Journal of the House

State of Indiana

121st General Assembly *First Regular Session*

Fifty-First Day **Tuesday Morning** **April 23, 2019**

The invocation was offered by Pastor Greg Coble of City Life Church in Greenwood, a guest of Representative Frizzell.

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

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

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

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

Roll Call 587: 87 present; 13 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 Wednesday, April 24, 2019, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 17 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bill 1089.

LEONARD, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 17 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bill 1089.

LEONARD, Chair

Motion prevailed.

Representatives DeVon, Leonard and Pressell, who had been excused, are now present.

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

CONFERENCE COMMITTEE REPORT
EHB 1089–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1089 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-26-11-6.5, AS AMENDED BY P.L.250-2017, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6.5. (a) Notwithstanding this chapter, a school corporation shall accept a transferring student who does not have legal settlement in the school corporation and who has a parent who is a current employee of the transferee school corporation:

(1) with an annual salary of at least eight thousand dollars ($8,000); and

(2) who resides in Indiana;

if the transferee school corporation has the capacity to accept the student.

(b) If the number of students who request to transfer to a transferee school corporation under this section causes the school corporation to exceed the school corporation's maximum student capacity, the governing body shall determine which students will be admitted as transfer students by random drawing in a public meeting. However, the governing body of a school corporation located in a county with a consolidated city shall determine which students will be admitted by using a publicly verifiable random selection process.

SECTION 2. IC 20-28-3-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9. (a) Each school corporation and charter school shall require all applicants for employment who will have direct, ongoing contact with children within the scope of the applicant's employment to attend, before or not later than thirty (30) days after the start date of the applicant's employment, training concerning recognition of the signs and symptoms of seizures and the appropriate steps to be taken to respond to these symptoms.**

(b) Each school corporation and charter school shall require all school employees who have direct, ongoing contact with children within the scope of the employee's employment to attend the training described in subsection (a) at least once every five (5) years.

(c) The format of the training required under this section may include:

(1) an in-person presentation;

(2) an electronic or technology based medium, including self-review modules available on an online system;

(3) an individual program of study designated materials; or

(4) any other method approved by the governing body or organizer of a charter school that is consistent with current professional development standards.

(d) The training required under this section must be during the school employee's contracted day or at a time chosen by the employee.

(e) The training required under this section shall count toward the requirements for professional development required by the governing body of a school corporation or its equivalent for a charter school.

(f) The training requirements must be consistent with the training programs and guidelines developed by the Epilepsy Foundation of America or a successor organization.

SECTION 3. IC 20-34-3-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 26. (a) As used in this section, "school nurse" has the meaning set forth in IC 20-34-5-9.**

(b) If a school corporation or charter school receives a seizure management and treatment plan for a student that was developed by the student's health care provider, the following requirements must be met:

(1) The school corporation or charter school shall maintain the seizure management and treatment plan on file at the school that the student attends.

(2) The school nurse for the school corporation or charter school shall develop an individual health plan for the student that applies to the student during the school day or while the student is participating in a school-sponsored activity.

(3) A school nurse, or the school nurse's designee, shall be available to perform the tasks necessary to implement the student's individual health plan during the school day or while the student is participating in a school-sponsored activity.

(c) The department shall identify resources, from nationally recognized organizations, such as the Epilepsy Foundation of America, the National Association of School Nurses, the Centers for Disease Control and Prevention, or a comparable organization, to assist public schools in implementing individual health plans for students with seizure disorders.

(Reference is to EHB 1089 as reprinted April 5, 2019.)

THOMPSON	RAATZ
PFAFF	STOOPS
House Conferees	Senate Conferees

Roll Call 588: yeas 88, nays 0. Report adopted.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 18 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bill 1196

Engrossed Senate Bills 99 and 562

LEONARD, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 18 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bill 1196

Engrossed Senate Bills 99 and 562

LEONARD, Chair

Motion prevailed.

Representatives Austin, Huston, Lehman, Lucas, Macer and Sullivan, who had been excused, are now present.

CONFERENCE COMMITTEE REPORT

EHB 1196–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1196 respectfully

reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-31-2-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.7. "Biological sample" refers to any fluid, tissue, or other substance obtained from a horse through an internal or external means to test for foreign substances, natural substances at abnormal levels, and prohibited medications. The term includes blood, urine, saliva, hair, muscle tissue collected at a necropsy, semen, and other substances appropriate for testing as determined by the commission.**

SECTION 2. IC 4-31-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 21. "State testing barn" means the facility provided by each racetrack and approved by the commission as the location where all horses designated for testing shall be taken by the trainer or the trainer's representative immediately following a race so that necessary ~~blood or urine~~ **biological** samples may be obtained from the horse.

SECTION 3. IC 4-31-2-23 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 23. "Test sample" means a body substance taken from a horse for the purpose of analysis, under the supervision of the commission or state veterinarian and in the manner prescribed by the commission.~~

SECTION 4. IC 4-31-5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6.5. **(a)** At least sixty (60) days before the commencement of a horse racing meeting, a permit holder shall:

(1) post a bond in an amount not to exceed one million dollars ($1,000,000), as determined by the commission; **or**

(2) submit to the commission alternative proof of financial responsibility approved by the commission.

(b) ~~The bond, which~~ **A bond posted under subsection (a)(1):**

(1) is subject to the approval of the commission; **and**

(2) must be payable to the commission as obligee for use in payment of the applicant's financial obligations to the commission or the state and other aggrieved parties, as determined by the rules of the commission.

SECTION 5. IC 4-31-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The commission shall adopt rules under IC 4-22-2 establishing **the following:**

(1) Procedures for license applications. ~~and~~

(2) The confidentiality of personal information on license applications, including an applicant's date of birth and home address.

~~(2)~~ **(3)** License fees.

SECTION 6. IC 4-31-8-4, AS AMENDED BY P.L.268-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A permit holder shall provide an alcohol breath-testing device that is approved by the commission and operated by a person certified to use such a device. All drivers, jockeys, judges, starters, assistant starters, and drivers of starting gates shall submit to a breath test at each racing program in which they participate. In addition, the ~~secretary~~ **executive director** of the commission, a member of the commission, a commission investigator, the stewards, or the track chief of security may order a licensee to submit to a breath test at any time there is reason to believe the licensee may have consumed sufficient alcohol to cause the licensee to fail a breath test.

(b) A person whose breath test shows a reading of an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to more than five-hundredths (0.05) gram of alcohol per two hundred ten (210) liters of the person's breath, is subject to the following sanctions:

(1) A driver or jockey may not be permitted to drive or ride and shall be suspended under the rules of the commission.

(2) A judge, a starter, an assistant starter, or a driver of the starting gate shall be relieved of all duties for that program, and a report shall be made to the commission for appropriate action.

(3) Any other licensee shall be suspended, beginning that day, under the rules of the commission.

(c) The stewards and judges may, on behalf of the commission, impose the following sanctions against a licensee who refuses to submit to a breath test:

(1) For the first refusal, a civil penalty of one hundred dollars ($100) and a seven (7) day suspension.

(2) For a second refusal, a civil penalty of two hundred fifty dollars ($250) and a thirty (30) day suspension.

(3) For any additional refusals to submit to a breath test, a civil penalty of two hundred fifty dollars ($250), a sixty (60) day suspension, and referral of the case to the commission for any further action that the commission considers necessary.

(d) A sanction under subsection (c) may be appealed to the commission. An appeal stays the sanction until further action by the commission. The appeal must be heard by the commission within thirty (30) days after the date of the appeal.

SECTION 7. IC 4-31-11-4, AS AMENDED BY P.L.256-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) Each development committee consists of three (3) members appointed as follows:

(1) One (1) member appointed by the governor, who shall chair the committee.

(2) ~~One (1) member~~ **Two (2) members** appointed by the ~~permit holder of the track where the breed of horse races.~~ **governor.**

~~(3) One (1) member appointed by the horsemen's association that is approved for funding by the Indiana horse racing commission. and representing owners.~~

(b) The members of each development committee must be residents of Indiana who are knowledgeable in horse breeding and racing. ~~and must include one (1) member who is an owner and one (1) member who is a breeder.~~ No more than two (2) members of each development committee may be members of the same political party.

~~(c) If more than one (1) horsemen's association for a breed represents owners, the associations must agree on the associations' appointment described in subsection (a)(3) to the development committee.~~

(c) For a member to be eligible for an appointment and to continue to serve on a development committee under subsection (a), the member must hold a valid current license issued by the commission.

SECTION 8. IC 4-31-11-6 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 6. Each development committee may elect one (1) member to serve as chairman and one (1) member to serve as secretary.~~

SECTION 9. IC 4-31-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The judges, the stewards, a commission veterinarian, a member of the commission, or the ~~secretary~~ **executive director** of the commission may order a ~~blood test or urine test, or both,~~ **test of a biological sample** on a horse for the purpose of analysis.

(b) A ~~blood specimen or urine specimen, or both,~~ **biological sample** shall be taken from the following horses after the running of each race:

(1) The horse that finishes first in each race.

(2) Any other horses designated by the judges, the stewards, a commission veterinarian, a member of the commission, or the ~~secretary~~ **executive director** of the commission. The judges and veterinarian shall designate for the taking of ~~such a specimen~~ **a biological sample** a horse that races markedly contrary to form.

SECTION 10. IC 4-31-12-6, AS AMENDED BY P.L.268-2017, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The commission:

(1) shall appoint, at its cost, a veterinarian licensed to practice in Indiana to take or supervise the taking of ~~specimens~~ **biological samples** under section 5 of this chapter;

(2) shall approve a laboratory for the analysis of ~~those specimens;~~ **a biological sample taken under section 5 of this chapter;** and

(3) may require that a ~~specimen~~ **biological sample** taken under section 5 of this chapter be analyzed.

(b) The cost of analyzing the ~~primary blood or urine specimens~~ **biological samples** shall be borne by the commission.

(c) The commission may appoint, at its cost, veterinarians or other persons to supervise all activities in the state testing barn area and to supervise the practice of veterinary medicine at all racetracks in Indiana.

(d) The commission shall employ or contract for assistants to aid in securing ~~specimens~~ **biological samples** at each racetrack. These assistants shall have free access, under the supervision of the commission's veterinarian, to the state testing barn area. The permit holder shall, in the manner prescribed by the rules of the commission, reimburse the commission for the salaries and other expenses of the assistants who serve at the permit holder's racetrack.

SECTION 11. IC 4-31-12-7, AS AMENDED BY P.L.268-2017, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) A veterinarian appointed by the commission or employed by a permit holder may not, during the period of the veterinarian's employment, **do the following with respect to a breed of horse registered with the commission for racing at the track of the veterinarian's employment:**

(1) Treat or issue prescriptions for a horse, ~~on the grounds of or registered to race at a track,~~ except in case of emergency. ~~or to~~

(2) Perform an endoscopic examination on a horse the day the horse is scheduled to race.

A full and complete record of an emergency treatment or a prescription **authorized by subdivision (1)** shall be filed with the stewards or judges.

(b) Except as provided in subsection (c), an owner or trainer may not directly or indirectly employ or pay compensation to a veterinarian ~~who is employed by the commission or a permit holder.~~ **with respect to the care of a horse belonging to a breed of horse registered with the commission for racing at the track of the veterinarian's employment.**

(c) An owner or trainer may pay a veterinarian employed by the commission or a permit holder for an endoscopic examination permitted under subsection (a).

SECTION 12. IC 4-31-12-8, AS AMENDED BY P.L.34-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) As used in this section, "milkshake or bicarbonate loading" means a bicarbonate or alkaline substance, administered to a horse by any possible means, that elevates the horse's bicarbonate level or pH level above those existing naturally in the untreated horse at normal physiological concentrations as determined by the commission.

(b) A finding by the chemist or an authorized commission employee that a milkshake or bicarbonate loading or a foreign substance, other than a medication permitted by the rules of the commission, is present in the ~~test~~ **tested biological** sample shall be considered:

(1) a positive test and a violation of section 2 of this chapter; and

(2) prima facie evidence that:

(A) the milkshake or bicarbonate loading or foreign substance was administered and carried or attempted to be carried in the body of the horse while participating in a race; and

(B) the trainer and the trainer's agents responsible for the care and custody of the horse have been negligent in the handling or care of the horse.

(c) The commission may establish the concentration level that is an unacceptable concentration level for substances that it considers necessary for the detection of a milkshake or bicarbonate loading under this section.

SECTION 13. IC 4-31-12-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) The commission veterinarian may order a post-mortem examination of:

(1) each horse that:

(A) suffers a breakdown on the racetrack, in training, or in competition; and

(B) is destroyed; and

(2) each horse that expires under suspicious or unusual circumstances while stabled on a racetrack under the jurisdiction of the commission;

to determine the injury or sickness that resulted in euthanasia or natural death.

(b) A post-mortem examination under this section shall be conducted by a veterinarian approved by the commission, at a time and place acceptable to the commission veterinarian.

(c) ~~Test~~ **Biological** samples specified by the commission veterinarian **for testing** shall be obtained from the carcass upon which the post-mortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. However, blood, ~~and~~ urine, ~~test~~ **and similar biological** samples shall be procured **for testing** before euthanasia when practical.

(d) The commission shall pay all costs involved in a post-mortem examination ordered by the commission or the commission veterinarian.

(e) A written record shall be filed with the commission veterinarian at the completion of each post-mortem examination. The record must contain all information normally contained in a post-mortem report, as well as any other information specifically requested by the commission veterinarian.

SECTION 14. IC 4-31-12-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. The commission may direct the official laboratory to retain and preserve by freezing **biological** samples for future analysis.

SECTION 15. IC 4-31-12-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) This section applies to a horse entered to race at a track operated under a permit issued by the commission.

(b) The following provisions apply if the analysis of a ~~blood specimen or urine specimen~~ **biological sample** shows that a person has violated section 2 of this chapter:

(1) The owner of the horse from which the ~~specimen~~ **biological sample** was obtained shall forfeit the purse and any trophy or award.

(2) If the purse was paid before the maker of that payment was notified of the result of the analysis, the horse, the owner, and the trainer of the horse ~~are~~ **may be** suspended. A permit holder is not required to make any other distribution of the purse until the refund has been made. The judges shall disqualify the horse from which the positive ~~specimen~~ **biological sample** was obtained and the remaining horses shall be advanced accordingly. The

horse ultimately designated as the winner of the race shall be awarded any additional portions of the purse that remain following the disqualification if there are not enough unoffending horses to share the purse.

(3) A suspension made under this section continues until the purse is refunded and properly redistributed or for any other period determined by the commission.

SECTION 16. IC 4-31-12-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. The trainer of a horse that is the winner of a race or from which the judges order a ~~specimen~~ **biological sample** to be taken shall see that the horse is taken directly to the state testing barn as soon as the race in which the horse competed has been completed.

SECTION 17. IC 4-31-12-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) The owner, the trainer, or a representative of the owner or trainer must be present in the quarantine area when a ~~saliva, urine, or blood specimen~~ **biological sample** is taken from a horse, and must remain until the specimen is sealed. The official tag attached to a ~~specimen~~ **biological sample** shall be signed by the owner, the trainer, or the owner's or trainer's representative as witness to the taking of the ~~specimen.~~ **biological sample.** The judges shall immediately suspend a person who:

(1) willfully fails to be present at the taking of a ~~specimen;~~ **biological sample;**

(2) refuses to allow the taking of a ~~specimen;~~ **biological sample;** or

(3) otherwise interferes with the taking of a ~~specimen;~~ **biological sample;**

and the matter shall be referred to the commission for any further penalty that the commission considers appropriate.

(b) An owner or trainer who is not present either in person or by representative when a ~~specimen~~ **biological sample** is taken from a horse may not claim that the ~~specimen~~ **biological sample** tested was not the ~~specimen~~ **biological sample** taken from the horse.

SECTION 18. IC 4-35-7-12, AS AMENDED BY P.L.28-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) The Indiana horse racing commission shall enforce the requirements of this section.

(b) A licensee shall before the fifteenth day of each month distribute ~~the following amounts~~ for the support of the Indiana horse racing industry,

~~(1) An amount equal to fifteen percent (15%) of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee with respect to adjusted gross receipts received after June 30, 2013, and before January 1, 2014.~~

~~(2) The percentage of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after December 31, 2013, and before July 1, 2015.~~

~~(3)~~ subject to section 12.5 of this chapter, the percentage of the adjusted gross receipts of the gambling game wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after June 30, 2015.

