



# Journal of the House

State of Indiana

121st General Assembly

First Regular Session

Thirty-ninth Day

Monday Afternoon

April 1, 2019

The invocation was offered by Father Patrick Baikauskas, Pastor and Director of Campus Ministry at the Catholic Church at Purdue University, a guest of Representative Klinker.

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

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

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	Mahan
Candelaria Reardon	Manning
Carbaugh	May
Cherry	Mayfield
Chyung	McNamara
Clere	Miller
Cook	Moed
Davisson	Morris
Deal	Morrison
DeLaney	Moseley
DeVon	Negele
Dvorak	Nisly
Eberhart	Pfaff
Ellington	Pierce
Engleman	Porter
Errington	Prescott
Fleming	Pressel
Forestal	Pryor
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Smaltz
Goodrich	V. Smith <input type="checkbox"/>
Gutwein	Soliday
Hamilton	Speedy
Harris	Steuerwald
Hatcher	Stutzman
Hatfield	Sullivan
Heaton	Summers <input type="checkbox"/>
Heine	Thompson
Hostettler	Torr

VanNatter  
Wesco  
Wolkins  
Wright

J. Young  
Zent  
Ziemke  
Mr. Speaker

Roll Call 368: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, April 2, 2019, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 558, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "If" and insert "**If**".

Page 5, delete lines 10 through 42.

Page 6, delete lines 1 through 8.

Page 11, delete lines 24 through 42.

Delete pages 12 through 14.

Page 15, delete lines 1 through 6.

Page 19, delete lines 4 through 21.

Page 19, line 22, delete "(b) (d)" and insert "(b)".

Page 20, delete lines 26 through 37.

Page 23, delete lines 28 through 36, begin a new paragraph and insert:

"(b) As required by 52 U.S.C. 21083, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

(1) A current and valid photo identification.

(2) A current utility bill.

(3) A **current** bank statement.

(4) A **current** government check.

(5) A **current** paycheck. ~~or~~

(6) A **current** government document.

~~that shows~~ The **document presented by the voter must show the name and residence** address of the voter."

Page 25, delete lines 32 through 42.

Page 26, delete lines 1 through 15.

Page 31, delete lines 6 through 23.

Page 40, delete lines 25 through 42.

Page 41, delete lines 1 through 7.

Page 42, line 19, strike "(c)" and insert "**(d)**".

Page 42, line 22, strike "(d)" and insert "**(e)**".

Page 42, line 26, delete "(e)" and insert "**(f)**".

Page 42, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 39. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "study committee" refers to the interim study committee on elections, established by IC 2-5-1.3-4(6).

(b) The legislative council is urged to assign to the study committee the task of studying the topic of means for verification of voter registration data.

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

Renumber all SECTIONS consecutively.

(Reference is to SB 558 as printed February 6, 2019.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

Wesco, Chair

Report adopted.

## RESOLUTIONS ON FIRST READING

### House Resolution 49

Representatives Bacon and McNamara introduced House Resolution 49:

A HOUSE RESOLUTION honoring Michael Bertram for his accomplishments.

*Whereas, Michael Bertram, son of John and Sara Bertram, is a senior enrolled at Castle High School in Newburgh, Indiana;*

*Whereas, Michael maintains a 3.94 grade point average while maintaining a rigorous schedule of academic requirements, athletic commitments with the Castle High School soccer team, and part-time employment;*

*Whereas, Michael volunteers at annual Castle Youth Soccer Camps, the annual Warrick County Pioneer Days, as a referee for the Newburgh Youth Basketball League and local youth soccer organizations, and as a member of the Warrick County School Corporation Coordinated Health Advisory Council;*

*Whereas, Michael played goalkeeper for the Castle High School soccer team and served two seasons as team captain, including the 2017-18 season in which the Knights finished as the Class 3A State Runner-Up in the Indiana High School Athletic Association state tournament;*

*Whereas, Michael suffered an injury prior to the 2018-19 soccer season but continued working with his teammates and coaches to help the Knights succeed;*

*Whereas, Michael has received the Kiwanis Mental Attitude Award, was named to the Indiana Soccer Coaches Association Academic All-State Team, and received the Wendy's High School Heisman Award;*

*Whereas, Michael accepted an opportunity to attend Wabash College and plans to study biology while continuing his soccer career; and*

*Whereas, Michael displayed focus, perseverance, talent, and skill that has been recognized by his peers and community: Therefore,*

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

SECTION 1. That the House of Representatives honors Michael Bertram for his accomplishments.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Indiana State Representative Ron Bacon for distribution.

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

### House Resolution 50

Representative Candelaria Reardon introduced House Resolution 50:

A HOUSE RESOLUTION recognizing the 2018-2019 Munster High School boys swim team and coach Matt Pavlovich.

*Whereas, The Munster Seahorses won recognition during the 2018-2019 Boys Swimming and Diving State Tournament held February 22-23, 2019, at the IU Natatorium in Indianapolis;*

*Whereas, A high school swimmer who records one of the top 100 times in the country is recognized as an All American;*

*Whereas, Kyle Adams won the state championship title in the 100-yard breaststroke with a time of 54.08 seconds, breaking multiple records. He was recognized as an All American in the 50-yard freestyle with a time of 20.95 seconds;*

*Whereas, Grant Afman won the state runner-up title in the 100-yard butterfly with a time of 48.40 seconds, breaking multiple records. He was recognized as an All American in the 500-yard freestyle with a time of 4 minutes and 43.03 seconds;*

*Whereas, Holden Raffin won third place in the 100-yard backstroke with a time of 48.59 seconds, breaking multiple records. He was recognized as an All American in the 200-yard individual medley with a time of 1 minute and 48.65 seconds, breaking team, pool, and sections records;*

*Whereas, Freshman Griffin Poulsen completed the 500-yard freestyle in 4 minutes and 42.30 seconds, and freshman Kenny Reed completed the 100-yard butterfly in 52.12 seconds, showcasing the potential strength of the Seahorses in future seasons;*

*Whereas, Holden Raffin, Kyle Adams, Fenry Zhou, and Grant Afman placed second in the 200-yard medley relay with a time of 1 minute and 30.68 seconds, earning them All American titles and breaking multiple records;*

*Whereas, Holden Raffin, Kenny Reed, Justin Singh, and Grant Afman won All American titles during the 400-yard freestyle relay with a time of 3 minutes and 6 seconds, breaking multiple records;*

*Whereas, Head coach Matt Pavlovich led the Seahorses during an impressive swim season and was named the 2019 State Coach of the Year; and*

*Whereas, The success of the Munster High School boys swim team is a result of the hard work, dedication, skill, and talent of students and the support of coaches, staff, families, and friends: 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 recognizes the success of the 2018-2019 Munster High School boys swim team.

SECTION 2. That the Indiana House of Representatives recognizes Munster High school boys swim team coach Matt Pavlovich on winning the 2019 State Coach of the Year title for leading an impressive swim season.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the Munster High School boys swim team and Coach Matt Pavlovich.

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

**House Concurrent Resolution 43**

Representatives Frye, Ellington, Macer and Forestal introduced House Concurrent Resolution 43:

A CONCURRENT RESOLUTION recognizing Indiana Task Force One.

*Whereas, Indiana Task Force One is one of 28 urban search and rescue teams in the country;*

*Whereas, The team consists of 70 multifaceted and cross-trained personnel who serve in six major functional areas: search, rescue, medical, hazardous materials, logistics, and planning;*

*Whereas, Indiana Task Force One was created in 1992 and is sponsored by the city of Indianapolis under the Indianapolis Fire Department and 29 other participating agencies, many of which are located in central Indiana;*

*Whereas, Indiana Task Force One is comprised of emergency responders from fire departments in and around Marion County and civilians, including physicians, paramedics, engineers, damage-structure specialists, and search dogs and their handlers;*

*Whereas, Indiana Task Force One has been deployed three times in Indiana to assist local emergency personnel in search and rescue operations after tornadoes in Klondike, Evansville, and Henryville;*

*Whereas, The task force has also deployed to national disasters, including: the Oklahoma City bombing, the attack on the World Trade Center on September 11, 2001, Hurricane Katrina, Hurricane Harvey in Houston, Texas, Hurricane Irma in Florida, Hurricane Maria in Puerto Rico, Hurricane Olivia in Hawaii, Hurricane Florence in North Carolina, and Hurricane Michael in Florida;*

*Whereas, The task force deployed to assist search and rescue operations with other federal and state of Texas personnel in the Houston, Beaumont, and Port Arthur, Texas, metro areas;*

*Whereas, The task force also provided support to the Federal Emergency Management Agency (FEMA) by sending additional personnel to support decontamination of personnel and equipment during Hurricanes Harvey and Irma; and*

*Whereas, The selfless and heroic efforts of these brave men and women help keep Americans safe during times of natural or manmade disaster: Therefore,*

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

SECTION 1. That the Indiana General Assembly honors and recognizes Indiana Task Force One for their commitment to public safety and disaster response in the state of Indiana and the United States of America.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Indiana State Representative Randall Frye for distribution.

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 Crider.

**House Concurrent Resolution 44**

Representative Saunders introduced House Concurrent Resolution 44:

A CONCURRENT RESOLUTION honoring Lieutenant General Bruce R. Harris.

