IC 22-3-6. An officer of a corporation who is an employee of the corporation under IC 22-3-2 through IC 22-3-6 may elect not to be an employee of the corporation under IC 22-3-2 through IC 22-3-6. An officer of a corporation who is also an owner of any interest in the corporation may elect not to be an employee of the corporation under IC 22-3-2 through

IC 22-3-6. If an officer makes this election, the officer must serve written notice of the election on the corporation's insurance carrier and the board. An officer of a corporation may not be considered to be excluded as an employee under IC 22-3-2 through IC 22-3-6 until the notice is received by the insurance carrier and the board.

(2) An executive officer of a municipal corporation or other governmental subdivision or of a charitable, religious, educational, or other nonprofit corporation may, notwithstanding any other provision of IC 22-3-2 through IC 22-3-6, be brought within the coverage of its insurance contract by the corporation by specifically including the executive officer in the contract of insurance. The election to bring the executive officer within the coverage shall continue for the period the contract of insurance is in effect, and during this period, the executive officers thus brought within the coverage of the insurance contract are employees of the corporation under IC 22-3-2 through IC 22-3-6.

(3) Any reference to an employee who has been injured, when the employee is dead, also includes the employee's legal representatives, dependents, and other persons to whom compensation may be payable.

(4) An owner of a sole proprietorship may elect to include the owner as an employee under IC 22-3-2 through IC 22-3-6 if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If the owner of a sole proprietorship:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain a certificate of exemption under IC 22-3-2-14.5; or

(B) is an independent contractor and does not make the election provided under this subdivision, the owner may obtain a certificate of exemption under IC 22-3-2-14.5.

(5) A partner in a partnership may elect to include the partner as an employee under IC 22-3-2 through IC 22-3-6 if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If a partner in a partnership:

(A) is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain a certificate of exemption under IC 22-3-2-14.5; or

(B) is an independent contractor and does not make the election provided under this subdivision, the partner may obtain a certificate of exemption under IC 22-3-2-14.5.

(6) Real estate professionals are not employees under IC 22-3-2 through IC 22-3-6 if:

- (A) they are licensed real estate agents;
- (B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and
- (C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(7) A person is an independent contractor and not an employee under IC 22-3-2 through IC 22-3-6 if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(8) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 376 to a motor carrier is not an employee of the motor carrier for purposes of IC 22-3-2 through IC 22-3-6. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(9) A member or manager in a limited liability company may elect to include the member or manager as an employee under IC 22-3-2 through IC 22-3-6 if the member or manager is actually engaged in the limited liability company business. If a member or manager makes this election, the member or manager must serve upon the member's or manager's insurance carrier and upon the board written notice of the election. A member or manager may not be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received.

(10) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth in IC 22-3-2-2.5.

(11) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of IC 22-3-2 through IC 22-3-6.

(12) An individual who is not an employee of the state or a political subdivision is considered to be a temporary employee of the state for purposes of IC 22-3-2 through IC 22-3-6 while serving as a member of a mobile support unit on duty for training, an exercise, or a response, as set forth in IC 10-14-3-19(c)(2)(B).

(13) A driver providing drive away operations is an independent contractor and not an employee when:

- (A) the vehicle being driven is the commodity being delivered; and**
- (B) the driver has entered into an agreement with the party arranging for the transportation that specifies**

the driver is an independent contractor and not an employee.

(c) "Minor" means an individual who has not reached seventeen (17) years of age.

(1) Unless otherwise provided in this subsection, a minor employee shall be considered as being of full age for all purposes of IC 22-3-2 through IC 22-3-6.

(2) If the employee is a minor who, at the time of the accident, is employed, required, suffered, or permitted to work in violation of IC 20-33-3-35, the amount of compensation and death benefits, as provided in IC 22-3-2 through IC 22-3-6, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the injury or death of the minor, and the employer shall be liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age and who at the time of the accident is employed, suffered, or permitted to work at any occupation which is not prohibited by law, this subdivision does not apply.