(c) The Indiana horse racing commission may not use any of the money distributed under this section for any administrative purpose or other purpose of the Indiana horse racing commission.

(d) A licensee shall distribute the money devoted to horse racing purses and to horsemen's associations under this subsection as follows:

(1) Five-tenths percent (0.5%) shall be transferred to horsemen's associations for equine promotion or welfare according to the ratios specified in subsection (g).

(2) Two and five-tenths percent (2.5%) shall be transferred to horsemen's associations for backside benevolence according to the ratios specified in subsection (g).

(3) Ninety-seven percent (97%) shall be distributed to promote horses and horse racing as provided in subsection (f).

(e) A horsemen's association shall expend the amounts distributed to the horsemen's association under subsection (d)(1) through (d)(2) for a purpose promoting the equine industry or equine welfare or for a benevolent purpose that the horsemen's association determines is in the best interests of horse racing in Indiana for the breed represented by the horsemen's association. Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(f) A licensee shall distribute the amounts described in subsection (d)(3) as follows:

(1) Forty-six percent (46%) for thoroughbred purposes as follows:

(A) Fifty-five percent (55%) for the following purposes:

(i) Ninety-seven percent (97%) for thoroughbred purses.

(ii) Two and four-tenths percent (2.4%) to the horsemen's association representing thoroughbred owners and trainers.

(iii) Six-tenths percent (0.6%) to the horsemen's association representing thoroughbred owners and breeders.

(B) Forty-five percent (45%) to the breed development fund established for thoroughbreds under IC 4-31-11-10. **Beginning the date that table games are authorized under section 19 of this chapter, the amounts distributed under this clause shall be further distributed for the following purposes:**

(i) At least forty-one percent (41%) to the Indiana sired horses program.

(ii) The remaining amount for other purposes of the fund.

(2) Forty-six percent (46%) for standardbred purposes as follows:

(A) Three hundred seventy-five thousand dollars ($375,000) to the state fair commission to be used by the state fair commission to support standardbred racing and facilities at the state fairgrounds.

(B) One hundred twenty-five thousand dollars ($125,000) to the state fair commission to be used by the state fair commission to make grants to county fairs and the department of parks and recreation in Johnson County to support standardbred racing and facilities at county fair and county park tracks. The state fair commission shall establish a review committee to include the standardbred association board, the Indiana horse racing commission, the Indiana county fair association, and a member of the board of directors of a county park established under IC 36-10 that provides or intends to provide facilities to support standardbred racing, to make recommendations to the state fair commission on grants under this clause. A grant may be provided to the Johnson County fair or department of parks and recreation under this clause only if the county fair or department provides matching funds equal to one dollar ($1) for every three dollars ($3) of grant funds provided.

(C) Fifty percent (50%) of the amount remaining after the distributions under clauses (A) and (B) for the following purposes:

(i) Ninety-six and five-tenths percent (96.5%) for standardbred purses.

(ii) Three and five-tenths percent (3.5%) to the horsemen's association representing standardbred owners and trainers.

(D) Fifty percent (50%) of the amount remaining after the distributions under clauses (A) and (B) to the breed development fund established for standardbreds under IC 4-31-11-10.

(3) Eight percent (8%) for quarter horse purposes as follows:

(A) Seventy percent (70%) for the following purposes:

(i) Ninety-five percent (95%) for quarter horse purses.

(ii) Five percent (5%) to the horsemen's association representing quarter horse owners and trainers.

(B) Thirty percent (30%) to the breed development fund established for quarter horses under IC 4-31-11-10.

Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(g) Money distributed under subsection (d)(1) and (d)(2) shall be allocated as follows:

(1) Forty-six percent (46%) to the horsemen's association representing thoroughbred owners and trainers.

(2) Forty-six percent (46%) to the horsemen's association representing standardbred owners and trainers.

(3) Eight percent (8%) to the horsemen's association representing quarter horse owners and trainers.

(h) Money distributed under this section may not be expended unless the expenditure is for a purpose authorized in this section and is either for a purpose promoting the equine industry or equine welfare or is for a benevolent purpose that is in the best interests of horse racing in Indiana or the necessary expenditures for the operations of the horsemen's association required to implement and fulfill the purposes of this section. The Indiana horse racing commission may review any expenditure of money distributed under this section to ensure that the requirements of this section are satisfied. The Indiana horse racing commission shall adopt rules concerning the review and oversight of money distributed under this section and shall adopt rules concerning the enforcement of this section. The following apply to a horsemen's association receiving a distribution of money under this section:

(1) The horsemen's association must annually file a report with the Indiana horse racing commission concerning the use of the money by the horsemen's association. The report must include information as required by the commission.

(2) The horsemen's association must register with the Indiana horse racing commission.

The state board of accounts shall audit the accounts, books, and records of the Indiana horse racing commission. Each horsemen's association, ~~a~~ licensee, and ~~any~~ association for backside benevolence ~~containing any information relating to the distribution of money under this section~~ **shall submit to an annual audit of their accounts, books, and records relating to the distribution of money under this section. The audit shall be performed by an independent public accountant, and the audit report shall be provided to the Indiana horse racing commission.**

(i) The commission shall provide the Indiana horse racing commission with the information necessary to enforce this section.

(j) The Indiana horse racing commission shall investigate any complaint that a licensee has failed to comply with the horse racing purse requirements set forth in this section. If, after notice and a hearing, the Indiana horse racing commission finds that a licensee has failed to comply with the purse requirements set forth in this section, the Indiana horse racing commission may:

(1) issue a warning to the licensee;

(2) impose a civil penalty that may not exceed one million dollars ($1,000,000); or

(3) suspend a meeting permit issued under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana.

(k) A civil penalty collected under this section must be deposited in the state general fund.

SECTION 19. IC 4-35-7-12.5, AS ADDED BY P.L.213-2015, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12.5. (a) This section applies to adjusted gross receipts received after June 30, 2015.

(b) A licensee shall annually withhold the product of:

(1) seventy-five thousand dollars ($75,000); multiplied by

(2) the number of racetracks operated by the licensee;

from the amount that must be distributed under section ~~12(b)(3)~~ **12(b)** of this chapter.

(c) A licensee shall transfer the amount withheld under subsection (b) to the Indiana horse racing commission for deposit in the gaming integrity fund established by IC 4-35-8.7-3. Money transferred under this subsection must be used for the purposes described in IC 4-35-8.7-3(f)(1).

SECTION 20. IC 4-35-7-16, AS AMENDED BY P.L.255-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) The amount of gambling game revenue that must be distributed under section ~~12(b)(3)~~ **12(b)** of this chapter must be determined in a distribution agreement entered into by negotiation committees representing all licensees and the horsemen's associations having contracts with licensees that have been approved by the Indiana horse racing commission.

(b) Each horsemen's association shall appoint a representative to a negotiation committee to negotiate the distribution agreement required by subsection (a). If there is an even number of horsemen's associations appointing representatives to the committee, the members appointed by each horsemen's association shall jointly appoint an at-large member of the negotiation committee to represent the interests of all of the horsemen's associations. The at-large member is entitled to the same rights and privileges of the members appointed by the horsemen's associations.

(c) Each licensee shall appoint a representative to a negotiation committee to negotiate the distribution agreement required by subsection (a). If there is an even number of licensees, the members appointed by each licensee shall jointly appoint an at-large member of the negotiation committee to represent the interests of all of the licensees. The at-large member is entitled to the same rights and privileges of the members appointed by the licensees.

(d) If a majority of the members of each negotiation committee is present, the negotiation committees may negotiate and enter into a distribution agreement binding all horsemen's associations and all licensees as required by subsection (a).

(e) The initial distribution agreement entered into by the negotiation committees:

(1) must be in writing;

(2) must be submitted to the Indiana horse racing commission before October 1, 2013;

(3) must be approved by the Indiana horse racing commission before January 1, 2014; and

(4) may contain any terms determined to be necessary and appropriate by the negotiation committees, subject to subsection (f) and section 12 of this chapter.

(f) A distribution agreement must provide that at least ten percent (10%) and not more than twelve percent (12%) of a licensee's adjusted gross receipts must be distributed under section ~~12(b)(3)~~ **12(b)** of this chapter. A distribution agreement applies to adjusted gross receipts received by the licensee after December 31 of the calendar year in which the distribution agreement is approved by the Indiana horse racing commission.

(g) A distribution agreement may expire on December 31 of a particular calendar year if a subsequent distribution agreement

will take effect on January 1 of the following calendar year. A subsequent distribution agreement:

(1) is subject to the approval of the Indiana horse racing commission; and

(2) must be submitted to the Indiana horse racing commission before October 1 of the calendar year preceding the calendar year in which the distribution agreement will take effect.

(h) The Indiana horse racing commission shall annually report to the budget committee on the effect of each distribution agreement on the Indiana horse racing industry before January 1 of the following calendar year.

SECTION 21. IC 4-35-7-17, AS ADDED BY P.L.210-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) Subject to subsection (b), if:

(1) a distribution agreement is not submitted to the Indiana horse racing commission before the deadlines imposed by section 16 of this chapter; or

(2) the Indiana horse racing commission is unable to approve a distribution agreement;

the Indiana horse racing commission shall determine the percentage of a licensee's adjusted gross receipts that must be distributed under section ~~12(b)(2)~~ **12(b)** of this chapter.

(b) The Indiana horse racing commission shall give the negotiation committees an opportunity to correct any deficiencies in a proposed distribution agreement before making a determination of the applicable percentage under subsection (a).

(c) The Indiana horse racing commission shall consider the factors used to evaluate a distribution agreement under section 18 of this chapter when making a determination under subsection (a).

SECTION 22. IC 4-35-8.7-3, AS AMENDED BY P.L.86-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The gaming integrity fund is established.

(b) The fund shall be administered by the Indiana horse racing commission.

(c) The fund consists of gaming integrity fees deposited in the fund under this chapter and money distributed to the fund under IC 4-35-7-12.5 and IC 4-35-7-15. For each licensee, the Indiana horse racing commission shall annually transfer:

(1) seventy-five thousand dollars ($75,000); multiplied by

(2) the number of racetracks operated by the licensee;

from the fund to the Indiana state board of animal health to be used by the state board to pay the costs associated with equine health and equine care programs under IC 15-17.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

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

(f) Money in the fund may be used by the Indiana horse racing commission only for the following purposes:

(1) To pay the cost of taking and analyzing equine ~~specimens~~ **biological samples** under IC 4-31-12-6(b) or another law or rule and the cost of any supplies related to the taking or analysis of ~~specimens.~~ **biological samples.**

(2) To pay dues to the Drug Testing Standards and Practices (DTSP) Committee of the Association of Racing Commissioners International.

(3) To provide grants for research for the advancement of equine drug testing. Grants under this subdivision must be approved by the Drug Testing Standards and Practices (DTSP) Committee of the Association of Racing Commissioners International or by the Racing Mediation and Testing Consortium.

(4) To pay the costs of post-mortem examinations under IC 4-31-12-10.

(5) To pay other costs incurred by the commission to maintain the integrity of pari-mutuel racing.

(g) Money in the fund is continuously appropriated to the Indiana horse racing commission to carry out the purposes described in subsection (f).

(Reference is to EHB 1196 as printed March 15, 2019)

CHERRY	ALTING
AUSTIN	LANANE
House Conferees	Senate Conferees

Roll Call 589: yeas 94, nays 0. Report adopted.

Representatives Baird and Porter, who had been excused, are now present.

CONFERENCE COMMITTEE REPORT
ESB 99–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 99 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-2-6-2, AS AMENDED BY P.L.195-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Any assignment of the wages of an employee is valid only if all of the following conditions are satisfied:

(1) The assignment is:

(A) in writing;

(B) signed by the employee personally;

(C) by its terms revocable at any time by the employee upon written notice to the employer; and

(D) agreed to in writing by the employer.

(2) An executed copy of the assignment is delivered to the employer within ten (10) days after its execution.

(3) The assignment is made for a purpose described in subsection (b).

(b) A wage assignment under this section may be made for the purpose of paying any of the following:

(1) Premium on a policy of insurance obtained for the employee by the employer.

(2) Pledge or contribution of the employee to a charitable or nonprofit organization.

(3) Purchase price of bonds or securities, issued or guaranteed by the United States.

(4) Purchase price of shares of stock, or fractional interests in shares of stock, of the employing company, or of a company owning the majority of the issued and outstanding stock of the employing company, whether purchased from such company, in the open market or otherwise. However, if such shares are to be purchased on installments pursuant to a written purchase agreement, the employee has the right under the purchase agreement at any time before completing purchase of such shares to cancel said agreement and to have repaid promptly the amount of all installment payments which theretofore have been made.

(5) Dues to become owing by the employee to a labor organization of which the employee is a member.

(6) Purchase price of merchandise, goods, or food offered by the employer and sold to the employee, for the employee's benefit, use, or consumption, at the written request of the employee.

(7) Amount of a loan made to the employee by the employer and evidenced by a written instrument executed

by the employee subject to the amount limits set forth in section 4(c) of this chapter.

(8) Contributions, assessments, or dues of the employee to a hospital service or a surgical or medical expense plan or to an employees' association, trust, or plan existing for the purpose of paying pensions or other benefits to said employee or to others designated by the employee.

(9) Payment to any credit union, nonprofit organizations, or associations of employees of such employer organized under any law of this state or of the United States.

(10) Payment to any person or organization regulated under the Uniform Consumer Credit Code (IC 24-4.5) for deposit or credit to the employee's account by electronic transfer or as otherwise designated by the employee.

(11) Premiums on policies of insurance and annuities purchased by the employee on the employee's life.

(12) The purchase price of shares or fractional interest in shares in one (1) or more mutual funds.

(13) A judgment owed by the employee if the payment:

(A) is made in accordance with an agreement between the employee and the creditor; and

(B) is not a garnishment under IC 34-25-3.

(14) The purchase, **rental, or use** of uniforms, ~~and~~ **shirts, pants, or other job-related clothing at an amount not to exceed the direct cost paid by an employer to an external vendor for those items.** ~~equipment, necessary to fulfill the duties of employment. The total amount of wages assigned may not exceed the lesser of:~~

~~(A) two thousand five hundred dollars ($2,500) per year; or~~

~~(B) five percent (5%) of the employee's weekly disposable earnings (as defined in IC 24-4.5-5-105(1)(a)).~~

(15) The purchase of equipment or tools necessary to fulfill the duties of employment at an amount not to exceed the direct cost paid by an employer to an external vendor for those items.

~~(15)~~ **(16)** Reimbursement for education or employee skills training. However, a wage assignment may not be made if the education or employee skills training benefits were provided, in whole or in part, through an economic development incentive from any federal, state, or local program.

~~(16)~~ **(17)** An advance for:

(A) payroll; or

(B) vacation;

pay.

~~(17)~~ **(18)** The employee's drug education and addiction treatment services under IC 12-23-23.

(c) The interest rate charged on amounts loaned or advanced to an employee and repaid under subsection (b) may not exceed the bank prime loan interest rate as reported by the Board of Governors of the Federal Reserve System or any successor rate, plus four percent (4%).

(d) The total amount of wages subject to assignment under subsection (b)(14) and (b)(15) may not exceed the lesser of:

(1) two thousand five hundred dollars ($2,500) per year; or

(2) five percent (5%) of the employee's weekly disposable earnings (as defined in IC 24-4.5-5-105(1)(a)).

(e) Except as provided under 29 CFR Parts 1910, 1915, 1917, 1918, and 1926, an employee shall not be charged or subject to a wage assignment under subsection (b)(14) or (b)(15) for protective equipment including personal protective equipment identified under 29 CFR Parts 1910, 1915, 1917, 1918, and 1926.

SECTION 2. IC 22-2-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** All deductions made before July 1, 1988, by an employer from the wages of an employee, at the request of the employee, or without the objection of the employee, provided the amount so deducted was either retained by the employer and credited upon an indebtedness owing to the employer by the employee, or paid by the employer in accordance with the request of the employee, or without the employee's objection, are hereby legalized, and no action shall be brought or maintained against the employer to recover from the employer the amount so retained or paid.