*Whereas, Lieutenant General Bruce Reed Harris was born on August 13, 1934, in New Castle, Indiana;*

*Whereas, General Harris graduated from New Castle High School in 1952, and from Tennessee Technological University in 1956 with a bachelor's degree in business and a commission through the Army Reserve Officers' Training Corps;*

*Whereas, General Harris served two tours in Vietnam as an Army helicopter pilot, flew more than 500 combat missions, was a qualified Army Parachutist, and holds the rating of Master Army Aviator;*

*Whereas, General Harris earned a master's degree in political science from Auburn University, and military credentials from the Army Command and General Staff College, Air War College, and Signal Officer Basic and Advanced Courses;*

*Whereas, General Harris commanded the 13th Signal Battalion, 1st Cavalry Division at Fort Hood, Texas, from 1972 to 1973. He later brought experience, talent, knowledge, and skill to Washington, D.C., while supporting the Chief of Staff for the U.S. Army from 1974 to 1978 before serving as the Commander, Division Support Command, 2nd Armored Division at Fort Hood;*

*Whereas, General Harris served as the Chief of Staff at Fort Gordon in the early 1980s before working as the Deputy Assistant Secretary of Defense in the Legislative Affairs Office, and he later served as the Commanding General and Deputy Commanding General, respectively, at Fort Monmouth, New Jersey, and Fort Huachuca, Arizona, into the mid-1980s;*

*Whereas, General Harris served as the commanding officer at Fort Gordon in Georgia and the U.S. Army Signal Center from 1986 to 1988, where he commanded roughly 20,000 military and civilian personnel; and*

*Whereas, General Harris retired from active duty on August 31, 1989, after more than 33 years of serving the United States of America in the U.S. Army: Therefore,*

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

SECTION 1. That the Indiana General Assembly honors New Castle, Indiana, native Lieutenant General Bruce R. Harris for his many contributions to Indiana and the United States of America.

SECTION 2. That the Indiana General Assembly encourages the Indiana Department of Transportation to rename a portion of State Road 3 from Interstate 70 to County Road 200 North in Henry County the "Lieutenant General Bruce R. Harris Parkway".

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the Commissioner of the Indiana Department of Transportation, and to State Representative Thomas Saunders for distribution to General Harris and his family.

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

**Senate Concurrent Resolution 59**

The Speaker handed down Senate Concurrent Resolution 59, sponsored by Representative Hostettler:

A CONCURRENT RESOLUTION memorializing Charles Beckner.

*Whereas, Charles Conrad Beckner was born December 13, 1920, and grew up in Princeton in Gibson County, Indiana;*

*Whereas, Charles enlisted in the United States Army in 1937 prior to World War II, and then transferred to the United States Navy in 1939, where he served as a medical corpsman;*

*Whereas, Deployed to Fort Mills in the Philippines, Charles was a part of Motor Torpedo Boat Squadron Three ("MTBRON-Three"), based out of Cavite, and assisted in defending the Philippines during World War II;*

*Whereas, Charles was a member of the crew that evacuated General Douglas MacArthur and his family from Corregidor to Mindanao, on March 11, 1942;*

*Whereas, As a result of MTBRON-Three's mission in rescuing General MacArthur, Charles was awarded a Silver Star for gallantry in action with citations that the crew executed "with marked skill and coolness a mission of major strategic importance and of the most hazardous nature in the face of greatly superior enemy forces";*

*Whereas, Charles was also involved as a guerilla opposing the Japanese during the war;*

*Whereas, Charles received numerous service awards and citations, including a Presidential Unit Citation Ribbon for three different units, Unit Badge and Oak Leaf Cluster for his service in defense of the Philippines, a Bronze Star for meritorious service in 1993, and Charles was awarded a Purple Heart for wounds received in action on May 6, 1945;*

*Whereas, At the time of his retirement in 1969, Charles was the most senior ranking Chief Warrant Officer 4 in the U.S. Navy;*

*Whereas, Even though he never lived in Princeton following his military service, and*

*Whereas, Charles devoted his life in service to the United States, and passed away on February 17, 2009, at the age of 88: 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 memorializes Charles Beckner and appreciates his service to the State of Indiana and the United States.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the family of Charles Beckner.

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 Concurrent Resolution 60**

The Speaker handed down Senate Concurrent Resolution 60, sponsored by Representative Hostettler:

A CONCURRENT RESOLUTION memorializing James and Naomi Beckner.

*Whereas, James Beckner was born July 6, 1917, and grew up in Princeton, Indiana;*

*Whereas, Naomi (Sturm) Beckner was born August 10, 1919, and grew up in Clinton, Indiana;*

*Whereas, James enlisted in the United States Navy in 1942 during World War II, where he served as a torpedoman's mate first class, and Naomi was appointed to the United States Navy in 1943 as a reserve nurse;*

*Whereas, After enlisting, James was deployed to sea to serve on the U.S.S. Colhoun on picket station one;*

*Whereas, While deployed, James was severely injured during the Battle of Okinawa, when the Japanese bombed the U.S.S. Colhoun four times, sinking the ship and killing 51 and wounding 18 servicemen;*

*Whereas, Naomi was assigned to the Navy Nurse Corps and served at the Great Lakes Naval Service attending to patients who were severely injured during the War, where she met James;*

*Whereas, After the war, James and Naomi married and returned to Princeton, where they started a family and a business, Beckner Jewelry Store; and*

*Whereas, Both being proud of their service in the United States Navy, James passed away on April 10, 1977, and Naomi passed on November 26, 2016: 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 memorializes James and Naomi Beckner and appreciates their service to the State of Indiana and the United States.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the family of James and Naomi Beckner.

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.

#### **ENGROSSED SENATE BILLS ON SECOND READING**

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 33, 133, 221, 238, 281 and 474.

#### **ENGROSSED SENATE BILLS ON THIRD READING**

##### **Engrossed Senate Bill 57**

Representative Lehman called down Engrossed Senate Bill 57 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 369: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

##### **Engrossed Senate Bill 192**

Representative Negele called down Engrossed Senate Bill 192 for third reading:

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

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

Roll Call 370: yeas 97, 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.

##### **Engrossed Senate Bill 230**

Representative Lehman called down Engrossed Senate Bill 230 for third reading:

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

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

Roll Call 371: yeas 92, nays 6. 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.

#### Engrossed Senate Bill 350

Representative Lehe called down Engrossed Senate Bill 350 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agricultural and animals.

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

Roll Call 372: yeas 97, 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.

#### Engrossed Senate Bill 513

Representative Wolkins called down Engrossed Senate Bill 513 for third reading:

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

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

Roll Call 373: yeas 97, 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.

#### Engrossed Senate Bill 533

Representative Lehe called down Engrossed Senate Bill 533 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agricultural and animals.

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

Roll Call 374: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### Engrossed Senate Bill 570

Representative Wesco called down Engrossed Senate Bill 570 for third reading:

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

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

Roll Call 375: yeas 97, 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.

The House recessed until the fall of the gavel.

#### RECESS

The House reconvened at 5:08 p.m. with the Speaker in the Chair.

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

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

### ENGROSSED SENATE BILLS ON SECOND READING

#### Engrossed Senate Bill 94

Representative Mahan called down Engrossed Senate Bill 94 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 110

Representative McNamara called down Engrossed Senate Bill 110 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 119

Representative Lucas called down Engrossed Senate Bill 119 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 119-3)

Mr. Speaker: I move that Engrossed Bill 119 be amended to read as follows:

Page 11, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 10. IC 35-47-2.5-1, AS AMENDED BY P.L.152-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Sections 2, 3, 4, and through 5 of this chapter do not apply to the following:

(1) Transactions between persons who are licensed as firearms importers or collectors or firearms manufacturers or dealers under 18 U.S.C. 923.

(2) Purchases by or sales to a law enforcement officer or agent of the United States, the state, or a county or local government.

(3) Indiana residents licensed to carry handguns under IC 35-47-2-3.

(b) Notwithstanding any other provision of this chapter, the state shall participate in the NICS if federal funds are available to assist the state in participating in the NICS. If:

(1) the state participates in the NICS; and

(2) there is a conflict between:

(A) a provision of this chapter; and

(B) a procedure required under the NICS;

the procedure required under the NICS prevails over the conflicting provision of this chapter.

SECTION 11. IC 35-47-2.5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4.5. A person may not sell, trade, or transfer a firearm to another person unless:**

**(1) the person transacts the sale, trade, or transfer of the firearm through a dealer; and**

**(2) the dealer:**

**(A) contacts NICS; and**

**(B) receives authorization from NICS;**

**to complete the requested sale, trade, or transfer.**

SECTION 12. IC 35-47-2.5-12, AS AMENDED BY P.L.158-2013, SECTION 585, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) A person who knowingly or intentionally makes a materially false statement on Form 4473 completed under section 3 of this chapter commits a Level 6 felony.

(b) A person who knowingly or intentionally makes a materially false statement to a dealer, seller, or transferor of a firearm for the purpose of completing a transaction described in section 4.5 of this chapter commits a Class A misdemeanor.

SECTION 13. IC 35-47-2.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. Except as otherwise provided in this chapter, a dealer or person who knowingly or intentionally sells, rents, trades, or transfers a handgun in violation of this chapter commits a Class A misdemeanor."

Renumber all SECTIONS consecutively.

(Reference is to ESB 119 as printed March 29, 2019.)

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative DeLaney withdrew the motion to amend.

HOUSE MOTION  
(Amendment 119-4)

Mr. Speaker: I move that Engrossed Senate Bill 119 be amended to read as follows:

Page 11, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 10. IC 35-47-2.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

**Chapter 2.7. Sale of Handguns on State Fairgrounds Property**

**Sec. 1. As used in this chapter, "fairgrounds" means the real estate owned by the state fair commission established by IC 15-13-2-1 that was originally conveyed to the state by the Indiana state board of agriculture by warranty deed dated May 31, 1921, and recorded in the office of the recorder of Marion County on April 21, 1923, in Land Record 74, page 347.**

**Sec. 2. As used in this chapter, "NICS" has the meaning set forth under IC 35-47-2.5-2.5.**

**Sec. 3. A person may not sell, rent, trade, or otherwise transfer a handgun to another person on the fairgrounds until the person does both of the following:**

(1) Contacts, or has a third person or dealer contact, the NICS to request a background check on the person who will receive the handgun.

(2) Receives authorization from the NICS to transfer the handgun to the person who will receive the handgun.