(3) A minor employee who, at the time of the accident, is a student performing services for an employer as part of an approved program under IC 20-37-2-7 shall be considered a full-time employee for the purpose of computing compensation for permanent impairment under IC 22-3-3-10. The average weekly wages for such a student shall be calculated as provided in subsection (d)(4).

(4) The rights and remedies granted in this subsection to a minor under IC 22-3-2 through IC 22-3-6 on account of personal injury or death by accident shall exclude all rights and remedies of the minor, the minor's parents, or the minor's personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of the injury or death. This subsection does not apply to minors who have reached seventeen (17) years of age.

(d) "Average weekly wages" means the earnings of the injured employee in the employment in which the employee was working at the time of the injury during the period of fifty-two (52) weeks immediately preceding the date of injury, divided by fifty-two (52), except as follows:

(1) If the injured employee lost seven (7) or more calendar days during this period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted.

(2) Where the employment prior to the injury extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employee's employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages, as defined in this subsection, regard shall be had to the

average weekly amount which during the fifty-two (52) weeks previous to the injury was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in the same class of employment in the same district.

(3) Wherever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of the employee's earnings.

(4) In computing the average weekly wages to be used in calculating an award for permanent impairment under IC 22-3-3-10 for a student employee in an approved training program under IC 20-37-2-7, the following formula shall be used. Calculate the product of:

(A) the student employee's hourly wage rate; multiplied by

(B) forty (40) hours.

The result obtained is the amount of the average weekly wages for the student employee.

(e) "Injury" and "personal injury" mean only injury by accident arising out of and in the course of the employment and do not include a disease in any form except as it results from the injury.

(f) "Billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(g) "Billing review standard" means the data used by a billing review service to determine pecuniary liability.

(h) "Community" means a geographic service area based on ZIP code districts defined by the United States Postal Service according to the following groupings:

(1) The geographic service area served by ZIP codes with the first three (3) digits 463 and 464.

(2) The geographic service area served by ZIP codes with the first three (3) digits 465 and 466.

(3) The geographic service area served by ZIP codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by ZIP codes with the first three (3) digits 469 and 479.

(5) The geographic service area served by ZIP codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 ZIP code and ZIP codes with the first three (3) digits 462.

(7) The geographic service area served by ZIP codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by ZIP codes with the first three (3) digits 475, 476, and 477.

(i) "Medical service provider" refers to a person or an entity that provides services or products to an employee under IC 22-3-2 through IC 22-3-6. Except as otherwise provided in IC 22-3-2 through IC 22-3-6, the term includes a medical service facility.

(j) "Medical service facility" means any of the following that provides a service or product under IC 22-3-2 through IC 22-3-6

and uses the CMS 1450 (UB-04) form for Medicare reimbursement:

(1) A hospital (as defined in IC 16-18-2-179).

(2) A hospital based health facility (as defined in IC 16-18-2-180).

(3) A medical center (as defined in IC 16-18-2-223.4).

The term does not include a professional corporation (as defined in IC 23-1.5-1-10) comprised of health care professionals (as defined in IC 23-1.5-1-8) formed to render professional services as set forth in IC 23-1.5-2-3(a)(4) or a health care professional (as defined in IC 23-1.5-1-8) who bills for a service or product provided under IC 22-3-2 through IC 22-3-6 as an individual or a member of a group practice or another medical service provider that uses the CMS 1500 form for Medicare reimbursement.

(k) "Pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under IC 22-3-2 through IC 22-3-6, as follows:

(1) This subdivision applies before July 1, 2014, to all medical service providers, and after June 30, 2014, to a medical service provider that is not a medical service facility. Payment of the charges in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products.

(2) Payment of the charges in a reasonable amount, which is established by payment of one (1) of the following:

(A) The amount negotiated at any time between the medical service facility and any of the following, if an amount has been negotiated:

(i) The employer.

(ii) The employer's insurance carrier.

(iii) A billing review service on behalf of a person described in item (i) or (ii).

(iv) A direct provider network that has contracted with a person described in item (i) or (ii).

(B) Two hundred percent (200%) of the amount that would be paid to the medical service facility on the same date for the same service or product under the medical service facility's Medicare reimbursement rate, if an amount has not been negotiated as described in clause (A).