(b) All deductions made before the effective date of this subsection, as added by SEA 99-2019, by an employer from the wages of an employee for the rental of uniforms, shirts, pants, or other job-related clothing, pursuant to an agreement that meets the requirements of section 2(a)(1) and 2(a)(2) of this chapter, provided the amount so deducted was either: (1) retained by the employer and credited upon an indebtedness owing to the employer by the employee; or

(2) paid by the employer;

are hereby legalized, and no action shall be brought or maintained against the employer to recover from the employer the amount so retained or paid.

SECTION 3. **An emergency is declared for this act.**

(Reference is to ESB 99 as printed March 19, 2019.)

BOOTS	VANNATTER
NIEZGODSKI	BECK
Senate Conferees	House Conferees

Roll Call 590: yeas 96, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
ESB 562–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 562 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-28-3-1, AS AMENDED BY P.L.192-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) As used in this section, "teacher candidate" means an individual recommended for an initial teaching license from a teacher preparation program located in Indiana.

(b) As used in this section, "teacher preparation program" includes, but is not limited to, the following:

(1) A teacher education school or department.

(2) A transition to teaching program under IC 20-28-4.

(3) Any other entity approved by the department to offer a course of study leading to an initial teaching license.

(c) The department shall:

(1) arrange a statewide system of professional instruction for teacher education;

(2) accredit and review teacher preparation programs that comply with the rules of the department;

(3) approve content area licensure programs for particular kinds of teachers in accredited teacher preparation programs; and

(4) specify the types of licenses for individuals who complete programs of approved courses.

(d) The department shall work with teacher preparation programs to develop a system of teacher education that ensures individuals who complete teacher preparation programs are able to meet the highest professional standards.

(e) Before July 1, 2015, the department shall establish

standards for the continuous improvement of program processes and the performance of individuals who complete teacher preparation programs. The state board shall adopt rules containing the standards not later than two hundred seventy (270) days after the department finishes the standards.

(f) The standards established under subsection (e) must include benchmarks for performance, including test score data for each teacher preparation entity on content area licensure tests and test score data for each teacher preparation entity on pedagogy licensure tests.

(g) Each teacher preparation program shall annually report the program's performance on the standards and benchmarks established under this section to the department. The department shall make the information reported under this subsection available to the public on the department's Internet web site. **Each teacher preparation program shall make the information reported under this subsection available to the public on the teacher preparation program's Internet web site.** In addition to reporting performance, each teacher ~~education school and department~~ **preparation program** must report **to the department the following:**

(1) The attrition, retention, and completion rates of teacher candidates for the previous three (3) calendar years. **The teacher preparation program must also provide underlying data, as determined by the department, used as part of calculating the teacher preparation program's retention rates.**

(2) The number of teacher candidates in each content area who complete the teacher preparation program during the year, disaggregated by ranges of cumulative grade point averages.

(3) The number of teacher candidates in each content area who, during the year:

(A) do not pass a content area licensure examination; and

(B) do not retake the content area licensure examination.

(h) In making information available to the public on the department's Internet web site, the department shall include in the report under subsection (g), in addition to the matrix ratings described in subsection (i), the following information:

(1) Average scaled or standard scores of teacher candidates who complete teacher preparation programs on basic skills, content area, and pedagogy licensure examinations.

(2) The average number of times teacher candidates who complete a teacher preparation program take each licensing test before receiving a passing score and the percentage of teacher candidates who receive a passing score on each licensing test on the teacher candidates' first attempts.

(i) Not later than July 30, 2016, the department and the commission for higher education, in conjunction with the state board, the Independent Colleges of Indiana, Inc., and teacher preparation programs, shall establish a matrix rating system for teacher preparation programs based on the performance of the programs as demonstrated by the data collected under subsections (g) and (h) and information reported to the department under IC 20-28-11.5-9. The matrix rating system may not rank or compare teacher preparation programs. The matrix rating system must be based on data collected for teachers who initially receive their teaching license during the previous three (3) years. The department shall make the matrix ratings available to the public on the department's Internet web site.

(j) Each teacher preparation program shall report to the department, in a manner prescribed by the department, the teacher preparation program's admission practices, in accordance with:

(1) the Council for the Accreditation of Educator Preparation standards, for teacher preparation programs accredited by the Council for the Accreditation of Educator Preparation; or

(2) rigorous academic entry requirements for admission into a teacher preparatory program that are equivalent to the minimum academic requirements determined by the Council for the Accreditation of Educator Preparation, for teacher preparation programs that are not accredited by the Council for the Accreditation of Educator Preparation.

The department shall include information reported to the department on the department's Internet web site.

(k) Not later than July 30, 2016, the department and the commission for higher education, in conjunction with the state board, the Independent Colleges of Indiana, Inc., and teacher preparation programs, shall establish a minimum rating under the matrix rating system established under subsection (i) that teacher preparation programs must achieve to avoid referral under subsection (l).

(l) Beginning July 1, 2017, and not later than each July 1 thereafter, the department shall submit a list of teacher preparation programs that do not meet the minimum rating established under subsection (k) to the commission for higher education and the Independent Colleges of Indiana, Inc. for one (1) of the following actions:

(1) In the case of a state educational institution, the commission for higher education shall place the teacher preparation program on an improvement plan with clear performance goals and a designated period in which the performance goals must be achieved.

(2) In the case of a proprietary postsecondary educational institution, the commission for higher education shall recommend to the teacher preparation program an improvement plan with clear performance goals and a designated period in which the performance goals should be achieved.

(3) In the case of a nonprofit college or university, the Independent Colleges of Indiana, Inc., shall coordinate a peer review process to make recommendations to the peer institution in achieving the department's performance metrics.

SECTION 2. IC 20-28-5-22.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 22.4. (a) The department shall annually prepare a report that includes the following information regarding teachers licensed in Indiana:**

(1) The total number of teachers who hold licenses in one (1) or more content areas.

(2) The total number of teachers who teach in the content area for which the teacher holds a teaching license.

(3) The total number of teachers who:

(A) teach under a license or permit issued by the department;

(B) completed a teacher preparation program (as defined in IC 20-28-3-1(b)); and

(C) have not passed the teacher licensing examinations required to hold a license under section 12 of this chapter.

(b) Not later than October 1 of each year, the department shall submit the report prepared under subsection (a) to the:

(1) legislative council; and

(2) interim study committee on education established by IC 2-5-1.3-4;

in an electronic format under IC 5-14-6.

(c) The department shall post the report prepared under subsection (a) on the department's Internet web site.

(Reference is to ESB 562 as reprinted April 2, 2019.)

RAATZ	BEHNING
MELTON	KLINKER
Senate Conferees	House Conferees

Roll Call 591: yeas 96, nays 0. Report adopted.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1078 and that the House now concur in the Senate amendments to said bill.

STEUERWALD

Roll Call 592: yeas 94, nays 2. Motion prevailed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:28 p.m. with the Speaker in the Chair.

Upon request of Representative Wright, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 593: 67 present. The Speaker declared a quorum present.

Representatives Moed, who had been excused, is now present.

Representatives Beck, Carbaugh, Eberhart, Hatfield, Huston, Jackson, Macer, Porter, Shackleford, Smaltz, Wolkins and Wright, who had been present, are now excused.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1258 and that the House now concur in the Senate amendments to said bill.

FRYE

Roll Call 594: yeas 80, nays 5. Motion prevailed.

Representatives Beck, Jackson, Macer, Summers and Wright, who had been excused, are now present.

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

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1367.

AUSTIN

Roll Call 595: yeas 87, nays 0. Motion prevailed.

Representatives Behning, Shackleford and Summers, who had been excused, are now present.

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

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed Senate Bills 442 and 603.

LEONARD, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed Senate Bills 442 and 603.

LEONARD, Chair

Motion prevailed.

CONFERENCE COMMITTEE REPORT
ESB 442–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 442 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 14-39-1-1, AS ADDED BY P.L.150-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. As used in this chapter, "carbon dioxide" means a fluid consisting of more than ninety percent (90%) carbon dioxide molecules. ~~compressed to a supercritical state.~~

SECTION 2. IC 14-39-1-2.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2.4. As used in this chapter, "carbon sequestration pilot project" refers to the pilot project described in section 3.5 of this chapter.**

SECTION 3. IC 14-39-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2.5. As used in this chapter, "underground storage of carbon dioxide" means the injection of carbon dioxide into, and storage of carbon dioxide in, underground strata and formations at the site of the carbon sequestration pilot project, as described in section 3.5 of this chapter, pursuant to one (1) or more federal permits issued by the United States Environmental Protection Agency.**

SECTION 4. IC 14-39-1-3, AS ADDED BY P.L.150-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. Because:

(1) the movement **of carbon dioxide** conducted for:

~~(1)~~ **(A)** a person's own use or account; or

~~(2)~~ **(B)** the use or account of another person or persons;

~~of carbon dioxide~~ by pipeline in Indiana for carbon management applications can assist efforts to reduce carbon dioxide emissions; ~~from the manufacture of gas using coal and the generation of electricity;~~ **and**

(2) the underground storage of carbon dioxide can assist efforts to reduce carbon dioxide emissions;

the use of carbon dioxide transmission pipelines, including their

routing, construction, maintenance, and operation, **and the underground storage of carbon dioxide ~~is~~ are** declared as a matter of legislative determination to be a public use and service, in the public interest, and a benefit to the welfare and people of Indiana.

SECTION 5. IC 14-39-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 3.5. (a) This chapter authorizes the establishment of a carbon sequestration pilot project:**

(1) that will:

(A) capture carbon dioxide at the proposed ammonia plant to be located at 444 West Sanford Avenue, West Terre Haute, Indiana; and

(B) inject the carbon dioxide underground through one (1) or more injection wells pursuant to a Class VI well permit issued by the United States Environmental Protection Agency; and

(2) that will employ the underground storage of carbon dioxide as an alternative to releasing the carbon dioxide into the air.

(b) The director shall designate the operator of the carbon sequestration pilot project according to the characteristics of the pilot project set forth in subsection (a).

SECTION 6. IC 14-39-1-7, AS ADDED BY P.L.150-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. **(a)** If a carbon dioxide transmission pipeline company has received a carbon dioxide transmission pipeline certificate of authority from the department under this chapter and is not able to reach an agreement with a property owner for the construction, operation, and maintenance of the carbon dioxide transmission pipeline on the owner's property, the company may proceed to condemn a right-of-way or an easement necessary or useful for:

(1) constructing, maintaining, using, operating, and gaining access to a carbon dioxide transmission pipeline and all necessary machinery, equipment, pumping stations, appliances, and fixtures for use in connection with the carbon dioxide transmission pipeline; and

(2) obtaining all necessary rights of ingress and egress to construct, examine, alter, repair, maintain, operate, or remove a carbon dioxide transmission pipeline and all of its component parts.

(b) If the operator of the carbon sequestration pilot project is not able to reach an agreement with an owner of property to acquire:

(1) ownership of underground strata or formations located under the surface of the property for purposes of the underground storage of carbon dioxide; or

(2) ownership or other rights to one (1) or more areas of the surface of the property for purposes of establishing and operating monitoring facilities required by the United States Environmental Protection Agency for the underground storage of carbon dioxide;

that are needed for the carbon sequestration pilot project, the operator of the carbon sequestration pilot project may exercise the power of eminent domain under IC 32-24-1 and IC 32-24-5 to make the needed acquisition.

SECTION 7. IC 14-39-1-8, AS ADDED BY P.L.150-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. **(a)** Except as otherwise provided in this chapter, IC 32-24-1 applies to the condemnation of property under **section 7(a) of** this chapter by a carbon dioxide transmission pipeline company.

(b) IC 32-24-5 and (pursuant to IC 32-24-5-5) IC 32-24-1 apply to the condemnation of property under section 7(b) of this chapter by the operator of the carbon sequestration pilot project, strictly for purposes of the carbon sequestration pilot project.

SECTION 8. IC 14-39-1-9, AS ADDED BY P.L.150-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. A carbon dioxide transmission pipeline company that exercises the authority set forth in section ~~7~~ **7(a)** of this chapter shall:

(1) compensate the property owner by making a payment to the owner equal to:

(A) one hundred twenty-five percent (125%) of the fair market value of the interest in the property acquired, if the right-of-way or easement involves agricultural land; or

(B) one hundred fifty percent (150%) of the fair market value of the interest in the property acquired, if the right-of-way or easement involves a parcel of property occupied by the owner as a residence; and

(2) pay to the property owner:

(A) any damages determined under IC 32-24-1; and

(B) any loss incurred in a trade or business;

that are attributable to the exercise of eminent domain.

SECTION 9. IC 14-39-1-13 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 13. This chapter expires July 1, 2021.~~

SECTION 10. IC 14-39-1-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 14. (a) Because the public interest would be served by the state of Indiana succeeding to the rights of a person that has conducted the underground storage of carbon dioxide, the state of Indiana, upon the recommendation of the director of the department and review by the state budget committee, may obtain ownership of:**

(1) the carbon dioxide stored in underground strata and formations; and

(2) the underground strata and formations in which the carbon dioxide is stored;

from the operator of the carbon sequestration pilot project.

(b) The state of Indiana may obtain ownership of the carbon dioxide stored in underground strata and formations and the underground strata and formations in which the carbon dioxide is stored under this section:

(1) after the operator, through the carbon sequestration pilot project, has injected carbon dioxide into underground strata and formations for at least twelve (12) years; or

(2) after the operator of the carbon sequestration pilot project ceases to inject carbon dioxide into underground strata and formations, if the injection ceases less than twelve (12) years after it began.

SECTION 11. IC 14-39-1-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15. (a) Notwithstanding any other law, nothing in this chapter may be construed to apply to extractable mineral resources.**

(b) The rights and requirements of this chapter:

(1) are subordinate to the rights pertaining to oil, gas, and coal reserves; and

(2) shall in no way adversely affect oil, gas, and coal reserves.

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

SECTION 12. IC 32-24-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. **(a)** Whereas, the storage of gas in subsurface strata or formations of the earth in Indiana tends to insure a more adequate supply of gas to domestic, commercial, and industrial consumers of gas in this state and materially promotes the economy of the state, the storage of gas is declared to be in public interest and for the welfare of Indiana and the people of Indiana and to be a public use.

(b) Whereas, because the underground storage of carbon

dioxide in subsurface strata or formations of the earth can assist efforts to reduce carbon dioxide emissions and thus materially promotes the well-being of citizens of the state, the underground storage of carbon dioxide is declared to be:

(1) in the public interest and for the welfare of Indiana and the people of Indiana; and

(2) a public use.

SECTION 13. IC 32-24-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A person, firm, limited liability company, municipal corporation, or other corporation authorized to do business in Indiana and engaged in the business of transporting or distributing gas by means of pipelines into, within, or through Indiana for ultimate public use may condemn:

(1) land subsurface strata or formations;

(2) other necessary land rights;

(3) land improvements and fixtures, in or on land, except buildings of any nature; and

(4) the use and occupation of land subsurface strata or formations;

for constructing, maintaining, drilling, utilizing, and operating an underground gas storage reservoir.

(b) The operator of the carbon sequestration pilot project established under IC 14-39-1 may exercise the power of eminent domain to obtain:

(1) ownership of such underground strata and formations located under the surface of the owner's property as may be necessary or useful for underground storage of carbon dioxide in the strata or formations; and

(2) ownership or other rights to one (1) or more areas of the surface of the owner's property, including but not limited to one (1) or more rights-of-way or easements, as may be necessary or useful for constructing, maintaining, using, operating, and gaining access to monitoring facilities required by the United States Environmental Protection Agency for the underground storage of carbon dioxide.

~~(b)~~ **(c)** The following rights in land may be condemned for use in connection with the underground storage of gas:

(1) To drill and operate wells in and on land.

(2) To install and operate pipelines.

(3) To install and operate equipment, machinery, fixtures, and communication facilities.

(4) To create ingress and egress to explore and examine subsurface strata or underground formations.

(5) To create ingress and egress to construct, alter, repair, maintain, and operate an underground storage reservoir.

(6) To exclusively use any subsurface strata condemned.

(7) To remove and reinstall pipe and other equipment used in connection with rights condemned under subdivisions (1) through (6).

~~(c)~~ **(d)** Acquisition of subsurface rights in land for gas storage purposes **or for purposes of the carbon sequestration pilot project established under IC 14-39-1** by condemnation under this section must be without prejudice to any subsequent proceedings that may be necessary under this section to acquire additional subsurface rights in the same land for use in connection with the underground storage. Surface rights in land necessary for the accomplishment of the purposes set forth in this section may be condemned.