**Sec. 4. A person who knowingly or intentionally sells, rents, trades, or transfers a handgun in violation of this chapter commits a Class A misdemeanor."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 119 as printed March 29, 2019.)

DELANEY

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 376: yeas 30, nays 64. Motion failed.

HOUSE MOTION  
(Amendment 119-2)

Mr. Speaker: I move that Engrossed Senate Bill 119 be amended to read as follows:

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 7. IC 20-34-3-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 20.5. Notwithstanding any other law, a public school, including a charter school, or an eligible school (as defined in IC 20-51-1-4.7) may not conduct or authorize an active shooter drill or any other school employee or student training that includes, as any part of the drill or training, the expelling of any type of projectile at an employee or a student."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 119 as printed March 29, 2019.)

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that amendment Senate Bill 119-2 does not violate House Rule 80. The amendment addresses active shooter training requirements for schools and is assuredly germane to the bill's subject matter of firearms on school property.

DVORAK  
PFAFF

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Friend.

The question was, Shall the ruling of the Chair be sustained? Roll Call 377: yeas 64, nays 31. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

The question then was on the motion of Representative Pfaff. Motion ruled out of order.

HOUSE MOTION  
(Amendment 119-5)

Mr. Speaker: I move that Engrossed Senate Bill 119 be amended to read as follows:

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

"SECTION 5. IC 3-7-35-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. As used in this chapter, "pre-registration individual" refers to an individual who satisfies all of the following:**

(1) The individual is a United States citizen.

(2) The individual is:

(A) at least sixteen (16) years of age; and

(B) less than eighteen (18) years of age.

(3) The individual will not be at least eighteen (18) years of age at the next general, municipal, or special election.

SECTION 6. IC 3-7-35-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Sections 2.1 and 3.1 of this chapter applies apply when a circuit court clerk or board of registration receives a registration form from an individual who is: ~~eligible to register under this article but is~~

(1) less than eighteen (18) years of age; and

(2) described in IC 3-7-13-1.

(b) Sections 5, 6, 7, and 8 of this chapter apply to a pre-registration individual.

SECTION 7. IC 3-7-35-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. A pre-registration individual may submit an application to vote prescribed by the election division under section 6 of this chapter as provided in this chapter.**

SECTION 8. IC 3-7-35-6 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The election division shall prescribe the application described in section 5 of this chapter.

(b) The application form prescribed under subsection (a) must satisfy the following requirements:

(1) The form must include a statement that does all of the following:

(A) Sets forth each eligibility requirement for registration (including citizenship).

(B) Contains an attestation that the applicant will meet each of the eligibility requirements in the year when the applicant becomes eighteen (18) years of age.

(C) Requires the signature of the applicant, under penalty of perjury.

(2) The form must include, in print that is identical to the print used in the attestation part of the application, information setting forth the penalties provided by law for submission of a false voter registration application.

(3) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(4) The question "Will you be 18 years of age on or before election day in the year you turn 18?" and boxes for the applicant to check to indicate whether the applicant will be eighteen (18) years of age on or before election day in the year the applicant turns eighteen (18) years of age.

(5) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under 52 U.S.C. 21083 must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

SECTION 9. IC 3-7-35-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) When a county voter registration official receives an application described in section 6 of the chapter, the information provided by the applicant shall be entered in the computerized list maintained under IC 3-7-26.3.

(b) The county voter registration official shall indicate in the applicant's entry on the computerized list that the application is "pre-registration".

(c) The county voter registration official may not include the name of any applicant who has been marked in the computerized list as "pre-registration" on the lists described in sections 2.1 and 3.1 of this chapter.

SECTION 10. IC 3-7-35-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) On December 1 in the year preceding an election, the county voter registration office shall generate a notice described in IC 3-7-33-5(b) for any applicant:

(1) whose entry in the computerized list is indicated as "pre-registration"; and

(2) who will be eighteen (18) years of age on or before the next general, municipal, or special election.

(b) This subsection applies to an applicant who will be eighteen (18) years of age after December 1 in the year preceding an election but not before the next general, municipal, or special election. The county voter registration office shall generate a notice described in IC 3-7-33-5(b) on the first day of a voter registration period after the general, municipal, or special election.

(c) Once the notice under subsection (a) or (b) is generated, the applicant's application for registration shall be processed according to IC 3-7-33-5."

Renumber all SECTIONS consecutively.

(Reference is to ESB 119 as printed March 29, 2019.)

BOY

Upon request of Representatives Pryor and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 378: yeas 31, nays 63. Motion failed. The bill was ordered engrossed.

#### Engrossed Senate Bill 132

Representative Burton called down Engrossed Senate Bill 132 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

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

#### Engrossed Senate Bill 171

Representative Houston called down Engrossed Senate Bill 171 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 171-2)

Mr. Speaker: I move that Engrossed Senate Bill 171 be amended to read as follows:

Page 47, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 35. IC 36-1-20-5, AS ADDED BY P.L.193-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) This section does not apply to a political subdivision with a rental registration or inspection program created before July 1, 1984.

(b) This chapter does not prohibit a political subdivision from establishing and enforcing a registration program for rental units within the political subdivision.

(c) A political subdivision may impose on an owner or landlord of a rental unit an annual registration fee of not more than ~~five dollars (\$5)~~; **one hundred fifty dollars (\$150)**.

(d) A registration fee imposed under subsection (c) covers all the rental units in a rental unit community. However, if a rental unit is not part of a rental unit community, a registration fee may be imposed for each separate parcel of real property on which a rental unit is located.

(e) If the ownership of a rental unit community or the ownership of a parcel of real property on which a rental unit is located changes, a political subdivision may require the new owner of the rental unit community or new owner of the real estate parcel to:

(1) pay an annual registration fee of not more than ~~five dollars (\$5)~~; **one hundred fifty dollars (\$150)**; and

(2) provide updated registration information to the political subdivision; not later than thirty (30) days after the change of ownership."

Renumber all SECTIONS consecutively.

(Reference is to ESB 171 as printed March 29, 2019.)

CAMPBELL

Upon request of Representatives Huston and Mahan, the Speaker ordered the roll of the House to be called. Roll Call 379: yeas 21, nays 73. Motion failed. The bill was ordered engrossed.

#### Engrossed Senate Bill 186

Representative McNamara called down Engrossed Senate Bill 186 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

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

### Engrossed Senate Bill 216

Representative Sullivan called down Engrossed Senate Bill 216 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 216-2)

Mr. Speaker: I move that Engrossed Senate Bill 216 be amended to read as follows:

Page 11, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 19. IC 21-27-3-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6. (a) Subject to subsection (b), the undergraduate tuition rate charged by Ball State University for an undergraduate student who is an Indiana resident may not increase from the undergraduate tuition rate charged by Ball State University at the time the student initially enrolled at Ball State University.**

**(b) To qualify under subsection (a), the undergraduate student must remain:**

- (1) enrolled in Ball State University; and**
- (2) on track to timely graduate.**

SECTION 20. IC 21-27-4-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) Subject to subsection (b), the undergraduate tuition rate charged by Indiana University for an undergraduate student who is an Indiana resident may not increase from the undergraduate tuition rate charged by Indiana University at the time the student initially enrolled at Indiana University.**

**(b) To qualify under subsection (a), the undergraduate student must remain:**

- (1) enrolled in Indiana University; and**
- (2) on track to timely graduate.**

SECTION 21. IC 21-27-5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) Subject to subsection (b), the undergraduate tuition rate charged by Indiana State University for an undergraduate student who is an Indiana resident may not increase from the undergraduate tuition rate charged by Indiana State University at the time the student initially enrolled at Indiana State University.**

**(b) To qualify under subsection (a), the undergraduate student must remain:**

- (1) enrolled in Indiana State University; and**
- (2) on track to timely graduate.**

SECTION 22. IC 21-27-6-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 8. (a) Subject to subsection (b), the undergraduate tuition rate charged by Ivy Tech Community College for an undergraduate student who is an Indiana resident may not increase from the undergraduate tuition rate charged by Ivy Tech Community College at the time the student initially enrolled at Ivy Tech Community College.**

**(b) To qualify under subsection (a), the undergraduate student must remain:**

- (1) enrolled in Ivy Tech Community College; and**
- (2) on track to timely graduate.**

SECTION 23. IC 21-27-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 7. (a) Subject to subsection (b), the undergraduate tuition rate charged by Purdue University for an undergraduate student who is an Indiana resident may not increase from the undergraduate tuition rate charged by Purdue University at the time the student initially enrolled at Purdue University.**

**(b) To qualify under subsection (a), the undergraduate student must remain:**

- (1) enrolled in Purdue University; and**
- (2) on track to timely graduate.**

SECTION 24. IC 21-27-8-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 8. (a) Subject to subsection (b), the undergraduate tuition rate charged by the University of Southern Indiana for an undergraduate student who is an Indiana resident may not increase from the undergraduate tuition rate charged by the University of Southern Indiana at the time the student initially enrolled at the University of Southern Indiana.**

**(b) To qualify under subsection (a), the undergraduate student must remain:**

- (1) enrolled in the University of Southern Indiana; and**
- (2) on track to timely graduate.**

SECTION 25. IC 21-27-9-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 7. (a) Subject to subsection (b), the undergraduate tuition rate charged by Vincennes University for an undergraduate student who is an Indiana resident may not increase from the undergraduate tuition rate charged by Vincennes University at the time the student initially enrolled at Vincennes University.**

**(b) To qualify under subsection (a), the undergraduate student must remain:**

- (1) enrolled in Vincennes University; and**
- (2) on track to timely graduate."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 216 as printed March 26, 2019.)

HARRIS

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Leonard withdrew the point of order.

The question was on the motion of Representative Harris. Upon request of Representatives GiaQuinta and Porter, the Speaker ordered the roll of the House to be called. Roll Call 380: yeas 32, nays 63. Motion failed. The bill was ordered engrossed.