(l) "Service or product" or "services and products" refers to medical, hospital, surgical, or nursing service, treatment, and supplies provided under IC 22-3-2 through IC 22-3-6."

Renumber all SECTIONS consecutively.

(Reference is to SB 130 as printed January 25, 2019.)

DORIOT

Motion prevailed. The bill was ordered engrossed.

Senate Bill 188

Senator Becker called up Senate Bill 188 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 188-1)

Madam President: I move that Senate Bill 188 be amended to read as follows:

Page 2, between lines 39 and 40, begin a new line block indented and insert:

"(7) Agree in writing to work as a nursing faculty member or an adjunct clinical faculty member as described in subdivision (5) for at least three (3) years."
(Reference is to SB 188 as printed January 25, 2019.)

BECKER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 235

Senator Freeman called up Senate Bill 235 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 235-1)

Madam President: I move that Senate Bill 235 be amended to read as follows:

Page 17, line 30, after "be" insert **"filed under seal,"**.

Page 17, line 31, delete "verified" and insert **"verified,"**.

Page 18, line 32, after "order." insert **"The court shall order the protection order expunged if the petitioner proves by a preponderance of the evidence that the petitioner is entitled to relief."**

(Reference is to SB 235 as printed January 17, 2019.)

FREEMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 238

Senator Freeman called up Senate Bill 238 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 238-1)

Madam President: I move that Senate Bill 238 be amended to read as follows:

Page 10, line 8, strike "may" and insert **"shall"**.

Page 10, line 11, strike "program".

(Reference is to SB 238 as printed January 25, 2019.)

FREEMAN

Motion prevailed. The bill was ordered engrossed.

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 27

Senator Becker called up Engrossed Senate Bill 27 for third reading:

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

After discussion, Senator Becker withdrew the call.

Engrossed Senate Bill 228

Senator Charbonneau called up Engrossed Senate Bill 228 for third reading:

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

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

Roll Call 45: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kirchofer and Fleming.

Engrossed Senate Bill 276

Senator Raatz called up Engrossed Senate Bill 276 for third reading:

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

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

Roll Call 46: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Barrett.

Engrossed Senate Bill 352

Senator Leising called up Engrossed Senate Bill 352 for third reading:

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

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

Roll Call 47: yeas 24, nays 25. The bill failed for lack of a constitutional majority.

Engrossed Senate Bill 438

Senator Zay called up Engrossed Senate Bill 438 for third reading:

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

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

Roll Call 48: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Behning.

Engrossed Senate Bill 545

Senator Spartz called up Engrossed Senate Bill 545 for third reading:

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

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

Roll Call 49: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Carbaugh.

SENATE MOTION

Madam President: I move that Senator Bray be removed as author of Senate Bill 42 and Senator Doriot be substituted therefor.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jon Ford be added as third author and Senators Breaux and Melton be added as coauthors of Senate Bill 113.

KOCH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mishler be added as coauthor of Senate Bill 130.

DORIOT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Spartz be added as coauthor of Senate Bill 130.

DORIOT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as third author of Senate Bill 142.

BOHACEK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 188.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 188.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 228.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 338.

MELTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Spartz be added as coauthor of Senate Bill 420.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second author, Senator Doriot be added as third author, and Senator Tomes be added as coauthor of Senate Bill 424.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as third author of Senate Bill 425.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 438.

ZAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 464.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator J.D. Ford be added as third author of Senate Bill 464.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Crider be added as second author of Senate Bill 471.

KOCH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Crider be added as second author of Senate Bill 473.

KOCH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Niezgodski be added as coauthor of Senate Bill 517.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 545.

SPARTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 554.

GARTEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second author and Senator Crane be added as third author of Senate Bill 558.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Spartz be added as second author of Senate Bill 571.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 27, which is eligible for third reading, be returned to second reading for purposes of amendment.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, January 31, 2019.

BRAY

Motion prevailed.

The Senate adjourned at 2:54 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUZANNE CROUCH
President of the Senate