~~(d)~~ **(e)** Except with respect to a proceeding under this chapter to:

(1) acquire the right to explore and examine a subsurface stratum or formation in land; and

(2) create the right of ingress and egress for operations connected to the acquisition;

and subject to subsection ~~(c),~~ **(f),** as a condition precedent to the exercise of the right to condemn any underground stratum, formation, or interest reasonably expected to be used or useful for underground gas storage **or for purposes of the carbon sequestration pilot project established under IC 14-39-1,** a condemnor first must have acquired by purchase, option, lease, or other method not involving condemnation, the right, or right upon the exercise of an option, if any, to store gas in at least sixty per cent (60%) of the stratum or formation. This must be computed in relation to the total surface acreage overlying the entire stratum or formation considered useful for the purpose.

~~(e)~~ **(f)** A tract under which the stratum or formation sought to be condemned is owned by two (2) or more persons, firms, limited liability companies, or corporations must be credited to the condemnor as acquired by it for the purpose of computing the percentage of acreage acquired by the condemnor in complying with the requirement of subsection ~~(d)~~ **(e)** if the condemnor acquires from the owner or owners of an undivided three-fourths (3/4) part or interest or more of the underground stratum or formation, by purchase, option, lease, or other method not involving condemnation, the right, or right upon the exercise of an option, if any, to store gas in the stratum or formation. It is not necessary for the condemnor to have acquired any interest in the property in which the condemnee has an interest before instituting a proceeding under this chapter.

SECTION 14. IC 32-24-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The rights acquired by condemnation **under this chapter** must be without prejudice to the rights and interests of the owners or their lessees to:

(1) execute oil and gas leases;

(2) drill or bore to any other strata or formation not condemned; and

(3) produce oil and gas discovered.

However, any drilling and all operations in connection with the drilling must be performed in a manner that protects the strata or formations condemned against the loss of gas and against contamination of the reservoir by water, oil, or other substance that will affect the use of the condemned strata or formations for gas storage purposes.

(b) If the owners of mineral rights or the owners' lessees drill into land in which gas storage rights have been condemned under this chapter, the owners of mineral rights or their lessees shall give notice to the owner of the gas storage stratum, formation, or horizon at least thirty (30) days before commencing the drilling. The notice must specify the location and nature of the operations, including the depth to be drilled. The notice must be given by United States registered or certified mail, return receipt requested, and addressed to the usual business address of the owner or owners of the gas storage stratum or formation condemned under this chapter.

(c) It is the duty of the owner of a gas storage stratum or formation to designate all necessary procedures for protecting the gas storage area. The actual costs incurred over and above customary and usual drilling and other costs that would have been incurred without compliance with the requirements shall be borne by the owner of the gas storage stratum or formation. An owner or lessee of mineral interests other than gas storage rights is not responsible for an act done under such a requirement or the consequences of this act.

SECTION 15. IC 32-24-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. Only the rights in land necessary for use in connection with:

(1) the underground storage of gas and those subsurface strata adaptable for underground storage of gas; **and**

(2) the carbon sequestration pilot project established under IC 14-39-1;

may be appropriated and condemned under this chapter. Rights in the subsurface of land constituting a part of a geological structure are deemed necessary to the operation of an underground storage reservoir in the structure. In determining the compensation to be paid to the owner of an oil producing stratum, or interest in the stratum, condemned under this

chapter, proof may be offered and consideration must be given to potential recovery, if any, of oil from a stratum by secondary or other subsequent recovery processes in addition to potential recovery by a primary process.

SECTION 16. IC 32-24-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. The appropriation and condemnation of:

(1) subsurface strata or formations in land; **and**

(2) rights in and easements in land and subsurface strata or formations;

authorized by this chapter must be made under IC 32-24-1.

SECTION 17. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate interim study committee the task of studying the geologic storage of carbon dioxide, including the following:**

(1) The suitability of storing carbon dioxide and other substances in the subsurface geologic strata beneath Indiana's surface.

(2) The right to inject and store carbon dioxide and other substances.

(3) The owner of any stored carbon dioxide or other substances beneath the surface.

(4) The requirements to gain authority of pooling of pore space.

(5) The financial responsibility when a problem associated with a Class VI well creates a danger to human health or the environment.

(6) The adequate testing and monitoring requirements imposed for a Class VI well.

(7) The financial exposure to the state if the state becomes the owner of all carbon dioxide and other substances stored underground.

(b) This SECTION expires December 31, 2019.

SECTION 18. **An emergency is declared for this act.**

(Reference is to ESB 442 as printed March 19, 2019.)

FORD, JON	MORRISON
NIEZGODSKI	BECK
Senate Conferees	House Conferees

Roll Call 596: yeas 72, nays 17. Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:09 p.m. with the Speaker in the Chair.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1002	Conferees:Representative Jordan replacing Representative Porter
ESB 233	Conferees:Representative Cherry replacing Representative Porter
ESB 390	Conferees:Representative Judy replacing Representative DeLaney
ESB 565	Conferees:Representative T. Brown replacing Representative Porter

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1003, 1004 and 1208

Engrossed Senate Bill 2

LEONARD, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 2 hours, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1003, 1004 and 1208

Engrossed Senate Bill 2

LEONARD, Chair

Motion prevailed.

Representatives Carbaugh, Eberhart, Ellington, Hatfield, Huston, Porter, Smaltz and Wolkins who had been excused, are now present.

Representatives Austin and Mahan, who had been present, are now excused.

CONFERENCE COMMITTEE REPORT
EHB 1003–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1003 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-17-5.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.3. A school corporation shall specify in its proposed budget the anticipated amount that will be transferred from the total revenue deposited in the school corporation's education fund to its operations fund during the next calendar year. At its public hearing to adopt a budget under this chapter, the school corporation shall acknowledge whether the school corporation's anticipated transfer amount will be more than fifteen percent (15%) of the total revenue deposited in the school corporation's education fund to its operations fund during the next calendar year.**

SECTION 2. IC 20-29-3-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15. (a) The board shall prepare an annual report covering the previous school year or collective bargaining period that includes at least the information described in subsection (b). Before November 15 each year, the board shall:**

(1) submit the report to the budget committee, department of education, state board, and legislative council in an electronic format under IC 5-14-6; and

(2) publish the report on the state's interactive and searchable Internet web site containing local government information (the Indiana gateway for governmental units).

(b) The report must cover at least the following

information:

(1) The total number of full-time public school teachers and the number of nonteaching full-time district level administrators.

(2) The average tenure of all full-time public school teachers.

(3) The number of first-year, full-time teachers hired during the previous calendar year.

(4) The number of full-time teachers who retired during the interval between the immediately preceding collective bargaining period and the previous calendar year's collective bargaining period.

(5) The overall average salary of nonteaching full-time district level administrators.

(6) The overall average salary of full-time public school teachers.

(7) The statewide average total compensation of full-time public school teachers, the statewide average daily teacher salary rate, and the statewide average annual teacher contract days.

(8) The statewide average total compensation of full-time public school administrators, the statewide average daily nonteaching, full-time, district level administrator salary rate, and the statewide average annual administrator contract days.

(9) The average salary and total compensation of full-time public school teachers for each school corporation.

(10) The average salary and total compensation of nonteaching, full-time district level administrators, including separately the superintendent, for each school corporation.

(11) The minimum full-time public school teacher salary.

(12) The maximum full-time public school teacher salary.

(13) The minimum nonteaching full-time district level administrative salary.

(14) The maximum nonteaching full-time district level administrative salary.

(15) The number of full-time public school teachers earning a salary under the statewide average.

(16) The number of full-time public school teachers earning a salary in excess of the statewide average.

(17) For each school corporation, the average salary paid to full-time public school teachers in each of the following tenure benchmarks:

(A) First year.

(B) Fifth year.

(C) Tenth year.

(D) Fifteenth year.

(E) Twentieth year.

(F) Twenty-fifth year.

(G) Thirty (30) or more years of service.

(18) For each school corporation, the nominal dollar figures for subdivisions (5), (6), (11), (12), (13), (14), and (17) in nationally recognized, open-source, state-specific cost of living index-adjusted dollars to compare to the figures described in subdivision (19).

(19) Comparative data on overall full-time public school teacher salary averages and by each of the tenure benchmarks listed in subdivision (17) in both nominal dollars and nationally recognized, open-source, state-specific cost of living index-adjusted dollars for each of the following states:

(A) Illinois.

(B) Kentucky.

(C) Michigan.

(D) Ohio.

(E) Wisconsin.

(20) The total number of full-time teachers retained from the previous year.

(21) The total number of newly hired teachers with previous work experience in teaching.

(22) The total number of teaching candidates who:

(A) are currently enrolled in a teacher preparation program; or

(B) have recently completed a teacher preparation program.

(23) The increase or decrease in kindergarten through grade 12 student enrollments.

(24) The total number of teachers in Indiana.

(25) The teacher workforce growth.

(26) The administrator workforce growth.

As used in this subsection, total compensation includes the monetary value of salary, wages, bonuses, stipends, supplemental payments, commissions, employment benefits, and any other form of remuneration paid for personal services.

(c) The board may require schools to submit any school corporation specific information needed to complete the report. Parties to a collective bargaining agreement shall comply with the board's requests for information necessary to complete the report.

SECTION 3. IC 20-40-2-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: **Sec. 0.3. As used in this chapter, "education fund transfer target percentage" refers to the threshold maximum education fund transfer percentage set forth in section 6 of this chapter.**

SECTION 4. IC 20-40-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: **Sec. 0.5. As used in this chapter, "excessive education fund transfer list" refers to the list required by section 6 of this chapter.**

SECTION 5. IC 20-40-2-6, AS ADDED BY P.L.244-2017, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. **(a) Each school corporation shall make every reasonable effort to transfer not more than fifteen percent (15%) of the total revenue deposited in the school corporation's education fund from the school corporation's education fund to the school corporation's operations fund during a calendar year.**

~~(a)~~ **(b)** Only after the transfer is authorized by the governing body in a public meeting with public notice, money in the education fund may be transferred to the operations fund to cover expenditures that are not allocated to student instruction and learning under IC 20-42.5. The amount transferred from the education fund to the operations fund shall be reported by the school corporation to the department. The transfers made during the:

(1) first six (6) months of each state fiscal year shall be reported before January 31 of the following year; and

(2) last six (6) months of each state fiscal year shall be reported before July 31 of that year.

~~(b)~~ **(c)** The report must include information as required by the department and in the form required by the department.

~~(c)~~ **(d)** The department must post the report submitted under subsection ~~(a)~~ **(b)** on the department's Internet web site.

(e) Beginning in 2020, the department shall track for each school corporation transfers from the school corporation's education fund to its operations fund for the preceding six (6) month period. Beginning in 2021, before February 1 of each year, the department shall compile an excessive education fund transfer list comprised of all school corporations that transferred more than fifteen percent (15%) of the total revenue deposited in the school corporation's education fund from the school corporation's education fund to the school corporation's operations fund during the immediately preceding calendar year. A school corporation that is not included on the excessive education

fund transfer list is considered to have met the education fund transfer target percentage for the immediately preceding calendar year.

SECTION 6. IC 20-40-2-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: **Sec. 8. The Indiana education employment relations board and the division of finance of the department shall be available to consult with and provide technical assistance to each school corporation that is included on the excessive education fund transfer list required under section 6 of this chapter.**

SECTION 7. IC 20-40-2-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: **Sec. 9. (a) For each school corporation included on the excessive education fund transfer list required under section 6 of this chapter, the department shall, not later than March 1 of each year, submit in both a written and an electronic format a notice to the school corporation's superintendent, school business officer, and governing body that the school corporation did not meet its education fund transfer target percentage for the previous calendar year.**

(b) If a school corporation's governing body receives a notice from the department under subsection (a), the school corporation shall do all of the following:

(1) Publicly acknowledge receipt of the excessive education fund transfer list notice from the department at the governing body's next public meeting.

(2) Enter into the governing body's official minutes for that meeting acknowledgment of the notice.

(3) Publish on the school corporation's Internet web site the department's notice and any relevant individual reports prepared by the department within thirty (30) days after the public meeting.

SECTION 8. IC 20-40-2-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: **Sec. 10. (a) After the department completes the school corporation notice requirement under section 9 of this chapter, the department shall notify the state board, fiscal and qualitative indicators committee, and Indiana education employment relations board as soon as possible of all school corporations that received a notice stating they were on the excessive education fund transfer list for the immediately preceding calendar year.**

(b) Upon receipt of the department notice to a school corporation under section 9 of this chapter, the school corporation's superintendent and financial personnel, including the school's business officer, shall prepare and submit explanatory documentation within ninety (90) days, explaining the following:

(1) How and why the school corporation's leadership believes the school corporation failed to meet the education fund transfer target percentage.

(2) The steps the school corporation's leadership is planning or actively taking to budget and spend during the next calendar year to meet the education fund transfer target percentage for the next calendar year.

(c) The school corporation's superintendent shall submit the explanatory documentation to the department and the fiscal and qualitative indicators committee.

(d) Upon submission of the explanatory documentation under subsection (b), the school corporation's superintendent shall present the explanatory documentation to the school corporation's governing body at its next public meeting. The governing body shall enter both the actual documentation and corresponding discussion into its official minutes for that meeting.

(e) Upon the completion of the duties under subsection (d), the school corporation shall publish the explanatory documentation alongside any further notices and related reports from the department on its Internet web site within thirty (30) days.

(f) Upon receipt of a school corporation's explanatory documentation, the fiscal and qualitative indicators committee shall officially acknowledge receipt of the documentation at its next public meeting and enter the receipt into its official minutes for that meeting.

(g) Upon receipt of the explanatory documentation, the department, in collaboration with the fiscal and qualitative indicators committee, shall review the documentation within sixty (60) days to make a preliminary determination of whether the documentation satisfactorily demonstrates that the school corporation's leadership has outlined and begun a corrective action plan to make progress in meeting the education fund transfer target percentage for the next calendar year.

(h) If the department determines the explanatory documentation is not satisfactory, the department may contact the superintendent and financial personnel, including the school business officer, of the school corporation to schedule as soon as possible an appearance before the fiscal and qualitative indicators committee at a public meeting to provide an opportunity to explain the details within the explanatory documentation, and to explain to the fiscal and qualitative indicators committee the school corporation's budgeting and compensation levels in relation to the following for the school corporation:

(1) How and why the education fund transfer target percentage was not met during the previous calendar year.

(2) Total combined expenditures.

(3) Student instructional expenditures.

(4) Noninstructional expenditures.

(5) Full-time teacher compensation expenditures.

(6) Nonteaching, full-time administrative personnel compensation expenditures.

(7) Nonteaching staff personnel compensation expenditures.

(8) Any prior or planned attempts to seek the assistance available under this chapter from the Indiana education employment relations board and the department's division of finance.

(9) Any prior or planned pooling of resources, combined purchases, usage of shared administrative services, or collaboration with contiguous school corporations in reducing noninstructional expenditures as described under IC 20-42.5-2-1.

(10) Any prior or planned participation in a county school safety commission under IC 5-2-10.1-10 to assist and reduce school safety expenditures.

(11) Any prior or planned consideration of meeting the requirements of and applying for school corporation efficiency incentive grants under IC 36-1.5-6.

(i) The fiscal and qualitative indicators committee may contact the superintendent and financial personnel, including the school's business officer, of a school corporation that has been included on the department's excessive education fund transfer list for at least two (2) immediately preceding calendar years to provide the school corporation an opportunity to explain to the fiscal and qualitative indicators committee in a public meeting the school corporation's budgeting and compensation levels in relation to the items listed in subsection (h).

(j) After the fiscal and qualitative indicators committee receives the school corporation's explanation under this section, the fiscal and qualitative indicators committee may issue an official recommendation to the school corporation to perform a review and improve its budgeting procedures in consultation with any state agencies the fiscal and qualitative indicators committee considers appropriate. The state agencies specified by the fiscal and qualitative

indicators committee shall assist the school corporation before and during its next collective bargaining period with the goal of meeting or making progress toward the education fund transfer target percentage. If the fiscal and qualitative indicators committee issues an official recommendation to a school corporation, the school corporation's governing body shall officially acknowledge receipt of the recommendation at its next public meeting and enter into the school corporation governing body's minutes for that meeting acknowledgment of receipt of the recommendation. In addition, the school corporation shall publish the official recommendation on the school corporation's Internet web site.