### Engrossed Senate Bill 233

Representative Speedy called down Engrossed Senate Bill 233 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 233-2)

Mr. Speaker: I move that Engrossed Bill 233 be amended to read as follows:

Page 6, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 6. IC 36-7-39 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

#### **Chapter 39. Cultural, Recreational, and Educational Sustainment Areas**

**Sec. 1. As used in this chapter, "adopting county" means an eligible county that has designated a tax area under section 8 of this chapter.**

**Sec. 2. As used in this chapter, "adopting municipality" means an eligible municipality that has designated a tax area under section 8 of this chapter.**

**Sec. 3. As used in this chapter, "department" refers to the department of state revenue.**

**Sec. 4. As used in this chapter, "eligible county" means Lake County or St. Joseph County.**



**Sec. 5.** As used in this chapter, "eligible municipality" means a municipality located in an eligible county.

**Sec. 6.** As used in this chapter, "qualified tax revenue" means:

- (1) the aggregate amount of state gross retail and use taxes remitted under IC 6-2.5 by the businesses operating in a tax area during the previous state fiscal year; and
- (2) the aggregate amount of the adjusted gross income tax paid by employees employed in the tax area with respect to wages and salary earned for work in the tax area for the previous state fiscal year.

**Sec. 7.** As used in this chapter, "tax area" means a geographic area designated as a cultural, recreational, and educational sustainment area under section 8 of this chapter.

**Sec. 8. (a)** The fiscal body of an eligible county or municipality may adopt an ordinance that designates the eligible county or municipality as a cultural, recreational, and educational sustainment area.

**(b)** The boundaries of a tax area are:

- (1) the unincorporated area of the county, in the case of a county that adopts an ordinance under subsection (a); or
- (2) coterminous with the boundaries of a municipality, in the case of a municipality that adopts an ordinance under subsection (a).

**(c)** A tax area established under this section expires on the earlier of:

- (1) the expiration date specified in the ordinance adopted under this section; or
- (2) the tenth anniversary of the effective date of the ordinance.

**(d)** An eligible county or municipality may establish a tax area under this section only once.

**Sec. 9.** The fiscal body of an adopting county or municipality may adopt an ordinance to abolish an existing tax area.

**Sec. 10.** If the fiscal body of an eligible county or municipality adopts an ordinance under this chapter, the fiscal officer of the eligible county or municipality shall promptly transmit a copy of the ordinance to the department in the manner prescribed by the department.

**Sec. 11. (a)** Beginning in 2020, on or before October 1 of each year, the department shall determine the qualified tax revenue amount for the previous state fiscal year for each tax area designated under this chapter.

**(b)** Taxpayers operating in a tax area shall report annually, in the manner and in the form prescribed by the department, information that the department determines is necessary to calculate the qualified tax revenue amount.

**(c)** A taxpayer operating in a tax area that files a consolidated tax return with the department shall also file annually an informational return with the department for each business location of the taxpayer within the tax area.

**(d)** If a taxpayer fails to report the information required by this section, the department shall use the best information available in calculating the qualified tax revenue amount.

**Sec. 12. (a)** The treasurer of state shall establish a qualified tax revenue fund for each tax area designated under this chapter. The treasurer of state shall administer the fund.

**(b)** Beginning in 2021, on or before January 15 of each year, the department of local government finance shall

determine the amount of the loss for each tax area for the previous calendar year for the treasurer's use under subsection (c).

**(c)** Beginning in 2021, on or before January 25 of each year, the treasurer of state shall transfer from the state general fund to the qualified tax revenue fund established for each tax area under subsection (a) an amount equal to the amount of loss from the previous calendar year attributable to the expiration of the exemption from the property tax caps for property taxes imposed to pay debt service or make lease payments under IC 6-1.1-20.6-7.5(c) for the tax area. The amount transferred for a particular tax area may not exceed the amount determined under section 11 of this chapter for that tax area.

**(d)** Beginning in 2021, on or before February 1 of each year, all amounts held in the qualified tax revenue fund established for a tax area shall be distributed to the fiscal officer of the adopting county or municipality that established the tax area for deposit in the tax area fund established under section 13 of this chapter.

**Sec. 13. (a)** The fiscal officer of an adopting county or municipality shall establish a tax area fund to receive money distributed to the adopting county or municipality under section 12 of this chapter.

**(b)** Money deposited in the tax area fund may be used by the adopting county or municipality for any lawful purpose."

Renumber all SECTIONS consecutively.

(Reference is to ESB 233 as printed March 29, 2019.)

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

The question was on the motion of Representative Porter. Motion ruled out of order.

HOUSE MOTION  
(Amendment 233-4)

Mr. Speaker: I move that Engrossed Senate Bill 233 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

**SECTION 1. [EFFECTIVE UPON PASSAGE] (a)** The legislative council is urged to assign to an appropriate study committee the task of studying the fiscal impacts on local government units resulting from an increase in the acquisition cost threshold for the business personal property tax exemption. The study committee shall consider the property tax shifts and the revenue losses for each unit resulting from the increase in the threshold.

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

**SECTION 2.** An emergency is declared for this act.  
(Reference is to ESB 233 as printed March 29, 2019.)

PORTER

Motion ruled out of order.

HOUSE MOTION  
(Amendment 233-1)

Mr. Speaker: I move that Engrossed Senate Bill 233 be amended to read as follows:

Page 5, line 38, strike "the individual:" and insert "either of the following apply:"

Page 5, strike lines 39 through 42.

Page 5, after line 42, begin a new line block indented and insert:

**"(1) The individual:**

**(A) is in the military or naval forces of the United States on the assessment date; and**

**(B) is covered by the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) or IC 10-16-20.**

**(2) The individual has no personal property tax liability for the taxable year."**

Renumber all SECTIONS consecutively.  
(Reference is to ESB 233 as printed March 29, 2019.)

MAYFIELD

Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 278**

Representative Kirchhofer called down Engrossed Senate Bill 278 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 278-1)

Mr. Speaker: I move that Engrossed Senate Bill 278. Be amended to read as follows:

Page 14, after line 31, begin a new paragraph and insert:

"SECTION 11. [EFFECTIVE JULY 1, 2019] (a) There is appropriated to the state department of health one million dollars (\$1,000,000) from the agency settlement fund established by IC 4-12-16-2. The appropriation is for the department's use in reducing maternal mortality for the period July 1, 2019, through June 30, 2021.

(b) There is appropriated to the state department of health three million dollars (\$3,000,000) from revenue received by the state from the agency settlement fund established by IC 4-12-16-2. The appropriation is for the department's use in providing a doula supplemental grant program in ZIP codes in Indiana having the highest infant mortality rates as determined by the state department of health for the period July 1, 2019, through June 30, 2021.

**(c) This SECTION expires June 30, 2021."**

Renumber all SECTIONS consecutively.  
(Reference is to ESB 278 as printed March 29, 2019.)

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken.

The question was on the motion of Representative Porter. Motion ruled out of order. The bill was ordered engrossed.

**Engrossed Senate Bill 491**

Representative Frye called down Engrossed Senate Bill 491 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 491-1)

Mr. Speaker: I move that Engrossed Senate Bill 491 be amended to read as follows:

Replace the effective date in SECTION 2 with "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 12.

Page 2, line 31, reset in roman "(c) An individual veteran".

Page 2, line 31, after "must" insert **"may not be required to"**.

Page 2, line 31, reset in roman "pay a co-pay".

Page 2, line 31, after "co-pay" insert **"under the pilot program."**

Page 2, line 34, reset in roman "(f)".

Page 2, line 34, delete "(e)".

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

Page 2, line 38, delete "(f)".

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

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

Page 4, line 19, reset in roman "(i)".

Page 4, line 19, delete "(h)".

Page 4, line 24, reset in roman "(j)".

Page 4, line 24, delete "(i)".

Page 4, line 36, reset in roman "(k)".

Page 4, line 36, delete "(j)".

Page 5, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) 410 IAC 37-1-2 is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this section from the Indiana Administrative Code.

(b) Before July 1, 2019, the state department of health shall adopt an emergency rule in the manner provided under IC 4-22-2-37.1 to amend 410 IAC 37-1-11(b) to remove the requirement that for a veteran to be eligible to participate in the pilot program established under IC 10-17-13.5-6, as amended by this act, the veteran must pay a co-pay equal to ten percent (10%) of the cost of treatment billed to the Indiana department of veterans' affairs. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the state department of health under this subsection and in the manner provided under IC 4-22-2-37.1 expires July 1, 2021.

(c) Before July 1, 2019, the state department of health shall adopt an emergency rule in the manner provided under IC 4-22-2-37.1 to amend 410 IAC 37-1-13(c) to provide that grants may not be made under the pilot program established under IC 10-17-13.5-6, as amended by this act, after June 30, 2021. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the state department of health under this subsection and in the manner provided under IC 4-22-2-37.1 expires July 1, 2021.

**(d) This SECTION expires July 1, 2021."**

Renumber all SECTIONS consecutively.  
(Reference is to ESB 491 as printed March 29, 2019.)

FRYE

Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 561**

Representative Bacon called down Engrossed Senate Bill 561 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 561-1)

Mr. Speaker: I move that Engrossed Senate Bill 561 be amended to read as follows:

Page 1, line 1, delete "IC 10-11-10" and insert "IC 10-11-11".

Page 1, line 4, delete "10." and insert "11".

(Reference is to ESB 561 as printed March 29, 2019.)

BACON

Motion prevailed. The bill was ordered engrossed.

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

**Engrossed Senate Bill 562**

Representative Behning called down Engrossed Senate Bill 562 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 562-5)

Mr. Speaker: I move that Engrossed Senate Bill 562 be amended to read as follows:

Page 4, delete lines 4 through 16, begin a new paragraph and insert:

"SECTION 2. IC 20-19-3-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 20.5. (a) This section does not apply to a mediator or independent hearing officer retained by the department before July 1, 2019.**

**(b) Not later than January 1, 2021, the department shall ensure that all mediators, administrative law judges,**

hearing officers, and other appointees, employees, and contractors who:

(1) are initially retained by the department after June 30, 2019; and (2) mediate or adjudicate disputes involving educational entities through the department; are effectively trained and committed to serve as both mediators and adjudicators."

(Reference is to ESB 562 as printed March 29, 2019.)

DELANEY

Upon request of Representatives Mahan and Torr, the Speaker ordered the roll of the House to be called. Roll Call 381: yeas 95, nays 0. Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 586

Representative Frizzzell called down Engrossed Senate Bill 586 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 607

Representative Sullivan called down Engrossed Senate Bill 607 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 607-1)

Mr. Speaker: I move that Engrossed Senate Bill 607 be amended to read as follows:

Page 3, delete lines 21 through 36, begin a new paragraph and insert:

**"Sec. 5. As used in this chapter, "graduation rate" means the percentage, out of the total number of students who enrolled in the program during the state fiscal year that precedes the immediately preceding state fiscal year, of students who graduated in the two (2) immediately preceding state fiscal years and for whom the approved eligible provider received reimbursement under this chapter. A student may be counted as a graduate only one (1) time in calculating the program's graduation rate."**

(Reference is to ESB 607 as printed March 29, 2019.)

SULLIVAN

Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 631

Representative McNamara called down Engrossed Senate Bill 631 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 631-2)

Mr. Speaker: I move that Engrossed Senate Bill 631 be amended to read as follows:

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

**"SECTION 1. IC 2-5-45 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:**

#### **Chapter 45. Regulatory Agency Advisory Committee**

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

**(1) "Advisory committee" means the regulatory agency advisory committee established by section 2 of this chapter.**

**(2) "Regulatory agency" means the regulatory agency established by IC 7.1-9-2-1.**

**Sec. 2. The regulatory agency advisory committee is established.**

**Sec. 3. (a) The advisory committee consists of the following four (4) voting members and five (5) nonvoting members:**

**(1) One (1) legislative member appointed by the speaker of the house of representatives.**

**(2) One (1) legislative member appointed by the minority leader of the house of representatives.**

**(3) One (1) legislative member appointed by the president pro tempore of the senate.**

**(4) One (1) legislative member appointed by the minority leader of the senate.**

**(5) One (1) representative of law enforcement, appointed as a nonvoting member by the speaker of the house of representatives.**

**(6) One (1) individual having experience in the treatment of medical conditions by means of medical marijuana as a patient, physician, or caregiver, appointed as a nonvoting member by the president pro tempore of the senate.**

**(7) The commissioner of the department of state revenue or the commissioner's designee, who serves as a nonvoting member.**

**(8) The director of the department of agriculture or the director's designee, who serves as a nonvoting member.**

**(9) The state health commissioner or the commissioner's designee, who serves as a nonvoting member.**

**(b) The chairperson of the legislative council shall annually select one (1) of the voting members to serve as chairperson.**

**Sec. 4. (a) A legislative member of the advisory committee may be removed at any time by the appointing authority who appointed the legislative member.**

**(b) If a vacancy exists on the advisory committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy.**

**Sec. 5. Each member of the advisory committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.**

**Sec. 6. The affirmative votes of a majority of the voting members appointed to the advisory committee are required for the advisory committee to take action on any measure, including final reports.**

**Sec. 7. The advisory committee shall do the following:**

**(1) Review rules adopted by the regulatory agency.**

**(2) Review legislative proposals suggested by the regulatory agency.**

**(3) Evaluate the medical marijuana research and development program under IC 7.1-9-5.**

**(4) Evaluate the operation of the medical marijuana program.**

**(5) Consider any other matter that has bearing on the operation of the medical marijuana program.**

**SECTION 2. IC 5-2-8-5, AS AMENDED BY P.L.217-2017, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) There is established the state police training fund. The fund consists of amounts collected under ~~IC 33-37-4-1(b)(4)~~; IC 33-37-4-1(b)(3), IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ IC 33-37-4-3(b)(3) on behalf of the state police department.**

**(b) If the state police department files a claim under IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a county user fee fund, the fiscal officer of the city or town or the county auditor shall deposit fees collected under the cause numbers submitted by the state police department into the state police training fund established under this section.**

**(c) Claims against the state police training fund must be submitted in accordance with IC 5-11-10.**

**(d) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in the state police training fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of the state's fiscal year, be deposited in the law**

enforcement academy fund established under IC 5-2-1-13.

(e) As used in this subsection, "abuse" has the meaning set forth in section 1(a) of this chapter. As a part of the state police department's in-service training, the department shall provide to each law enforcement officer employed by the department continuing education concerning the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
- (3) Techniques for handling incidents of abuse that:
  - (A) minimize the likelihood of injury to the law enforcement officer; and
  - (B) promote the safety of a victim.
- (4) Information about the nature and extent of the abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse.
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.
- (9) Services and facilities available to victims of abuse and abusers.
- (10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.
- (11) Policies concerning arrest or release of suspects in abuse cases.
- (12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.
- (13) Landlord-tenant concerns in abuse cases.
- (14) The taking of an abused child into protective custody.
- (15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.
- (16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).
- (17) Response to a sudden, unexpected infant death.

The cost of providing continuing education under this subsection shall be paid from money in the state police training fund.

SECTION 3. IC 5-2-8-7, AS AMENDED BY P.L.217-2017, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) There is established the conservation officers training fund. The department of natural resources shall administer the fund. The fund consists of amounts collected under ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the department of natural resources.

(b) If the department of natural resources files a claim under IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a county user fee fund, the fiscal officer of the city or town or the county auditor shall deposit fees collected under the cause numbers submitted by the department of natural resources into the conservation officers training fund established under this section.

(c) Claims against the conservation officers training fund must be submitted in accordance with IC 5-11-10.

(d) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in the conservation officers' training fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of the state's fiscal year, be deposited in the law enforcement academy fund established under IC 5-2-1-13.

SECTION 4. IC 5-2-8-8, AS AMENDED BY P.L.217-2017, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) There is established the alcoholic beverage enforcement officers' training fund. The alcohol and tobacco commission shall administer the fund. The fund consists of amounts collected under ~~IC 33-37-4-1(b)(4)~~,

**IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the alcohol and tobacco commission.

(b) If the alcohol and tobacco commission files a claim under IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a county user fee fund, the fiscal officer of the city or town or the county auditor shall deposit fees collected under the cause numbers submitted by the alcohol and tobacco commission into the alcoholic beverage enforcement officers' training fund established under this section.

(c) Claims against the alcoholic beverage enforcement officers' training fund must be submitted in accordance with IC 5-11-10.

(d) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in the alcoholic beverage enforcement officers' training fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of the state's fiscal year, be deposited in the law enforcement academy fund established under IC 5-2-1-13.

SECTION 5. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Controlled Substance Excise Tax).

SECTION 6. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

**ARTICLE 8. MEDICAL MARIJUANA**

**Chapter 1. Definitions**

**Sec. 1. The following definitions apply throughout this article:**

- (1) "Adequate supply for treatment" means the amount of marijuana necessary to provide care for a treatable medical condition for a thirty (30) day period, as determined by a physician recommendation.
- (2) "Regulatory agency" means the regulatory agency established by IC 7.1-9-2-1.
- (3) "Regulatory agency committee" means the regulatory agency commissioners described in IC 7.1-9-2.
- (4) "Marijuana" means any part of the plant genus *Cannabis*.
- (5) "Medical marijuana card" means a valid card issued by the regulatory agency that authorizes the individual to whom the card is issued to possess marijuana.
- (6) "Physician" means an individual holding an unlimited license to practice medicine in Indiana.
- (7) "Physician recommendation" means a written recommendation that the use of marijuana may benefit a particular patient suffering from a treatable medical condition. A physician recommendation may specify an adequate supply for treatment.
- (8) "Qualified patient" means an individual who has been issued a medical marijuana card by the regulatory agency.
- (9) "Qualified primary caregiver" means the primary caregiver for a qualified patient who has been issued a medical marijuana card by the regulatory agency on behalf of the qualified patient.
- (10) "Treatable medical condition" means an illness or other condition, the symptoms of which (including the side effects and symptoms caused by any other treatment for the condition) may be treated by the use of marijuana. The term includes the following:
  - (A) Acquired immune deficiency syndrome (AIDS) or positive status for the human immunodeficiency virus (HIV).
  - (B) Anorexia.
  - (C) Arthritis.
  - (D) Cachexia.
  - (E) Chronic cancer pain.
  - (F) Glaucoma.
  - (G) Migraine.

(H) Persistent muscle spasms, including spasms associated with multiple sclerosis, Crohn's disease, or related conditions.

(I) Seizures, including those characteristic of epilepsy.

(J) Severe nausea.

(K) Posttraumatic stress disorder.

(L) Any persistent or chronic illness or condition that, in the opinion of a physician:

(i) substantially limits the ability of an individual to conduct one (1) or more major life activities; or

(ii) may cause serious harm to a patient's safety or mental or physical health if not alleviated;

if the illness or condition may be improved by the use of marijuana.

(M) Any other illness or condition determined by the regulatory agency to be a treatable medical condition.

## Chapter 2. Qualified Patients and Qualified Primary Caregivers

Sec. 1. (a) An individual may apply to the regulatory agency to be a qualified patient if the individual suffers from a treatable medical condition. An individual may apply to the regulatory agency to be a qualified primary caregiver if the individual for whom the individual provides care suffers from a treatable medical condition.

(b) To be approved as a qualified patient, an individual must submit to the regulatory agency a physician recommendation stating that the individual suffers from a treatable medical condition. To be approved as a qualified primary caregiver, an individual must submit to the regulatory agency a physician recommendation stating that the individual for whom the caregiver provides care suffers from a treatable medical condition.