(k) The school corporation shall publish the most recent notices from the department, relevant individual reports prepared by the department, explanatory documentation by the school corporation, and official recommendations by the fiscal and qualitative indicators committee on the school corporation's Internet web site.

(l) The school corporation may remove the notice, its explanatory documentation, and the fiscal and qualitative indicators committee's official recommendation from its Internet web site if the department determines that the school corporation met its education fund transfer target percentage and is no longer on the excessive education fund transfer list.

(Reference is to EHB 1003 as printed March 29, 2019.)

DEVON	RAATZ
BEHNING	MISHLER
House Conferees	Senate Conferees

Roll Call 597: yeas 67, nays 28. Report adopted.

Representatives McNamara, Shackleford and Torr, who had been present, are now excused.

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

CONFERENCE COMMITTEE REPORT
EHB 1004–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1004 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.25-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana safe schools fund is established to do the following:

(1) Promote school safety through the:
(A) use of dogs trained to detect drugs and illegal substances; and
(B) purchase of other equipment and materials used to enhance the safety of schools.

(2) Combat truancy.

(3) Provide matching grants to schools for school safe haven programs.

(4) Provide grants for school safety and safety plans. **However, a grant from the fund may not be used to employ a school resource officer (as defined in IC 20-26-18.2-1) or a law enforcement officer (as defined in IC 35-31.5-2-185).**

(5) Provide educational outreach and training to school personnel concerning:
(A) the identification of;
(B) the prevention of; and
(C) intervention in;
bullying.

(6) Provide educational outreach to school personnel and training to school safety specialists and school resource officers concerning:
(A) the identification of;
(B) the prevention of; and
(C) intervention in;
criminal organization activities.

(7) Provide grants for school wide programs to improve school climate and professional development and training for school personnel concerning:
(A) alternatives to suspension and expulsion; and
(B) evidence based practices that contribute to a positive school environment, including classroom management skills, positive behavioral intervention and support, restorative practices, and social emotional learning.

(b) The fund consists of amounts deposited:
(1) under IC 33-37-9-4; and
(2) from any other public or private source.

(c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order:
(1) A grant for a safety plan.
(2) A safe haven grant requested under section 10 of this chapter.
(3) A safe haven grant requested under section 7 of this chapter.

(d) Upon recommendation of the council, the institute shall establish a method for determining the maximum amount a grant recipient may receive under this section.

SECTION 2. IC 10-21-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter does not apply to a virtual charter school or a virtual accredited nonpublic school.**

SECTION 3. IC 10-21-1-2, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana secured school fund is established to provide matching grants to enable school corporations, ~~and~~ charter schools, **and accredited nonpublic schools** to establish programs under which a school corporation, ~~or~~ charter school, **or accredited nonpublic school** (or a coalition of schools) may:

(1) employ a school resource officer, **employ a law enforcement officer,** or enter into a contract or a memorandum of understanding with a:
(A) local law enforcement agency;
(B) private entity; or
(C) nonprofit corporation;
to employ a school resource officer **or a law enforcement officer;**

(2) conduct a threat assessment of the buildings within a school corporation or **the buildings that are** operated by a charter school **or accredited nonpublic school;** ~~or~~

(3) purchase equipment and technology to:
(A) restrict access to school property; or
(B) expedite notification of first responders;

(b) The fund shall be administered by the department of homeland security.

(c) The fund consists of:
(1) appropriations from the general assembly;
(2) grants from the Indiana safe schools fund established by IC 5-2-10.1-2;
(3) federal grants; and
(4) amounts deposited from any other public or private source.

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

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

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

SECTION 4. IC 10-21-1-3, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The secured school safety board is established to approve or disapprove applications for matching grants to fund programs described in section 2(a) of this chapter.

(b) The board consists of seven (7) members appointed as follows:

(1) The executive director of the department of homeland security or the executive director's designee. The executive director of the department of homeland security or the executive director's designee serves as the chairperson of the board.

(2) The attorney general or the attorney general's designee.

(3) The superintendent of the state police department or the superintendent's designee.

(4) A local law enforcement officer appointed by the governor.

(5) The state superintendent of public instruction or the superintendent's designee.

(6) The director of the criminal justice institute or the director's designee.

(7) An employee of a local school corporation or a charter school appointed by the governor.

(c) The board shall establish criteria to be used in evaluating applications for matching grants from the fund. These criteria must:

(1) be consistent with the fund's goals; and

(2) provide for an equitable distribution of grants to school corporations, ~~and~~ charter schools, **and accredited nonpublic schools** located throughout Indiana.

SECTION 5. IC 10-21-1-4, AS AMENDED BY P.L.30-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board may award a matching grant to enable a school corporation, ~~or~~ charter school, **or accredited nonpublic school** (or a coalition of schools applying jointly) to establish a program to employ a school resource officer, **employ a law enforcement officer,** provide school resource officer training described in IC 20-26-18.2-1(b)(2), conduct a threat assessment, or purchase equipment to restrict access to the school or expedite the notification of first responders in accordance with section 2(a) of this chapter.

(b) A matching grant awarded to a school corporation, ~~or~~ charter school, **or accredited nonpublic school** (or a coalition of schools applying jointly) may not exceed the lesser of the following during a two (2) year period beginning on or after May 1, 2013:

(1) The total cost of the program established by the school corporation, ~~or~~ charter school, **or accredited nonpublic school** (or the coalition of schools applying jointly).

(2) **Except as provided in subsection (d),** the following amounts:

~~(A) Fifty thousand dollars ($50,000) per year, in the case of a school corporation or charter school that:~~

~~(i) has an ADM of at least one thousand (1,000); and~~

~~(ii) is not applying jointly with any other school corporation or charter school.~~

~~(B) Thirty-five thousand dollars ($35,000) per year, in the case of a school corporation or charter school that:~~

~~(i) has an ADM of less than one thousand (1,000); and~~

~~(ii) is not applying jointly with any other school corporation or charter school.~~

~~(C) Fifty thousand dollars ($50,000) per year, in the case of a coalition of schools applying jointly.~~

(A) Thirty-five thousand dollars ($35,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of at least one (1) and less than one thousand one (1,001) students; and

(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.

(B) Fifty thousand dollars ($50,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of more than one thousand (1,000) and less than five thousand one (5,001) students; and

(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.

(C) Seventy-five thousand dollars ($75,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of more than five thousand (5,000) and less than fifteen thousand one (15,001) students; and

(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.

(D) One hundred thousand dollars ($100,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of more than fifteen thousand (15,000); and

(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.

(E) One hundred thousand dollars ($100,000) per year, in the case of a coalition of schools applying jointly.

(c) Except as provided in subsection (d), the match requirement for a grant under this chapter is based on the ADM, as follows:

(1) For a school corporation, charter school, or accredited nonpublic school with an ADM of less than five hundred one (501) students, the grant match must be twenty-five percent (25%) of the grant amount described in subsection (b).

(2) For a school corporation, charter school, or accredited nonpublic school with an ADM of more than five hundred (500) and less than one thousand one (1,001) students, the grant match must be fifty percent (50%) of the grant amount described in subsection (b).

(3) For a school corporation, charter school, or accredited nonpublic school with an ADM of more than one thousand (1,000) students or a coalition of schools applying jointly, the grant match must be one hundred percent (100%) of the grant amount described in subsection (b).

(d) A school corporation, charter school, or accredited nonpublic school may be eligible to receive a grant of up to:

(1) one hundred thousand dollars ($100,000) if:

(A) the school corporation, charter school, or accredited nonpublic school receives a grant match of one hundred percent (100%) of the requested grant amount; and

(B) the board approves the grant request; or

(2) for a school corporation, charter school, or accredited nonpublic school described subsection (c)(1) or (c)(2), a grant of up to fifty thousand dollars

($50,000) if:

(A) the school corporation, charter school, or accredited nonpublic school receives a grant match of fifty percent (50%) of the requested grant amount; and

(B) the board approves the grant request.

~~(c)~~ **(e)** A school corporation, ~~or~~ charter school, **or accredited nonpublic school** may receive only one (1) matching grant under this section each year.

~~(d)~~ **(f)** The board may not award a grant to a school corporation, ~~or~~ charter school, **or accredited nonpublic school** under this chapter unless the school corporation, ~~or~~ charter school, **or accredited nonpublic school** is in a county that has a county school safety commission, as described in IC 5-2-10.1-10.

SECTION 6. IC 10-21-1-5, AS AMENDED BY P.L.211-2018(ss), SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A school corporation, ~~or~~ charter school, **or accredited nonpublic school** may annually apply to the board for a matching grant from the fund for a program described in section 2(a) of this chapter.

(b) The application must include the following:

(1) A concise description of the school corporation's, ~~or~~ charter school's, **or accredited nonpublic school's** security needs.

(2) The estimated cost of the program to the school corporation, ~~or~~ charter school, **or accredited nonpublic school.**

(3) The extent to which the school corporation, ~~or~~ charter school, **or accredited nonpublic school** has access to and support from a nearby law enforcement agency, if applicable.

(4) The ADM of the school corporation or charter school **or the equivalent for an accredited nonpublic school** (or the combined ADM of the coalition of schools applying jointly).

(5) Any other information required by the board.

(6) A statement whether the school corporation or charter school has completed a local plan and has filed the plan with the county school safety commission for the county in which the school corporation or charter school is located.

(7) A statement whether the school corporation or charter school (or coalition of public schools applying jointly) requests an advance under IC 20-49-10 in addition to a matching grant under this chapter.

(c) Before July 1, 2021, each school corporation, charter school, or accredited nonpublic school shall certify to the department of homeland security that the school corporation, charter school, or accredited nonpublic school has conducted a threat assessment for each school building used by the school corporation, charter school, or accredited nonpublic school before applying for a grant under this chapter.

SECTION 7. IC 10-21-1-6, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A school corporation, ~~or~~ charter school, **or accredited nonpublic school** that is awarded a matching grant under this chapter is not required to repay or reimburse the board or fund the amount of the matching grant.

SECTION 8. IC 20-34-3-20, AS AMENDED BY P.L.103-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 20. (a) The governing body of a school corporation shall require each school in the governing body's jurisdiction to conduct periodic emergency preparedness drills during the school year in compliance with rules adopted under IC 4-22-2 by the state board.

(b) Each school and attendance center shall conduct at least:

(1) one (1) tornado preparedness drill; and

(2) one (1) manmade occurrence disaster drill;

during each semester.

(c) At least one (1) manmade occurrence disaster drill required under subsection (b) must be an active shooter drill and must be conducted within ninety (90) calendar days after the beginning of the school year.

(d) Each:

(1) accredited nonpublic school; and

(2) charter school;

must conduct at least one (1) active shooter drill during each school year.

~~(c)~~ **(e)** Notwithstanding rules established by the state fire marshal under IC 12-17-12-19, a drill conducted under subsection (b) may be conducted instead of a periodic or monthly fire evacuation drill requirement established by the state fire marshal. However, a drill conducted under subsection (b) may not be made:

(1) instead of more than two (2) periodic or monthly fire evacuation drills in a particular school semester; and

(2) in two (2) consecutive months.

~~(d)~~ **(f)** The governing body of a school corporation may direct schools to conduct emergency preparedness drills in addition to those required under subsection (b).

~~(e)~~ **(g)** The governing body of a school corporation shall require each principal to file a certified statement that all drills have been conducted as required under this section.

SECTION 9. **An emergency is declared for this act.**

(Reference is to EHB 1004 as reprinted April 10, 2019.)

MCNAMARA	RAATZ
WRIGHT	STOOPS
House Conferees	Senate Conferees

Roll Call 598: yeas 92, nays 1. Report adopted.

Representatives McNamara and Torr, who had been excused, are now present.

CONFERENCE COMMITTEE REPORT

EHB 1208–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1208 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

SECTION 1. IC 11-8-8-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 23. (a) This section applies to the local law enforcement authority in the county of conviction who has received notice that a lifetime sex or violent offender (as defined in IC 34-28-2-1.5) has changed the offender's name under:**

(1) IC 31-11-4-11 (marriage);

(2) IC 31-15-2-19 (dissolution of marriage);

(3) IC 31-19-2-1.1 (adult adoption); or

(4) IC 34-28-21-5 (an action for name change).

(b) A local law enforcement authority to which this section applies shall take reasonable steps, including consulting with the prosecuting attorney or a victim assistance program in the county of conviction, to notify the victim (or the spouse or immediate family member of a deceased victim):

(1) that the lifetime sex or violent offender has changed the offender's name;

(2) of the reason for the name change; and

(3) of the lifetime sex or violent offender's new name.

SECTION 2. IC 31-9-2-76.7 IS ADDED TO THE INDIANA

CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 76.7. "Lifetime sex or violent offender" has the meaning set forth in IC 34-28-2-1.5.**

SECTION 3. IC 31-9-2-76.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 76.8. "Local law enforcement authority" has the meaning set forth in IC 11-8-8-2.**

SECTION 4. IC 31-11-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) An application for a marriage license must be written and verified. The application must contain the following information concerning each of the applicants:

(1) Full name.
(2) Birthplace.
(3) Residence.
(4) Age.
(5) Names of dependent children.
(6) Full name, including the maiden name of a mother, last known residence, and, if known, the place of birth of:
(A) the birth parents of the applicant if the applicant is not adopted; or
(B) the adoptive parents of the applicant if the applicant is adopted.

(7) Whether either of the applicants is a lifetime sex or violent offender, and, if an applicant is a lifetime sex or violent offender, the county and state in which the conviction was entered giving rise to the applicant's status as a lifetime sex or violent offender.

~~(7)~~ **(8)** A statement of facts necessary to determine whether any legal impediment to the proposed marriage exists.

~~(8)~~ **(9)** Except as provided in subsection (e), an acknowledgment that both applicants must sign, affirming that the applicants have received the information described in section 5 of this chapter, including a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome). The acknowledgment required by this subdivision must be in the following form:

ACKNOWLEDGMENT

I acknowledge that I have received information regarding dangerous communicable diseases that are sexually transmitted and a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome).

_____ _____
Signature of Applicant Date

_____ _____
Signature of Applicant Date

(b) The clerk of the circuit court shall record the application, including the license and certificate of marriage, in a book provided for that purpose. This book is a public record.

(c) The state department of health shall develop uniform forms for applications for marriage licenses. The state department of health shall furnish these forms to the circuit court clerks. The state department of health may periodically revise these forms.

(d) The state department of health shall require that the record of marriage form developed under subsection (c) must include each applicant's Social Security number. Any Social Security numbers collected on the record of marriage form shall be kept confidential and used only to carry out the purposes of the Title IV-D program. A person who knowingly or intentionally violates confidentiality regarding an applicant's Social Security numbers as described in this subsection commits a Class A infraction.

(e) Notwithstanding subsection (a), a person who objects on religious grounds is not required to:

(1) verify the application under subsection (a) by oath or affirmation; or

(2) sign the acknowledgment described in subsection ~~(a)(8).~~ **(a)(9).**

However, before the clerk of the circuit court may issue a marriage license to a member of the Old Amish Mennonite church, the bishop of that member must sign a statement that the information in the application is true.

(f) If a person objects on religious grounds to:

(1) verifying the application under subsection (a) by oath or affirmation; or

(2) signing the acknowledgment described in subsection ~~(a)(8);~~ **(a)(9);** the clerk of the circuit court shall indicate that fact on the application for a marriage license.

SECTION 5. IC 31-11-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. A clerk of a circuit court may not issue a marriage license if either of the individuals who applies for the license:

(1) has been adjudged to be mentally incompetent unless the clerk finds that the adjudication is no longer in effect; ~~or~~

(2) is under the influence of an alcoholic beverage or a narcotic drug; **or**

(3) is a lifetime sex or violent offender, unless the individual submits an affidavit stating under the penalties of perjury that the individual has provided written notice of the person's:
(A) intent to marry; and
(B) intended married name;
to the local law enforcement authority in the county of conviction and in the person's county of residence.

SECTION 6. IC 31-15-2-5, AS AMENDED BY P.L.83-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A petition for dissolution of marriage must:

(1) be verified; and
(2) set forth the following:
(A) The residence of each party and the length of residence in the state and county.
(B) The date of the marriage.
(C) The date on which the parties separated.
(D) The name, age, and address of:
(i) any living child less than twenty-one (21) years of age; and
(ii) any incapacitated child;
of the marriage and whether the wife is pregnant.
(E) The grounds for dissolution of the marriage.
(F) The relief sought.
(G) If a guardian of an incapacitated person is filing the petition for dissolution of marriage on behalf of the incapacitated person, the name and address of the guardian.