(c) The regulatory agency shall issue to an individual a medical marijuana card indicating that the individual is a qualified patient or a qualified primary caregiver after:

(1) receipt of a:

(A) completed application; and

(B) physician recommendation;

(2) verification that the individual who tendered the physician recommendation is a licensed physician; and

(3) compliance with any other rule adopted by the regulatory agency.

(d) An application for a medical marijuana card may be denied for the following reasons:

(1) The application is not complete or required information is missing.

(2) The applicant submits false information.

(3) The applicant does not meet the criteria required to obtain a medical marijuana card.

(4) The individual who tendered the physician recommendation is not a licensed physician.

(e) A medical marijuana card issued under this section is valid for two (2) years, unless the physician recommendation expressly recommends a shorter period.

(f) The regulatory agency may charge a reasonable fee, not to exceed one hundred dollars (\$100), to apply for a medical marijuana card. The fee shall be deposited in the state general fund.

(g) Except as provided in subsection (h), for purposes of IC 5-14-3-4(a)(1), the following information is confidential, may not be published, and is not open to public inspection:

(1) Information submitted by an individual under this section to obtain a medical marijuana card.

(2) Information obtained by a federal, state, or local government entity in the course of an investigation concerning an individual who applies to obtain a medical marijuana card.

(3) The name and address of the individual, and any

other information that may be used to identify an individual, who holds a medical marijuana card.

(h) Notwithstanding subsection (g):

(1) any information concerning an individual who applies for, or an individual who holds, a medical marijuana card may be released to a federal, state, or local government entity:

(A) for law enforcement purposes; or

(B) to determine the validity of a medical marijuana card; and

(2) general information concerning the issuance of a medical marijuana card in Indiana may be released to a person conducting journalistic or academic research (including the research described in IC 7.1-9-5), but only if all personal information that may be used to identify any individual who applies for or holds a medical marijuana card issued under this chapter has been removed from the general information.

(i) A person who knowingly or intentionally violates this section by releasing confidential information commits a disclosure of confidential medical information, a Class B misdemeanor.

(j) A person who knowingly makes a material misstatement in an application for a medical marijuana card under this section commits fraudulent application for a medical marijuana card, a Class B misdemeanor.

Sec. 2. A qualified patient or qualified primary caregiver may:

(1) possess the greater of:

(A) eight (8) ounces or less of dried marijuana; or  
(B) an adequate supply for treatment as set forth in a physician recommendation; and

(2) possess, grow, or cultivate not more than twelve (12) marijuana plants.

Sec. 3. (a) A qualified primary caregiver may deliver to, or possess with intent to deliver to, a qualified patient for whom the caregiver is the primary caregiver:

(1) the greater of:

(A) eight (8) ounces or less of dried marijuana; or  
(B) an adequate supply for treatment as set forth in a physician recommendation; and

(2) not more than twelve (12) marijuana plants.

(b) A qualified primary caregiver may possess, grow, or cultivate not more than twelve (12) marijuana plants for use by a qualified patient for whom the individual is the primary caregiver.

Sec. 4. The medical licensing board may not take an adverse action against a physician who makes a physician recommendation in good faith under this article if the sole basis for taking the adverse action is the physician recommendation.

SECTION 7. IC 7.1-9 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

## ARTICLE 9. REGULATION OF MEDICAL MARIJUANA

### Chapter 1. Definitions

Sec. 1. The definitions in IC 7.1-8-1-1 apply throughout this article.

### Chapter 2. General Provisions

Sec. 1. A regulatory agency to be named later is established as an agency of the state for purposes of administering the medical marijuana program.

Sec. 2. (a) The regulatory agency consists of:

(1) the regulatory agency committee;

(2) the executive director; and

(3) other employees necessary to carry out the duties of the regulatory agency.

(b) The regulatory agency committee consists of four (4) commissioners, who shall direct and oversee the operation of the regulatory agency.

Sec. 3. (a) The regulatory agency commissioners shall be appointed by the governor.

(b) A commissioner is eligible for reappointment.

(c) Not more than two (2) commissioners may belong to the same political party.

(d) A commissioner shall be appointed to a four (4) year term.

(e) A commissioner serves the commissioner's term at the pleasure of the governor.

Sec. 4. To be eligible for appointment as a commissioner, an individual must have the following qualifications:

(1) The individual may not be employed by the state in any other capacity.

(2) The individual must have good moral character.

(3) The individual must have been a resident of Indiana for at least ten (10) years immediately preceding the appointment.

Sec. 5. The governor shall appoint one (1) commissioner to serve as chairperson of the regulatory agency committee, and one (1) commissioner to serve as vice chairperson. The vice chairperson shall act as the chairperson if the chairperson is unable to attend a meeting of the regulatory agency committee.

Sec. 6. A commissioner appointed to fill a vacancy in the membership of the regulatory agency committee shall serve only for the unexpired part of the original, vacated term. In all other respects, an appointment to fill a vacancy shall be made in the same manner that an original appointment is made.

Sec. 7. As compensation for services, each commissioner is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A commissioner is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the commissioner's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 8. Each commissioner shall execute:

- (1) a surety bond in the amount of ten thousand dollars (\$10,000), with surety approved by the governor; and
- (2) an oath of office.

The surety bond and the oath of office shall be filed in the office of the secretary of state.

Sec. 9. The required surety bond executed and filed on behalf of a commissioner shall be made payable to the state of Indiana and conditioned upon the faithful discharge of the commissioner's duties.

Sec. 10. The regulatory agency committee shall hold meetings at the call of the chairperson. The regulatory agency committee may establish rules governing meetings.

Sec. 11. (a) Three (3) regulatory agency commissioners constitute a quorum for the transaction of business.

(b) Each commissioner has one (1) vote.

(c) Action of the regulatory agency committee may be taken only upon the affirmative votes of at least two (2) commissioners. If a vote is a tie, the position for which the chairperson voted prevails, as long as that position has received the affirmative votes of at least two (2) commissioners.

Sec. 12. A commissioner may not solicit or accept a political contribution from a qualified patient, qualified primary caregiver, or any individual or entity that has a permit or has applied for a permit issued by the regulatory agency. However, the right of a commissioner to vote as the commissioner chooses and to express the commissioner's opinions on political subjects and candidates may not be impaired.

#### Chapter 3. Employees and Administration

Sec. 1. (a) The regulatory agency committee shall appoint an executive director to assist the regulatory agency in the

efficient administration of its powers and duties.

(b) The regulatory agency committee shall fix the salary of the executive director, subject to the approval of the budget agency.

Sec. 2. The regulatory agency has the power to employ all necessary employees, determine their duties, and, subject to the approval of the regulatory agency committee and the budget agency, fix their salaries.

#### Chapter 4. Powers and Duties

Sec. 1. The chairperson is the presiding officer at the meetings of the regulatory agency committee. The chairperson, together with the executive director, shall prepare, certify, and authenticate all proceedings, minutes, records, rules, and regulations of the regulatory agency committee. The chairperson shall also perform all other duties as imposed on the chairperson by this title.

Sec. 2. The regulatory agency has the power to organize its work, to enforce and administer this article and IC 7.1-8, and to enforce and administer the rules adopted by the regulatory agency.

Sec. 3. The regulatory agency shall adopt rules under IC 4-22-2 to prescribe the forms for all applications, documents, permits, medical marijuana cards, and licenses used in the administration of this article and IC 7.1-8.

Sec. 4. The regulatory agency has the following powers:

- (1) To hold hearings before the regulatory agency or its representative.
- (2) To take testimony and receive evidence.
- (3) To conduct inquiries with or without a hearing.
- (4) To receive reports of investigators or other governmental officers and employees.
- (5) To administer oaths.
- (6) To subpoena witnesses and to compel them to appear and testify.
- (7) To certify copies of records of the regulatory agency or any other document or record on file with the regulatory agency.
- (8) To fix the form, mode, manner, time, and number of times for the posting or publication of any required notices if not otherwise provided.
- (9) To adopt rules under IC 4-22-2 to carry out this article and IC 7.1-8.

Sec. 5. The regulatory agency has the following duties:

- (1) To establish the medical marijuana program described in IC 7.1-8 and to adopt all necessary rules to implement the program.
- (2) To implement protocols for the application and issuance of a medical marijuana card, including protocols to:
  - (A) prevent fraud;
  - (B) ensure the accuracy of information contained in the application; and
  - (C) protect the privacy of an applicant.
- (3) To advise the general assembly concerning the establishment of a program for the:
  - (A) manufacture;
  - (B) cultivation;
  - (C) transportation; and
  - (D) dispensing;
 of medical marijuana.
- (4) To encourage research concerning medical marijuana and issue licenses as described in IC 7.1-9-5.

#### Chapter 5. Research and Development

Sec. 1. To permit and encourage research concerning medical marijuana:

- (1) an accredited institution of higher education with a physical presence in Indiana; and
- (2) a pharmaceutical or agricultural business having a research facility in Indiana;

may apply to the regulatory agency for a license to conduct research concerning medical marijuana.

**Sec. 2. An application under this chapter must include the following:**

- (1) The nature of the research project.
- (2) The names of the individuals who will conduct the research project.
- (3) The approximate quantity of marijuana that will be used in the research project.
- (4) The security protocol to be implemented to ensure that marijuana is not diverted for uses other than the research project.
- (5) Any other information required by the regulatory agency.

**Sec. 3. Upon receipt of a completed application, the regulatory agency may issue a research license to the accredited institution of higher education or pharmaceutical or agricultural business. The research license must specifically list the names of each individual participating in the research project who will have custody or control of marijuana for research purposes and the approximate quantity of the marijuana that will be used in the research project.**

**Sec. 4. The regulatory agency may charge a reasonable fee for issuance of a research license.**

SECTION 8. IC 15-16-7-8 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 8: In addition to the weed control board's powers and duties under section 7 of this chapter, the weed control board may establish a marijuana eradication program to eliminate and destroy wild marijuana plants within the county. The program is funded by amounts appropriated by the county:

- ~~(1)~~ under IC 33-37-8; and
- ~~(2)~~ from the county general fund.

SECTION 9. IC 33-37-4-1, AS AMENDED BY P.L.24-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- ~~(2)~~ A marijuana eradication program fee ~~(IC 33-37-5-7)~~.
- ~~(3)~~ (2) An alcohol and drug services program fee (IC 33-37-5-8(b)).
- ~~(4)~~ (3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- ~~(5)~~ (4) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).
- ~~(6)~~ (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- ~~(7)~~ (6) A child abuse prevention fee (IC 33-37-5-12).
- ~~(8)~~ (7) A domestic violence prevention and treatment fee (IC 33-37-5-13).
- ~~(9)~~ (8) A highway worksite zone fee (IC 33-37-5-14).
- ~~(10)~~ (9) A deferred prosecution fee (IC 33-37-5-17).
- ~~(11)~~ (10) A document storage fee (IC 33-37-5-20).
- ~~(12)~~ (11) An automated record keeping fee (IC 33-37-5-21).
- ~~(13)~~ (12) A late payment fee (IC 33-37-5-22).
- ~~(14)~~ (13) A sexual assault victims assistance fee (IC 33-37-5-23).
- ~~(15)~~ (14) A public defense administration fee (IC 33-37-5-21.2).
- ~~(16)~~ (15) A judicial insurance adjustment fee (IC 33-37-5-25).
- ~~(17)~~ (16) A judicial salaries fee (IC 33-37-5-26).
- ~~(18)~~ (17) A court administration fee (IC 33-37-5-27).
- ~~(19)~~ (18) A DNA sample processing fee (IC

33-37-5-26.2).

(c) Instead of the criminal costs fee prescribed by this section, except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50) for a misdemeanor offense;
- (2) an initial user's fee of seventy-five dollars (\$75) for a felony offense;
- (3) a monthly user's fee of twenty dollars (\$20) for each month that the person remains in the pretrial diversion program; and
- (4) any additional program fee or cost that is:
  - (A) reasonably related to the person's rehabilitation; and
  - (B) approved by the court.

A monthly user fee may not be collected beyond the maximum length of the possible sentence.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

- (1) The pretrial diversion fee.
- ~~(2)~~ The marijuana eradication program fee.
- ~~(3)~~ (2) The alcohol and drug services program fee.
- ~~(4)~~ (3) The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) The clerk shall apply the partial payment to general court costs.
- (2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.
- (3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.
- (4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.
- (5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 10. IC 33-37-4-3, AS AMENDED BY P.L.85-2017, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

- (1) IC 31-34 (children in need of services).
- (2) IC 31-37 (delinquent children).
- (3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- ~~(2)~~ A marijuana eradication program fee ~~(IC 33-37-5-7)~~.
- ~~(3)~~ (2) An alcohol and drug services program fee (IC 33-37-5-8(b)).
- ~~(4)~~ (3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

- ~~(5)~~ **(4)** An alcohol and drug countermeasures fee (IC 33-37-5-10).
- ~~(6)~~ **(5)** A document storage fee (IC 33-37-5-20).
- ~~(7)~~ **(6)** An automated record keeping fee (IC 33-37-5-21).
- ~~(8)~~ **(7)** A late payment fee (IC 33-37-5-22).
- ~~(9)~~ **(8)** A public defense administration fee (IC 33-37-5-21.2).
- ~~(10)~~ **(9)** A judicial insurance adjustment fee (IC 33-37-5-25).
- ~~(11)~~ **(10)** A judicial salaries fee (IC 33-37-5-26).
- ~~(12)~~ **(11)** A court administration fee (IC 33-37-5-27).
- ~~(13)~~ **(12)** A DNA sample processing fee (IC 33-37-5-26.2).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

- ~~(1)~~ **(1)** The alcohol and drug services program fee (IC 33-37-5-8(b)).
- ~~(2)~~ **(2)** The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

SECTION 11. IC 33-37-5-7 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 7. (a) This section applies to criminal actions:

(b) The clerk shall collect the marijuana eradication program fee set by the court under IC 15-16-7-8, if:

- ~~(1)~~ **(1)** a weed control board has been established in the county under IC 15-16-7-3; and
- ~~(2)~~ **(2)** the person has been convicted of an offense under IC 35-48-4 in a case prosecuted in that county.

(c) The court may set a fee under this section of not more than three hundred dollars (\$300):

SECTION 12. IC 33-37-7-2, AS AMENDED BY P.L.39-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~; **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~; **IC 33-37-4-3(b)(4)**.
- (3) One hundred percent (100%) of the child abuse prevention fees collected under ~~IC 33-37-4-1(b)(7)~~; **IC 33-37-4-1(b)(6)**.
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under

~~IC 33-37-4-1(b)(8)~~; **IC 33-37-4-1(b)(7)**.

(5) One hundred percent (100%) of the highway worksite zone fees collected under ~~IC 33-37-4-1(b)(9)~~; **IC 33-37-4-1(b)(8)** and IC 33-37-4-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(7) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~; **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~; **IC 33-37-4-3(b)(4)**.

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 5-2-6-23(j) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(h) This subsection does not apply to court administration fees collected in small claims actions filed in a court described



in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

- (1) The public defense administration fee collected under IC 33-37-5-21.2.
- (2) The judicial salaries fees collected under IC 33-37-5-26.
- (3) The DNA sample processing fees collected under IC 33-37-5-26.2.
- (4) The court administration fees collected under IC 33-37-5-27.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(j) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

- (1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.
- (2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(k) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

- (1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.
- (2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

- (1) The mortgage foreclosure counseling and education fees collected under IC 33-37-5-33 (before its expiration on July 1, 2017).
- (2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(m) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2022, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

- (1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and
- (2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required

by this subsection are appropriated from the state general fund.

SECTION 13. IC 33-37-7-8, AS AMENDED BY P.L.39-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~; **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~; **IC 33-37-4-3(b)(4)**.
- (3) One hundred percent (100%) of the highway worksite zone fees collected under ~~IC 33-37-4-1(b)(9)~~; **IC 33-37-4-1(b)(8)** and IC 33-37-4-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (5) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under subsection (a).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~; **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~; **IC 33-37-4-3(b)(4)**.

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one

hundred percent (100%) of the following:

- (1) The late payment fees collected under IC 33-37-5-22.
- (2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
- (3) The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

- (1) The public defense administration fee collected under IC 33-37-5-21.2.
- (2) The DNA sample processing fees collected under IC 33-37-5-26.2.
- (3) The court administration fees collected under IC 33-37-5-27.

(h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26. The funds retained by the city or town shall be prioritized to fund city or town court operations.

(j) The clerk of a city or town court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2022, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

- (1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and
- (2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

SECTION 14. IC 33-37-8-5, AS AMENDED BY P.L.187-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A county user fee fund is established in each county to finance various program services. The county fund is administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article and by the probation department for the juvenile court under IC 31-37-9-9:

- (1) The pretrial diversion program fee.
- (2) The informal adjustment program fee.
- ~~(3) The marijuana eradication program fee.~~
- ~~(4) (3) The alcohol and drug services program fee.~~
- ~~(5) (4) The law enforcement continuing education program fee.~~
- ~~(6) (5) The deferral program fee.~~

~~(7) (6) The jury fee.~~

~~(8) (7) The problem solving court fee.~~

(c) All of the jury fee and two dollars (\$2) of a deferral program fee collected under IC 33-37-4-2(e) shall be deposited by the county auditor in the jury pay fund established under IC 33-37-11."

Page 22, after line 9, begin a new paragraph and insert:

"SECTION 20. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8.3. (a) This section does not apply to a rolling paper.

(b) A person who knowingly or intentionally possesses an instrument, a device, or another object that the person intends to use for:

- (1) introducing into the person's body a controlled substance;
- (2) testing the strength, effectiveness, or purity of a controlled substance; or
- (3) enhancing the effect of a controlled substance;

commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated judgment or conviction under this section.

**(c) It is a defense to an action or prosecution under this section that:**

**(1) the person who possesses the instrument, device, or other object is a:**

- (A) qualified patient (as defined in IC 7.1-8-1) or qualified primary caregiver (as defined in IC 7.1-8-1); or**
- (B) person listed on a valid marijuana research license issued by the regulatory agency under IC 7.1-9; and**

**(2) the instrument, device, or other object is for the use of medical marijuana or research relating to the use of medical marijuana.**

SECTION 21. IC 35-48-4-10, AS AMENDED BY P.L.153-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) A person who:

- (1) knowingly or intentionally:
  - (A) manufactures;
  - (B) finances the manufacture of;
  - (C) delivers; or
  - (D) finances the delivery of;
 marijuana, hash oil, hashish, or salvia, pure or adulterated; or
- (2) possesses, with intent to:
  - (A) manufacture;
  - (B) finance the manufacture of;
  - (C) deliver; or
  - (D) finance the delivery of;
 marijuana, hash oil, hashish, or salvia, pure or adulterated;

commits dealing in marijuana, hash oil, hashish, or salvia, a Class A misdemeanor, except as provided in subsections (b) through (d).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

- (1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or
- (2) the amount of the drug involved is at least:
  - (A) ten (10) pounds, if the drug is marijuana; or
  - (B) three hundred (300) grams, if the drug is hash oil, hashish, or salvia.