(H) Whether either party is a lifetime sex or violent offender.

(b) If a guardian of an incapacitated person files a petition for dissolution of a marriage on behalf of the incapacitated person, the guardian shall file with the petition a copy of the court order granting authority to petition for dissolution of marriage described in IC 29-3-9-12.2.

SECTION 7. IC 31-15-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. **(a) This section does not apply to a lifetime sex or violent offender.**

(b) A woman who desires the restoration of her maiden or previous married name must set out the name she desires to be restored to her in her petition for dissolution as part of the relief sought. The court shall grant the name change upon entering the decree of dissolution.

SECTION 8. IC 31-15-2-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19. (a) This section applies to a lifetime sex or violent offender.**

(b) The court may not issue an order restoring the previous married or unmarried name of a lifetime sex or violent offender unless all of the following conditions are met:

(1) The lifetime sex or violent offender sets out the name the offender wishes to be restored.

(2) The lifetime sex or violent offender provides written notice of intent to restore the previous married or unmarried name to the local law enforcement authority in the:

(A) county of conviction; and

(B) county where the person resides.

(c) Upon proof that the notice described in subsection (b)(2) has been properly served, the court shall grant the petition to restore the previous name.

(d) Nothing in this section limits, alters, or affects the authority of the court to enter a dissolution decree as provided in this chapter.

SECTION 9. IC 31-19-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) **Subject to section 1.1 of this chapter,** an individual who is at least eighteen (18) years of age may be adopted by a resident of Indiana:

(1) upon proper petition to the court having jurisdiction in probate matters in the county of residence of the individual or the petitioner for adoption; and

(2) with the consent of the individual acknowledged in open court.

(b) If the court in which a petition for adoption is filed under this section considers it necessary, the court may order:

(1) the type of investigation that is conducted in an adoption of a child who is less than eighteen (18) years of age; or

(2) any other inquiry that the court considers advisable;

before granting the petition for adoption.

SECTION 10. IC 31-19-2-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1.1. (a) This section applies only to an individual:**

(1) who seeks to be adopted by a resident of Indiana under section 1 of this chapter; and

(2) who is a lifetime sex or violent offender.

(b) A court may not issue an order granting a petition for adoption of an individual described in subsection (a) unless all of the following conditions are met:

(1) The lifetime sex or violent offender complies with and meets the requirements of section 1 of this chapter.

(2) If the lifetime sex or violent offender intends to change the offender's name, the offender provides written notice of the petition for adoption and the new name to the local law enforcement authority in the:

(A) county of conviction; and

(B) county where the person resides.

(c) Upon proof that the notice described in subsection (b) has been properly served, the court shall grant the petition for adoption if all other requirements are met.

SECTION 11. IC 34-6-2-73.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 73.8. "Lifetime sex or violent offender", for purposes of IC 34-28-2, has the meaning set forth in IC 34-28-2-1.5.**

SECTION 12. IC 34-6-2-74.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 74.5. "Local law enforcement authority", for purposes of IC 34-28-2, has the meaning set forth in IC 34-28-2-1.5.**

SECTION 13. IC 34-28-2-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. **(a) The following definitions apply throughout this section:**

(1) "Lifetime sex or violent offender" means a person convicted of an offense that currently requires a person to register as a sex or violent offender for life under IC 11-8-8-19, regardless of the date the conviction was entered against the person or whether the person was or is required to register as a sex offender for life.

(2) "Local law enforcement authority" has the meaning set forth in IC 11-8-8-2.

(b) A person may not petition for a change of name under this chapter if the person:

(1) is confined to a department of correction facility; **or**

(2) except as provided in subsection (c), is a lifetime sex or violent offender.

(c) This subsection does not apply to a person who is currently required to register as a sex offender. Notwithstanding subsection (b), a person may petition for a change of name based on a sincerely held religious belief.

(d) A person described in subsection (c) shall provide written notice of the petition for name change to the local law enforcement authority in the:

(1) county of conviction; and

(2) county where the person resides.

SECTION 14. IC 35-40-6-4, AS AMENDED BY P.L.78-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A prosecuting attorney or a victim assistance program shall do the following:

(1) Inform a victim that the victim may be present at all public stages of the criminal justice process to the extent that:

(A) the victim's presence and statements do not interfere with a defendant's constitutional rights; and

(B) there has not been a court order restricting, limiting, or prohibiting attendance at the criminal proceedings.

(2) Timely notify a victim of all criminal justice hearings and proceedings that are scheduled for a criminal matter in which the victim was involved.

(3) Promptly notify a victim when a criminal court proceeding has been rescheduled or canceled.

(4) Obtain an interpreter or translator, if necessary, to advise a victim of the rights granted to a victim under the law.

(5) Coordinate efforts of local law enforcement agencies that are designed to promptly inform a victim after an offense occurs of the availability of, and the application process for, community services for victims and the families of victims, including information concerning services such as the following:

(A) Victim compensation funds.

(B) Victim assistance resources.

(C) Legal resources.

(D) Mental health services.

(E) Social services.

(F) Health resources.

(G) Rehabilitative services.

(H) Financial assistance services.

(I) Crisis intervention services.

(J) Transportation and child care services to promote the participation of a victim or a member of the victim's immediate family in the criminal proceedings.

(6) Inform the victim that the court may order a defendant convicted of the offense involving the victim to pay restitution to the victim under IC 35-50-5-3.

(7) Upon request of the victim, inform the victim of the terms and conditions of release of the person accused of committing a crime against the victim.

(8) Upon request of the victim, give the victim notice of the criminal offense for which:

(A) the defendant accused of committing the offense

against the victim was convicted or acquitted; or

(B) the charges were dismissed against the defendant accused of committing the offense against the victim.

(9) In a county having a victim-offender reconciliation program (VORP), provide an opportunity for a victim, if the accused person or the offender agrees, to:

(A) meet with the accused person or the offender in a safe, controlled environment;

(B) give to the accused person or the offender, either orally or in writing, a summary of the financial, emotional, and physical effects of the offense on the victim and the victim's family; and

(C) negotiate a restitution agreement to be submitted to the sentencing court for damages incurred by the victim as a result of the offense.

(10) Assist a victim in preparing verified documentation necessary to obtain a restitution order under IC 35-50-5-3.

(11) Inform a victim (or the spouse or an immediate family member of a deceased victim) of the victim's right to a copy of the trial transcript, and assist the victim, spouse, or immediate family member in obtaining a transcript as described in IC 35-40-5-8.5.

(12) Advise a victim of other rights granted to a victim under the law.

(13) Assist a local law enforcement authority in notifying a victim (or the spouse or an immediate family member of a deceased victim) under IC 11-8-8-23 of an offender's name change.

(Reference is to EHB 1208 as printed April 3, 2019.)

CLERE	GROOMS
HATCHER	RANDOLPH
House Conferees	Senate Conferees

Roll Call 599: yeas 94, nays 0. Report adopted.

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

CONFERENCE COMMITTEE REPORT
ESB 2–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 2 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-19-13-4, AS AMENDED BY P.L.1-2005, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A bus used to transport school children must be equipped as follows:

(1) At least two (2) signal lamps mounted as high and as widely spaced laterally as practicable, capable of displaying the front two (2) alternately flashing red lights located at the same level, and having sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

(2) Black reflective tape mounted on:

(A) each side of the school bus;

(B) the front bumper; and

(C) the rear bumper.

~~(2)~~ **(3)** As required by the state school bus committee under IC 20-27-3-4.

~~(3)~~ **(4)** As required by IC 20-27-9.

SECTION 2. IC 9-21-8-52, AS AMENDED BY P.L.198-2016, SECTION 364, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 52. (a) A person who operates a vehicle and who recklessly:

(1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:

(A) endanger the safety or the property of others; or

(B) block the proper flow of traffic;

(2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;

(3) drives in and out of a line of traffic, except as otherwise permitted; or

(4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass;

commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.

(b) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway **or a private road** when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a ~~Class B~~ **Class A** misdemeanor. However, the offense is a ~~Class A misdemeanor~~ **Level 6 felony** if it causes bodily injury to a person, **and a Level 5 felony if it causes the death of a person.**

(c) If an offense under subsection (a) ~~or (b)~~ results in damage to the property of another person, it is a Class B misdemeanor and the court may recommend the suspension of the current driving license of the person convicted of the offense described in ~~this~~ subsection **(a)** for a fixed period of not more than one (1) year.

(d) If an offense under subsection (a) ~~or (b)~~ causes bodily injury to a person, the court may recommend the suspension of the driving privileges of the person convicted of the offense described in this subsection for a fixed period of not more than one (1) year.

(e) In addition to any other penalty imposed under subsection (b), the court may suspend the person's driving privileges:

(1) for ninety (90) days; or

(2) if the person has committed at least one (1) previous offense under this section or IC 9-21-12-1, for one (1) year.

SECTION 3. IC 9-21-12-1, AS AMENDED BY P.L.217-2014, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A person who drives a vehicle that:

(1) meets or overtakes from any direction a school bus stopped on a roadway **or a private road** and is not stopped before reaching the school bus when the arm signal device specified in IC 9-21-12-13 is in the device's extended position; or

(2) proceeds before the arm signal device is no longer extended;

commits a Class A infraction.

(b) In addition to any other penalty imposed under this section, the court may suspend the person's driving privileges:

(1) for ninety (90) days; or

(2) if the person has committed at least one (1) previous offense under this section or IC 9-21-8-52(b), for one (1) year.

~~(b)~~ **(c)** This section is applicable only if the school bus is in substantial compliance with the markings required by the state school bus committee.

~~(c)~~ **(d)** There is a rebuttable presumption that the owner of the vehicle involved in the violation of this section committed the violation. This presumption does not apply to the owner of a vehicle involved in the violation of this section if the owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

SECTION 4. IC 9-21-12-13, AS AMENDED BY P.L.217-2014, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) Except:

(1) as provided in subsection (b); or

(2) when a school bus is stopped at an intersection or another place where traffic is controlled by a traffic control device or a police officer;

whenever a school bus is stopped on a roadway **or a private road** to load or unload a student, the driver shall use an arm signal device, which must be extended while the bus is stopped.

(b) The governing body of a public school may authorize a school bus driver to load or unload a student at a location off the roadway that the governing body designates as a special school bus loading area. The driver is not required to extend the arm signal device when loading or unloading a student in the designated area.

(c) A school bus driver who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.

SECTION 5. IC 9-21-12-15, AS AMENDED BY P.L.217-2014, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) The driver of a school bus shall use flashing lights as prescribed by the state school bus committee to give adequate warning that the school bus is stopped or about to stop on the roadway **or the private road** to load or unload a student.

(b) A school bus driver who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.

SECTION 6. IC 9-21-12-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15.5. Whenever a school bus is in operation and transporting passengers, the driver of a school bus shall have the daytime running lights illuminated at all times.**

SECTION 7. IC 9-21-12-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 20. (a) Except as provided in subsection (b), when a school bus is operated on a:**

(1) U.S. route or state route, the driver may not load or unload a student at a location that requires the student to cross a roadway unless no other safe alternatives are available; and

(2) street or highway other than a U.S. route or state route, the driver shall load and unload a student as close to the right-hand curb or edge of the roadway as practicable.

(b) Subsection (a)(1) does not apply to a location on a U.S. route or state route that is within the boundary of a city or town.

SECTION 8. IC 9-21-12-20.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 20.5. (a) As used in this section, "elementary school":**

(1) has the meaning set forth in IC 20-18-2-4; and

(2) includes public elementary schools and accredited nonpublic elementary schools.

(b) As used in this section, "governing body" has the meaning set forth in IC 20-18-2-5.

(c) If a school bus driver must load or unload an elementary school student at a location that requires the student to cross a roadway that is a U.S. route or state route as described in section 20(a)(1) of this chapter, the superintendent or the superintendent's designee shall present the school bus route described in this subsection to the governing body for approval.

SECTION 9. IC 9-21-12-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 21. (a) As used in this section, "qualified school district" refers to:**

(1) a school corporation (as defined in IC 20-18-2-16(a));

(2) a charter school (as defined in IC 20-24-1-4); or

(3) a nonpublic school with at least one (1) employee.

(b) A qualified school district may purchase, install, and operate equipment described in 575 IAC 1-9-14. If a qualified school district purchases or uses equipment described in 575 IAC 1-9-14 to enforce section 1 of this chapter, the qualified school district, with the approval of the governing body (or the equivalent for a charter school or nonpublic school with at least one (1) employee), may petition the county council or a township board (in a county having a consolidated city) to receive funding for reimbursement only in an amount sufficient to pay in full for equipment described in 575 IAC 1-9-14. Once the cost of the equipment described in 575 IAC 1-9-14 has been paid in full, the qualified school district may no longer receive funds from the county or, if applicable, the township, for this purpose. A qualified school district shall provide documentation to the county council or, if applicable, the township board, necessary for the county council or township board to determine the amount of the total cost for equipment described in 575 IAC 1-9-14.

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

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

(A) Eyesight.

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

(C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5 **and IC 9-21-12-1.**

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

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

(c) The bureau may waive:

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

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

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

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

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

(A) an examination concerning:

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

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

(B) a skills test;

given by a driver training school or an entity licensed under IC 9-27.

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

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

(2) A licensed ophthalmologist or licensed optometrist.

SECTION 11. IC 9-30-2-2, AS AMENDED BY P.L.164-2018, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as

provided in subsection (b), a law enforcement officer may not arrest or issue a traffic information and summons to a person for a violation of an Indiana law regulating the use and operation of a motor vehicle on a highway or an ordinance of a city or town regulating the use and operation of a motor vehicle on a highway unless at the time of the arrest the officer is:

(1) wearing a distinctive uniform and a badge of authority; or

(2) operating a motor vehicle that is clearly marked as a police vehicle;

that will clearly show the officer or the officer's vehicle to casual observations to be an officer or a police vehicle.

(b) Subsection (a) does not apply to an officer in an unmarked police vehicle making an arrest or issuing a traffic information and summons:

(1) when there is a uniformed officer present at the time of the arrest; or

(2) for a violation of one (1) or more of the following:

(A) IC 9-21-8-52(a)(1)(A) (reckless driving causing endangerment).

(B) IC 9-21-8-52(b) as a ~~Class A misdemeanor~~ **Level 6 felony** (recklessly passing a stopped school bus resulting in bodily injury).

(C) IC 9-21-8-52(b) as a Level 5 felony (recklessly passing a stopped school bus resulting in death).

~~(C)~~ **(D)** IC 9-30-5-2(b) as a Class A misdemeanor (operating while intoxicated in a manner that endangers a person).

SECTION 12. IC 9-30-16-1, AS AMENDED BY P.L.46-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for specialized driving privileges under this chapter:

(1) A person who has never been an Indiana resident.

(2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7.

(3) A person whose driving privileges have been suspended or revoked under IC 9-24-10-7(b)(2)(A).

(4) A person whose driving privileges have been suspended under IC 9-21-8-52(e) or IC 9-21-12-1(b).

(b) This chapter applies to the following:

(1) A person who held an operator's, a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

(A) the criminal conviction for which the operation of a motor vehicle is an element of the offense;

(B) any criminal conviction for an offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal); or

(C) committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).

(2) A person who:

(A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and

(B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, a court may suspend the driving privileges of a person convicted of any of the following offenses for a period up to the maximum allowable period of incarceration under the penalty for the offense:

(1) Any criminal conviction in which the operation of a motor vehicle is an element of the offense.

(2) Any criminal conviction for an offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal).

(3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1 that involves the use of a vehicle.

(d) Except as provided in section 3.5 of this chapter, a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A court may grant credit time for any suspension that began before the conviction, except as prohibited by section 6(a)(2) of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under IC 9-30-6-8(d), the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for and obtain an Indiana driver's license.

(g) If a person indicates to the court at an initial hearing (as described in IC 35-33-7) that the person intends to file a petition for a specialized driving privileges hearing with that court under section 3 or 4 of this chapter, the following apply:

(1) The court shall:

(A) stay the suspension of the person's driving privileges at the initial hearing and shall not submit the probable cause affidavit related to the person's offense to the bureau; and

(B) set the matter for a specialized driving privileges hearing not later than thirty (30) days after the initial hearing.