(c) The offense is a Level 6 felony if:

- (1) the person has a prior conviction for a drug offense and the amount of the drug involved is:
  - (A) less than thirty (30) grams of marijuana; or
  - (B) less than five (5) grams of hash oil, hashish, or

- salvia; or
- (2) the amount of the drug involved is:
- (A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
- (B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia.
- (d) The offense is a Level 5 felony if:
- (1) the person has a prior conviction for a drug dealing offense and the amount of the drug involved is:
- (A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
- (B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia;
- (2) the:
- (A) amount of the drug involved is:
- (i) at least ten (10) pounds of marijuana; or
- (ii) at least three hundred (300) grams of hash oil, hashish, or salvia; or
- (B) offense involved a sale to a minor; or
- (3) the:
- (A) person is a retailer;
- (B) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC hemp extract; and
- (C) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia.
- (e) It is a defense to a prosecution under this section for an offense involving marijuana, hash oil, or hashish that the person is a:**
- (1) qualified primary caregiver (as defined in IC 7.1-8-1), if:**
- (A) the possession or delivery of the marijuana, hash oil, or hashish is permitted under IC 7.1-8-2-3; and**
- (B) the quantity of marijuana, hash oil, or hashish possessed or delivered does not exceed the permissible amounts set forth in IC 7.1-8-2-3; or**
- (2) person listed on a valid marijuana research license issued by the regulatory agency under IC 7.1-9, if:**
- (A) the possession or delivery of the marijuana, hash oil, or hashish is permitted by the research license issued by the regulatory agency under IC 7.1-9-5; and**
- (B) the quantity of marijuana, hash oil, or hashish possessed or delivered does not exceed the permissible quantity authorized by the research license issued by the regulatory agency.**
- SECTION 22. IC 35-48-4-11, AS AMENDED BY P.L.153-2018, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) A person who:
- (1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, or salvia;
- (2) knowingly or intentionally grows or cultivates marijuana; or
- (3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;
- commits possession of marijuana, hash oil, hashish, or salvia, a Class B misdemeanor, except as provided in subsections (b) through (c).
- (b) The offense described in subsection (a) is a Class A misdemeanor if:
- (1) the person has a prior conviction for a drug offense; or
- (2) the:
- (A) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC hemp extract; and
- (B) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia.
- (c) The offense described in subsection (a) is a Level 6 felony if:

- (1) the person has a prior conviction for a drug offense; and
- (2) the person possesses:
- (A) at least thirty (30) grams of marijuana; or
- (B) at least five (5) grams of hash oil, hashish, or salvia.
- (d) It is a defense to a prosecution under this section for an offense involving marijuana, hash oil, or hashish that the person is a:**
- (1) qualified patient (as defined in IC 7.1-8-1) or qualified primary caregiver (as defined under IC 7.1-8-1), if:**
- (A) the possession of the marijuana, hash oil, or hashish is permitted under IC 7.1-8-2-2; and**
- (B) the quantity of marijuana, hash oil, or hashish possessed or cultivated does not exceed the permissible amounts set forth in IC 7.1-8-2-2; or**
- (2) person listed on a valid marijuana research license issued by the regulatory agency under IC 7.1-9, if:**
- (A) the possession or cultivation of the marijuana, hash oil, or hashish is permitted by the research license issued by the regulatory agency under IC 7.1-9-5; and**
- (B) the quantity of marijuana, hash oil, or hashish possessed or cultivated does not exceed the permissible quantity authorized by the research license issued by the regulatory agency.**

SECTION 23. IC 35-52-7-97 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 97. **IC 7.1-8-2-1 defines crimes concerning medical marijuana."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 631 as printed March 29, 2019.)

ERRINGTON

After discussion, the call of the bill was withdrawn.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 206, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 206 as printed January 11, 2019.)

Committee Vote: Yeas 9, Nays 0.

TORR, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 265, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 265 as reprinted February 22, 2019.)

Committee Vote: Yeas 8, Nays 2.

TORR, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 323, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 323 as printed February 22, 2019.)

Committee Vote: Yeas 10, Nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 518, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, between lines 15 and 16, begin a new line block indented and insert:

**"(26) "Petition for administration" means a petition filed under IC 29-1-7-5 for the:**

**(A) probate of a will and for issuance of letters testamentary;**

**(B) appointment of an administrator with the will annexed; or**

**(C) appointment of an administrator."**

Page 4, line 16, strike "(26)" and insert "(27)".

Page 4, line 19, strike "(27)" and insert "(28)".

Page 4, line 20, strike "(28)" and insert "(29)".

Page 4, line 21, strike "(29)" and insert "(30)".

Page 4, line 24, delete "(30)" and insert "(31)".

Page 4, line 25, delete "by" and insert "under".

Page 4, between lines 25 and 26, begin a new line block indented and insert:

**"(32) "Unit address" means the unit's mailing address that appears on the unit's Internet web site."**

Page 4, line 26, delete "(31)" and insert "(33)".

Page 6, line 5, after "2018," insert "Notice served under this section by mail to the unit at the unit's address is reasonably calculated to ensure receipt of the notice by the unit."

Page 7, line 15, delete ":" and insert "a petition for administration".

Page 7, strike lines 16 through 20.

Page 7, between lines 24 and 25, begin a new paragraph and insert:

**"(c) If:**

**(1) a petitioner files a petition for administration filed in an estate to which subsection (b) may apply; and**

**(2) the clerk of the court does not issue letters testamentary or of administration and publish notice of the estate administration under subsection (a) not later than thirty (30) days after the petition for administration has been filed;**

**the petitioner shall serve the following notice on each creditor in the manner provided under section 7(d) of this chapter not later than forty-five (45) days after the petition for administration has been filed:**

**NOTICE OF ADMINISTRATION**

**In the \_\_\_\_\_ Court of \_\_\_\_\_ County, Indiana.**

**Notice is hereby given that a petition for administration was filed on the \_\_\_\_ day of \_\_\_\_, 20\_\_, in cause number \_\_\_\_\_, concerning the estate of \_\_\_\_\_, deceased, who died on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, but the clerk of the court has not issued letters testamentary or of administration.**

**The estate includes real estate that may be subject to sale restrictions under IC 29-1-7-15.1.**

**All persons who have claims against this estate, whether or not now due, must file their claims in the office of the clerk of this court not later than seventy-five (75) days after the date on which the petition for administration was filed, or not later than thirty (30) days after the date on which the petitioner serves this notice, to prevent the application of real estate sale restrictions to the claims, whichever is later.**

**Dated at \_\_\_\_\_, Indiana this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.**

**\_\_\_\_\_ as the Petitioner."**

Page 7, line 25, strike "(c)" and insert "(d)".

Page 7, line 26, after "apply" insert "to a claim".

Page 7, line 27, after "petition" insert "for administration".

Page 7, line 28, after "death" insert ";

Page 7, strike lines 29 through 32, begin a new line block indented and insert:

**"(2) the claimant files the claim in the office of the clerk of the court not later than:**

**(A) seventy-five (75) days after the date on which the petition for administration was filed; or**

**(B) thirty (30) days after the date on which the petitioner serves the notice required in subsection (c);**

**whichever is later; and"**

Page 7, line 33, strike "(2)" and insert "(3)".

Page 7, line 42, after "if" insert "any interested person files a motion for findings under this subsection and".

Page 8, line 1, after "petition" insert "for administration".

Page 8, line 5, delete "The clerk has not issued letters testamentary or letters of" and insert "The claimant is a reasonably ascertainable creditor under section 7 of this chapter."

Page 8, delete line 6.

Page 8, line 7, delete "seven" and insert "seventy-five (75) days after the date on which the petition for administration was filed, or not later than thirty (30) days after the date on which the petitioner serves the notice required in subsection (c), whichever is later."

Page 8, delete line 8.

Page 8, delete lines 11 through 19.

Page 9, line 16, delete "sections" and insert "section".

Page 9, line 33, delete "to be paid from the estate" and insert "under IC 29-1-10-14".

Page 16, line 12, after "exceed" insert ":".

Page 16, line 12, strike "fifty thousand dollars (\$50,000)".

Page 16, between lines 12 and 13, begin a new line double block indented and insert:

**"(A) twenty-five thousand dollars (\$25,000), for the estate of an individual who dies before July 1, 2007; and**

**(B) fifty thousand dollars (\$50,000), for the estate of an individual who dies after June 30, 2007."**

Page 16, delete lines 26 through 36.

Page 17, delete lines 20 through 25.

Page 18, delete lines 30 through 42.

Delete page 19.

Page 20, delete lines 1 through 25.

Page 21, line 10, after "it;" reset in roman "and".

Page 21, line 17, after "affected" delete ";" and insert ".".

Page 21, delete lines 18 through 26.

Page 22, line 12, delete "person" and insert "devisee".

Page 22, line 13, delete "person's" and insert "devisee's".

Renumber all SECTIONS consecutively.

(Reference is to SB 518 as reprinted February 6, 2019.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

Torr, Chair

Report adopted.

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

**Referrals to Ways and Means**

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 518 had been referred to the Committee on Ways and Means.

**Reassignments**

The Speaker announced the reassignment of Engrossed Senate Bill 554 to the Committee on Judiciary.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Zent, Lindauer and Deal be added as cosponsors of Senate Concurrent Resolution 59.

HOSTETTLER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Zent, Lindauer and Deal be added as cosponsors of Senate Concurrent Resolution 60.

HOSTETTLER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Abbott be added as cosponsor of Engrossed Senate Bill 186.

MCNAMARA

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Stutzman and Schaibley be added as cosponsors of Engrossed Senate Bill 192.

NEGELE

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Torr and Dvorak be added as cosponsors of Engrossed Senate Bill 323.

CHERRY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Sullivan be removed as first sponsor of Senate Bill 325 and Representative Cook be substituted therefor and Representative Sullivan be added as cosponsor.

SULLIVAN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Mahan be removed as first sponsor and Representative Ellington be substituted therefor as sponsor of Engrossed Senate Bill 603.

MAHAN

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1186, 1225, 1294, 1332, 1354, 1406, 1465, 1470, 1597 and 1664 and the same are herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1018, 1021, 1078, 1155, 1170, 1171, 1216, 1224, 1269, 1275, 1344 and 1432 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 22, 189, 191 and 324.

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 55 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 28, 36 and 41 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 Errington, the House adjourned at 6:32 p.m., this first day of April, 2019, until Tuesday, April 2, 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