(2) If the person does not file a petition for a specialized driving privileges hearing not later than ten (10) days after the date of the initial hearing, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

(3) If the person files a petition for a specialized driving privileges hearing not later than ten (10) days after the initial hearing, the stay of the suspension of the person's driving privileges continues until the matter is heard and a determination is made by the court at the specialized driving privileges hearing.

(4) If the specialized driving privileges hearing is continued due to:

(A) a congestion of the court calendar;

(B) the prosecuting attorney's motion for a continuance; or

(C) the person's motion for a continuance with no objection by the prosecuting attorney;

the stay of the suspension of the person's driving privileges continues until addressed at the next hearing.

(5) If the person moves for a continuance of the specialized driving privileges hearing and the court grants the continuance over the prosecuting attorney's objection, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

SECTION 13. IC 20-27-9-2, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The governing body of a school corporation may allow, by written authorization, the use of a school bus **or a special purpose bus** for the transportation of adults at least sixty-five (65) years of age **or adults with developmental or physical disabilities.**

SECTION 14. IC 20-27-9-5, AS AMENDED BY P.L.228-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A special purpose bus may be used:

(1) by a school corporation to provide regular transportation of a student between one (1) school and

another school but not between the student's residence and the school;

(2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;

(3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, and, if applicable, the individual's sibling; ~~and~~

(4) to transport homeless students under IC 20-27-12; **and**

(5) by a school corporation to provide regular transportation of an individual described in section 4 or 7 of this chapter between the individual's residence and the school.

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school corporation, and meet the following requirements:

(1) **Except as provided in subdivision (2)(B) and in addition to the license required under this subdivision,** if the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid:

(A) operator's;

(B) chauffeur's;

(C) public passenger chauffeur's; or

(D) commercial driver's;

license.

(2) If the special purpose bus:

(A) has a capacity of more than fifteen (15) passengers; **or**

(B) is used to provide transportation to an individual described in subsection (a)(3) or (a)(5);

the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1.

SECTION 15. IC 20-27-9-6, AS AMENDED BY P.L.233-2015, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) In addition to the exemptions granted in this chapter and notwithstanding section 16 of this chapter, a school corporation may allow a school bus operated under a fleet or transportation contract and not owned in whole or in part by a public agency to be used for the transportation of a group or an organization for any distance, if that group or organization agrees to maintain the condition of the school bus and to maintain order on the school bus while in use.

(b) When authorizing transportation described in subsection (a), the school corporation shall require the owner of the school bus to:

(1) obtain written authorization of the superintendent of the contracting school corporation;

(2) clearly identify the school bus with the name of the sponsoring group; and

(3) provide proof to the superintendent and the sponsoring group of financial responsibility, as required by IC 9-25 for the transportation.

(c) The governing body of a school corporation may allow, by written authorization, the use of a school bus owned in whole or in part by the school corporation for the transportation needs of ~~a fair or festival operated by or affiliated with~~ a nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code.

SECTION 16. IC 20-27-10-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) On or before September 1, 2019, and each September 1 thereafter, each school corporation, charter school, and accredited nonpublic school that provides transportation for students must review the school's school bus routes and school bus safety policies to improve the safety of students and adults.**

(b) The state school bus committee, in consultation with the department, shall develop and post on the department's Internet web site school bus safety guidelines or best practices. The guidelines or best practices must include procedures to be taken to ensure that students do not enter a roadway until approaching traffic has come to a complete stop.

(c) In addition to the requirements under subsection (b), the department, in consultation with the department of transportation, shall include on the department's Internet web site information on how an individual or school may petition to reduce maximum speed limits in areas necessary to ensure that students are safely loaded onto or unloaded from a school bus.

SECTION 17. IC 33-37-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) In each criminal action in which a person is convicted of an offense in which the possession or use of a firearm was an element of the offense, the court shall assess a safe schools fee of at least two hundred dollars ($200) and not more than one thousand dollars ($1,000).

(b) In each offense described in IC 9-21-8-52(b), the court may assess a safe schools fee of at least two hundred dollars ($200) and not more than one thousand dollars ($1,000).

~~(b)~~ **(c)** In determining the amount of the safe schools fee assessed against a person under subsection (a), a court shall consider the person's ability to pay the fee.

~~(c)~~ **(d)** The clerk shall collect the safe schools fee set by the court when a person is convicted of an offense:

(1) in which the possession or use of a firearm was an element of the offense; **or**

(2) described in IC 9-21-8-52(b) and the court assesses a safe schools fee under subsection (b).

SECTION 18. 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).

(2) Twenty-five percent (25%) of the alcohol and drug

countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

(3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).

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

(6) ~~One hundred percent (100%)~~ **Seventy-five percent (75%)** 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).

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

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.

(3) Twenty-five percent (25%) of the safe schools fee collected under IC 33-37-5-18 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 19. 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).

(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

(4) ~~One hundred percent (100%)~~ **Seventy-five percent (75%)** 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).

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

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).

(4) Twenty-five percent (25%) of the safe schools fee collected under IC 33-37-5-18.

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 20. IC 35-52-9-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 19.5. IC 9-21-12-1 defines a crime concerning traffic regulation.**

SECTION 21. **An emergency is declared for this act.**

(Reference is to ESB 2 as reprinted March 22, 2019.)

HEAD	MANNING
RANDOLPH	BAUER
Senate Conferees	House Conferees

Roll Call 600: yeas 90, nays 4. Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 9:09 p.m. with the Speaker in the Chair.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.1 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1002, 1021, 1114, 1362, 1432 and 1628

Engrossed Senate Bills 179, 197, 233, 243, 258, 554, 603-2 and 604

LEONARD, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after April 15, 2019, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action:

Engrossed House Bills 1002, 1021, 1114, 1362, 1432 and 1628

Engrossed Senate Bills 179, 197, 233, 243, 258, 554, 603-2 and 604

LEONARD, Chair

Motion prevailed.

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

Representatives Huston and Wolkins, who had been present, are now excused.

CONFERENCE COMMITTEE REPORT
EHB 1002–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1002 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-3-27-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2.3. As used in this chapter, "fund" refers to the career coaching grant fund established by section 15 of this chapter.**

SECTION 2. IC 4-3-27-3, AS ADDED BY P.L.152-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The governor's workforce cabinet is established under the applicable state and federal programs to do the following:

(1) Review the services and use of funds and resources under applicable state and federal programs and advise the governor, **general assembly, commission for higher education, and state board of education** on methods of coordinating the services and use of funds and resources consistent with the laws and regulations governing the particular applicable state and federal programs.

(2) Advise the governor, **general assembly, commission for higher education, and state board of education** on:

(A) the development and implementation of state and local standards and measures; and

(B) the coordination of the standards and measures;

concerning the applicable federal programs.

(3) Perform the duties as set forth in federal law of the particular advisory bodies for applicable federal programs described in section 4 of this chapter.

(4) Identify the workforce needs in Indiana and recommend to the governor, **general assembly, commission for higher education, and state board of education** goals to meet the investment needs.

(5) Recommend to the governor, **general assembly, commission for higher education, and state board of education** goals for the development and coordination of the talent development system in Indiana.

(6) Prepare and recommend to the governor, **general assembly, commission for higher education, and state board of education** a strategic plan to accomplish the goals developed under subdivisions (4) and (5).

(7) Monitor and direct the implementation of and evaluate the effectiveness of the strategic plan described in subdivision (6).

(8) Advise the governor, **general assembly, commission for higher education, and state board of education** on the coordination of federal, state, and local education and training programs and on the allocation of state and federal funds in Indiana to promote effective services, service delivery, and innovative programs.

(9) Review and approve regional workforce development board plans, and work with regional workforce development boards to determine appropriate metrics for workforce programming at the state and local levels.

(10) Design for implementation a comprehensive career navigation and coaching system as described in section 11 of this chapter.

(11) Conduct a systematic and comprehensive review, analysis, and evaluation of workforce funding described in section 12 of this chapter.

(12) Conduct a systematic and comprehensive review, analysis, and evaluation of the college and career funding described in section 13 of this chapter.

(13) Based on the reviews in sections 12 and 13 of this chapter, direct the appropriate state agencies to implement administrative changes to the delivery of these programs that align with Indiana's workforce goals, and make recommendations to:

(A) the governor;

(B) the commission for higher education;

(C) the state board of education; and

(D) the ~~legislative council~~ **general assembly** in an ~~in~~ electronic format under IC 5-14-6;

on possible legislative changes in the future.

(14) Study the advisability of establishing one (1) or more real world career readiness programs as described in section 14 of this chapter and report to:

(A) the governor;

(B) the commission for higher education;

(C) the state board of education; and

(D) the ~~legislative council~~ **general assembly** in an electronic format under IC 5-14-6;

concerning the results of the study.

(15) Conduct a systematic and comprehensive review, analysis, and evaluation of whether:

(A) Indiana's primary, secondary, and postsecondary education systems are aligned with employer needs; and

(B) Indiana's students and workforce are prepared for success in the twenty-first century economy.

(16) Create a comprehensive strategic plan to ensure alignment between Indiana's primary, secondary, and postsecondary education systems with Indiana's workforce training programs and employer needs.

~~(15)~~ **(17)** Carry out other policy duties and tasks as assigned by the governor.

SECTION 3. IC 4-3-27-5, AS ADDED BY P.L.152-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The membership of the governor's workforce cabinet established under section 3 of this chapter consists of at least ~~twenty-one (21)~~ **twenty-three (23)** members as follows:

(1) A chairperson appointed by the governor.

(2) The secretary of career connections and talent.

(3) The commissioner of the department of workforce development.

(4) The president of the Indiana economic development corporation.

(5) The commissioner of the Indiana commission for higher education.

(6) The superintendent of public instruction.

(7) The president of Ivy Tech Community College.

(8) The president of Vincennes University.

(9) A member appointed by the governor who is an apprenticeship coordinator of a joint labor-management apprenticeship program approved by the United States Department of Labor, Employment and Training Administration, Office of Apprenticeship.

(10) A member representing high school career and technical education directors appointed by the governor in consultation with the Indiana Association of Career and Technical Education Districts.

(11) A member representing manufacturing appointed by the governor in consultation with the Indiana Manufacturers Association.

(12) A member representing a minority business enterprise appointed by the governor.

(13) A member representing a women's business enterprise appointed by the governor.

(14) A member representing a veteran owned business appointed by the governor.

(15) A member representing the nonunion and construction trades appointed by the governor in consultation with the Associated Builders and Contractors, Inc., and the Indiana Builders Association.

(16) A business owner appointed by the governor in consultation with the Indiana Chamber of Commerce.

(17) A small business owner appointed by the governor in consultation with the National Federation of Independent Businesses.

(18) A member of a community-based organization appointed by the governor.

(19) Three (3) at-large business owners appointed by the governor, one (1) of whom is a business owner who employs less than fifty (50) employees.

(20) A member of the house of representatives appointed by the speaker of the house of representatives who serves as a nonvoting member.

(21) A member of the senate appointed by the president pro tempore of the senate who serves as a nonvoting member.

~~(20)~~ **(22)** Any additional members designated and appointed by the governor.

(b) The members appointed under subsection (a)(11) through (a)(19) must be geographically diverse.

SECTION 4. IC 4-3-27-6, AS ADDED BY P.L.152-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) ~~The governor shall appoint~~ Members **shall be appointed** to the cabinet for two (2) year terms. The terms must be staggered so that the terms of half of the members expire each year.

(b) **For members appointed by the governor,** the governor shall promptly make an appointment to fill any vacancy on the cabinet, but only for the duration of the unexpired term.

SECTION 5. IC 4-3-27-9, AS ADDED BY P.L.152-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. **(a)** The cabinet shall adopt bylaws and rules governing the cabinet's organization and operation, including bylaws and rules governing the establishment of advisory committees considered necessary by the cabinet, scheduling of cabinet meetings, and other activities necessary to implement this chapter.

(b) The cabinet's meetings and advisory committee meetings are subject to IC 5-14-1.5 (open door law).

SECTION 6. IC 4-3-27-11, AS ADDED BY P.L.152-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) As used in this section, "high school" means a high school (as defined in IC 20-18-2-7) that is:

(1) maintained by a school corporation;

(2) a charter school; or

(3) an accredited nonpublic school.

(b) Not later than ~~July 1, 2018,~~ **July 1, 2019,** the cabinet shall develop a comprehensive career navigation and coaching system for Indiana that does both of the following:

(1) Provides timely, comprehensive, relevant, and useful information on careers, including at least:

(A) general and industry sector based regional, state, national, and global information to identify both immediate and potential career opportunities arising from:

(i) current employer needs;

(ii) developing or foreseeable talent needs and trends; and

(iii) other factors identified by the cabinet;

(B) state, regional, and local labor market supply and demand information from the department of workforce development, industry sectors, and other verifiable sources; and

(C) educational requirements and attainment information from employers, the department of workforce development, and other verifiable sources.

(2) Establishes strategies and identifies capacity to deliver career navigation and coaching to middle school, high school, postsecondary, and adult students, with priority being given to middle school and high school students, including at least:

(A) processes for identifying an individual's aptitude for and interest in, and the education and training required for, various career and employment opportunities;

(B) the use of career coaches and other coaching resources, including the work one system, employers, Ivy Tech Community College, Vincennes University, and other postsecondary educational institutions; and

(C) qualifications for career coaches and a training program to enable the career coaches to provide relevant information to the individuals being served.

(c) All high schools in Indiana shall participate in the career coaching program developed under subsection (b)(2).

(d) In developing the comprehensive career navigation and coaching system under subsection (b)(2), the cabinet shall:

(1) receive cooperation, support, and assistance from:

(A) the department of workforce development, the Indiana commission for higher education, and the department of education; and

(B) the resources, providers, and institutions that the departments and the commission listed in clause (A) use and oversee;

(2) explore approaches and models from Indiana and other states and countries;

(3) where appropriate, use pilot programs or other scaling approaches to develop and implement the comprehensive career navigation and coaching system in a cost effective and efficient manner; and

(4) work to coordinate and align resources to produce effective and efficient results to K-12 educational systems, postsecondary educational systems, the workforce development community, employers, community based organizations, and other entities.

(e) The cabinet shall initially:

(1) focus on:

(A) students in, or of the age to be in, the last two (2) years of high school; and

(B) working age adults; and

(2) use, to the extent possible, the department of workforce development, the K-12 educational system, Ivy Tech Community College, Vincennes University, and other existing resources to implement the comprehensive career navigation and coaching system with a later expansion of the system, as appropriate, to all K-12 and postsecondary schools and institutions and their students.

~~(f) Not later than July 30, 2018, the cabinet shall submit to the governor and the legislative council in an electronic format under IC 5-14-6 a progress report concerning the cabinet's activities through June 30, 2018, to develop the comprehensive career navigation and coaching system.~~

~~(g)~~ **(f)** Not later than ~~October 31, 2018,~~ **July 1, 2019,** the cabinet shall submit to:

(1) the governor;

(2) the commission for higher education;

(3) the state board of education; and

(4) the ~~legislative council~~ **general assembly** in an electronic format under IC 5-14-6;

operating and funding recommendations to implement the comprehensive career navigation and coaching system.

SECTION 7. IC 4-3-27-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15. (a) The career coaching grant fund is established for the purpose of providing grants to an eligible entity to implement programs described in section 16 of this chapter.**

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Gifts, grants, devises, or bequests made to the cabinet to achieve the purposes of the fund.

(c) The cabinet shall administer the fund.

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

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

SECTION 8. IC 4-3-27-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 16. (a) As used in this chapter, "eligible entity" refers to either of the following:**

(1) A group of local employers, educators, and community leaders.

(2) An industry credentialing organization certified under IC 20-47-6 for the purpose specified in IC 20-47-6-10(a)(2).

(b) The cabinet may award grants to an eligible entity to establish or implement a career coaching model. The cabinet shall establish eligibility requirements and parameters for an eligible entity to receive a grant. To the extent possible, the cabinet must award grants under this section to eligible entities located in geographically diverse communities, which must include rural, suburban, and urban communities.

(c) To receive a grant, an eligible entity must apply to the cabinet in the manner prescribed by the cabinet.

(d) Not later than December 1, 2019, and each December 1 thereafter, the cabinet shall submit a report to the governor and, in an electronic format under IC 5-14-6, to the general assembly that describes grants awarded under this chapter.

(e) The cabinet may establish rules under IC 4-22-2 to implement this section.

SECTION 9. IC 5-28-6-1, AS AMENDED BY P.L.121-2016, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. The corporation shall do the following:

(1) Create and regularly update a strategic economic development plan that includes the following:

(A) Identification of specific economic regions within Indiana and methods by which the corporation will implement more regional collaboration between the corporation and the various local economic development organizations within these regions.

(B) Methods by which the corporation will implement more collaboration between the corporation and the various state economic development organizations within the states contiguous to Indiana.

(2) Establish strategic benchmarks and performance measures.

(3) Monitor and report on Indiana's economic performance.

(4) Market Indiana to businesses worldwide.

(5) Assist Indiana businesses that want to grow.

(6) Solicit funding from the private sector for selected initiatives.

(7) Provide for the orderly economic development and growth of Indiana.

(8) Establish and coordinate the operation of programs commonly available to all citizens of Indiana to implement a strategic plan for the state's economic development and enhance the general welfare.

(9) Evaluate and analyze the state's economy to determine the direction of future public and private actions, and report and make recommendations to the general assembly in an electronic format under IC 5-14-6 with respect to the state's economy. The report prepared under this subdivision must include recommendations for strategies and plans for collaboration by the corporation with:

(A) local economic development organizations within geographic regions in Indiana; and

(B) the various state economic development organizations within the states contiguous to Indiana.

(10) Assemble and provide information to the commission for higher education and the department of workforce development concerning the economic benefits of residing and working in Indiana as required under IC 21-18-15-4(b).

SECTION 10. IC 5-28-7-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.5. (a) This section**

applies to a grant initially awarded under this chapter after June 30, 2019.

(b) Eligibility for a grant from the skills enhancement fund under this chapter is limited to cooperative arrangements or agreements that lead to:

(1) for a participating employee that is a new hire, a postsecondary credential, a nationally recognized industry credential, or specialized company training; or

(2) for a participating employee that is an existing worker:

(A) a postsecondary credential, a nationally recognized industry credential, or specialized company training; and

(B) an increase of wages.

SECTION 11. IC 20-19-2-19, AS AMENDED BY P.L.7-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) The ~~state board~~ **governor's workforce cabinet (established by IC 4-3-27-3)** shall receive, distribute, and account for all funds received for career and technical education under the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301 et seq.). **The governor's workforce cabinet may enter into agreements with the federal government for receiving federal funds under this subsection. However, an agreement under this subsection is subject to the approval of the budget agency. The governor's workforce cabinet shall make recommendations to the budget committee concerning the allocation of federal funds received under this subsection.**

(b) The ~~state board~~ **governor's workforce cabinet** may not expend or distribute funds received under subsection (a) unless those funds have been allocated by the general assembly.

SECTION 12. IC 20-19-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 4.1. School Accountability Panel

Sec. 1. As used in this chapter, "panel" refers to the school accountability panel established by section 2 of this chapter.

Sec. 2. The school accountability panel is established.

Sec. 3. (a) The panel consists of the following members:

(1) The member of the state board appointed under IC 20-19-2-2.2(a)(3).

(2) The member of the state board appointed under IC 20-19-2-2.2(a)(4).

(3) The chairperson of the education standing committee of the house of representatives.

(4) The chairperson of the education and career development standing committee of the senate.

(5) One (1) member representing business appointed by the member described in subdivision (1), in consultation with the Indiana Chamber of Commerce.

(6) One (1) member representing industry appointed by the member described in subdivision (2), in consultation with the Indiana Manufacturers Association.

(7) One (1) member from the commission for higher education, appointed by the commissioner of the commission for higher education.

(8) One (1) member from Ivy Tech Community College whose responsibilities include workforce alignment, appointed by the president of Ivy Tech Community College.

(9) One (1) member from Vincennes University whose responsibilities include workforce alignment, appointed by the president of Vincennes University.

(10) One (1) member who is a school superintendent selected by the member described in subdivision (1).

(11) One (1) member who is a school principal selected by the member described in subdivision (2).

(12) One (1) member who is a career and technical education director selected by the member described in subdivision (1).

(13) One (1) member who is a teacher selected by the member described in subdivision (2).

(14) Two (2) members appointed by the governor.

(b) The members described in subsections (a)(1) and (a)(2) shall serve as co-chairpersons of the panel. The panel shall meet upon the call of the co-chairpersons. A quorum of members is required for official action of the panel.

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

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

(c) Each member of the panel who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 5. (a) The panel shall study the topic of aligning school accountability with graduation pathway requirements under IC 20-32-4-1.5(b)(1) and recommend new indicators of school performance to replace measures or indicators established under IC 20-31-8-5.4. On or before October 30, 2019, the panel shall submit recommendations to the general assembly in an electronic format under IC 5-14-6 and to the state board.

(b) When reviewing indicators the panel shall consider including:

(1) postsecondary preparation indicators aligned to graduation pathways requirements, including the graduation rate;

(2) an on-track indicator or indicators based upon student credits; and

(3) postsecondary outcomes.

Sec. 6. The state board shall provide staff support to the panel.

Sec. 7. This chapter expires December 31, 2021.

SECTION 13. IC 20-20-38-6, AS AMENDED BY P.L.152-2018, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The state board shall do the following:

(1) Make recommendations to the general assembly concerning the development, duplication, and accessibility of employment training and career and technical education on a regional and statewide basis.

(2) Consult with any state agency, commission, or organization that supervises or administers programs of career and technical education concerning the coordination of career and technical education, including the following:

(A) The Indiana economic development corporation.

(B) The cabinet.

(C) A private industry council (as defined in 29 U.S.C. 1501 et seq.).

(D) The department of labor.

(E) The commission for higher education.
(F) The department of workforce development.
(G) The board for proprietary education.
(H) The department of veterans' affairs.

(3) Review and make recommendations concerning plans submitted by the commission for higher education and the cabinet. The state board may request the resubmission of plans or parts of plans that:

(A) are not consistent with the long range state plan of the state board;
(B) are incompatible with other plans within the system; or
(C) duplicate existing services.

(4) Report to the general assembly on the state board's conclusions and recommendations concerning interagency cooperation, coordination, and articulation of career and technical education and employment training. A report under this subdivision must be in an electronic format under IC 5-14-6.

(5) Study and develop a plan concerning the transition between secondary level career and technical education and postsecondary level career and technical education.

~~(6) Enter into agreements with the federal government that may be required as a condition of receiving federal funds under the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301 et seq.). An agreement entered into under this subdivision is subject to the approval of the budget agency.~~

(b) The state board shall use data from the department of workforce development in carrying out the state board's duties under this section.

SECTION 14. IC 20-20-38-11, AS AMENDED BY P.L.152-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. Upon request of the budget director, the state board shall prepare a legislative budget request for state ~~and federal~~ funds for secondary and postsecondary career and technical education. The budget director shall determine the period to be covered by the budget request. This budget request must be made available to the cabinet before the request's review by the budget committee.

SECTION 15. IC 20-20-38-12, AS AMENDED BY P.L.152-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) The state board shall review the legislative budget requests for secondary and postsecondary career and technical education prepared by the state educational institutions.

(b) After the review under subsection (a) and a review of any recommendations from the cabinet, the state board shall make recommendations to the budget committee concerning the appropriation of state funds **for secondary and postsecondary career and technical education.** ~~and the allocation of federal funds for secondary and postsecondary career and technical education, including federal funds available under the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301 et seq.).~~ The state board's recommendations concerning appropriations and allocations for secondary and postsecondary career and technical education by secondary schools and state educational institutions must specify:

~~(1) the minimum funding levels required by 20 U.S.C. 2301 et seq.;~~

~~(2)~~ **(1)** the categories of expenditures and the distribution plan or formula for secondary schools; and

~~(3)~~ **(2)** the categories of expenditures for each state educational institution.

(c) After reviewing the state board's recommendations, and each agency's budget request, the budget committee shall make recommendations to the general assembly for funding to implement secondary and postsecondary career and technical education. The general assembly shall biennially appropriate state funds for secondary and postsecondary career and technical education and allocate federal funds available under 20 U.S.C. 2301 et seq. for secondary and postsecondary career and technical education. At least sixty percent (60%) of the federal funds available under 20 U.S.C. 2301 et seq. must be allocated to secondary level career and technical education to implement the long range state plan developed under section 4 of this chapter.

(d) The budget agency, with the advice of the state board, and the budget committee, may augment or proportionately reduce an allocation of federal funds made under subsection (c).

(e) The state board shall use data from the department of workforce development in making a recommendation under this section.

SECTION 16. IC 20-24-2.2-2, AS AMENDED BY P.L.250-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The minimum standard for renewal and the standard to avoid closure imposed by authorizers on a charter school is a requirement that the charter school not remain in the lowest category or designation of school improvement, including any alternative accountability category or designation, in the third year after initial placement in the lowest category or designation established under IC 20-31-8-4.

(b) An authorizer of a charter school that does not meet the minimum standard for charter school renewal described in subsection (a) may petition the state board at any time to request permission to renew the charter school's charter notwithstanding the fact that the charter school does not meet the minimum standard. If timely notification is made, the state board shall hold a hearing to consider the authorizer's request at the state board's next regularly scheduled board meeting.

(c) In determining whether to grant a request under subsection (b), the state board shall consider the following:

(1) Enrollment of students with special challenges, such as drug or alcohol addiction, prior withdrawal from school, prior incarceration, or other special circumstances.
(2) High mobility of the student population resulting from the specific purpose of the charter school.
(3) Annual improvement in the performance of students enrolled in the charter school, as measured ~~by IC 20-31-8-1,~~ **under IC 20-31-8,** compared with the performance of students enrolled in the charter school in the immediately preceding school year.

(d) After the hearing, the state board must implement one (1) or more of the following actions:

(1) Grant the authorizer's request to renew the charter of the charter school. The state board may determine the length of the renewal and any conditions of the renewal placed upon either the charter school or the authorizer.
(2) Order the closure of the charter school at the end of the current school year.
(3) Order the reduction of any administrative fee collected under IC 20-24-7-4 that is applicable to the charter school identified in subsection (b). The reduction must become effective at the beginning of the month following the month of the authorizer's hearing before the state board.

A charter school that is closed by the state board under this section may not be granted a charter by any authorizer.

SECTION 17. IC 20-28-5-12, AS AMENDED BY P.L.106-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) Subsection (b) does not apply to an individual who:

(1) held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985; or
(2) is granted a license under section 18 of this chapter.

(b) The department may not grant an initial practitioner license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the department:

(1) Basic reading, writing, and mathematics.
(2) Pedagogy.
(3) Knowledge of the areas in which the individual is required to have a license to teach.
(4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive scientifically based reading instruction skills, including:
(A) phonemic awareness;
(B) phonics instruction;
(C) fluency;
(D) vocabulary; and
(E) comprehension.

(c) An individual's license examination score may not be disclosed by the department without the individual's consent unless specifically required by state or federal statute or court order.

(d) **Subject to section 22 of this chapter,** the state board shall adopt rules under IC 4-22-2 to do the following:
(1) Adopt, validate, and implement the examination or other procedures required by subsection (b).
(2) Establish examination scores indicating proficiency.
(3) Otherwise carry out the purposes of this section.

(e) Subject to section 18 of this chapter, the state board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for an individual holding a valid teacher's license issued by another state.

SECTION 18. IC 20-28-5-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 22. (a) This section applies to teacher licensing examinations administered to determine whether an individual demonstrates, in accordance with section 12(b) of this chapter, proficiency in:**
(1) basic reading, writing, and mathematics;
(2) pedagogy; and
(3) knowledge of the areas in which the individual is required to have a license to teach.

(b) Not later than July 1, 2020, the state board shall adopt teacher licensing examinations to replace the teacher licensing examinations administered on July 1, 2019.

(c) The state board shall adopt teacher licensing examinations that are already in existence and administered nationally.

(d) The department shall, not later than September 1, 2021, implement the teacher licensing examinations adopted under this section.

(e) The state board may adopt rules under IC 4-22-2 to carry out this section.

SECTION 19. IC 20-28-5-22.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: **Sec. 22.1 (a) After June 30, 2019, a school corporation, a school, or a secondary school vocational program may employ an instructor who does not have a license under this chapter for not more than fifty percent (50%) of the career and technical education courses offered by the school corporation, school, or secondary school vocational program, if the instructor:**
(1) has:
(A) six thousand (6,000) hours of work experience in the five (5) years immediately preceding the year of employment as an instructor in the secondary vocational program;
(B) four thousand (4,000) hours of work experience in the ten (10) years immediately preceding the year of employment as an instructor in the secondary vocational program and provides evidence of occupational licensure or occupational proficiency based on a regional, state, or national board training and evaluation approved by the department;
(C) four thousand (4,000) hours of work experience in the ten (10) years immediately preceding the year of employment as an instructor in the secondary vocational program and provides evidence of completion of an accredited two (2) year or higher degree in the specific area in which the instructor will teach; or
(D) four thousand (4,000) hours of work experience in the ten (10) years immediately preceding the year of employment as an instructor in the secondary vocational program and has completed an apprenticeship or internship program; and
(2) obtains an expanded criminal history check and child protection index search under IC 20-26-5-10.

(b) An instructor is considered a teacher for purposes of collective bargaining under IC 20-29.

SECTION 20. IC 20-28-5-25 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 25. (a) This section applies to a professional growth plan that begins after July 1, 2019.**

(b) Fifteen (15) of the total number of professional growth experience points required to renew a practitioner license or an accomplished practitioner license must be obtained through the completion of one (1) or more of the following:
(1) An externship with a company.
(2) Professional development provided by the state, a local business, or a community partner that provides opportunities for schools and employers to partner in promoting career navigation.
(3) Professional development provided by the state, a local business, or a community partner that outlines the:
(A) current and future economic needs of the community, state, nation, and globe; and
(B) ways in which the current and future economic needs described in clause (A) can be disseminated to students.

SECTION 21. IC 20-28-9-1.5, AS AMENDED BY P.L.215-2018(ss), SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) This subsection governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015. For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan under any of the following circumstances:
(1) The teacher:
(A) teaches an advanced placement course or a Cambridge International course; or
(B) has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of:
(i) a dual credit course; or
(ii) another course;
taught by the teacher.
(2) Beginning after June 30, 2018, the teacher:
(A) is a special education professional; or
(B) teaches in the areas of science, technology, engineering, or mathematics.

(3) Beginning after June 30, 2019, the teacher teaches a career or technical education course.

In addition, a supplemental payment may be made to an elementary school teacher who earns a master's degree in math, reading, or literacy. A supplement provided under this subsection is not subject to collective bargaining, but a discussion of the supplement must be held. Such a supplement is in addition to any increase permitted under subsection (b).

(b) Increases or increments in a local salary range must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three and one-third percent (33.33%) of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The possession of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

(c) To provide greater flexibility and options, a school corporation may differentiate the amount of salary increases or increments determined for teachers under subsection (b)(4). A school corporation shall base a differentiated amount under this subsection on any academic needs the school corporation determines are appropriate, which may include the:

(1) subject or subjects, including the subjects described in subsection (a)(2), taught by a given teacher;

(2) importance of retaining a given teacher at the school corporation; and

(3) need to attract an individual with specific qualifications to fill a teaching vacancy.

(d) A school corporation may provide differentiated increases or increments under subsection (b), and in excess of the percentage specified in subsection (b)(1), in order to reduce the gap between the school corporation's minimum teacher salary and the average of the school corporation's minimum and maximum teacher salaries.

(e) Except as provided in subsection (f), a teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(f) Subsection (e) does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection.

(g) A teacher who does not receive a raise or increment under subsection (e) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(h) The Indiana education employment relations board established in IC 20-29-3-1 shall publish a model compensation plan with a model salary range that a school corporation may adopt.

(i) Each school corporation shall submit its local compensation plan to the Indiana education employment relations board. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The Indiana education employment relations board shall publish the local compensation plans on the Indiana education employment relations board's Internet web site.

(j) The Indiana education employment relations board shall review a compensation plan for compliance with this section as part of its review under IC 20-29-6-6.1. The Indiana education employment relations board has jurisdiction to determine compliance of a compensation plan submitted under this section.

(k) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

(l) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

SECTION 22. IC 20-30-4-2, AS AMENDED BY P.L.191-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. In consultation with the student's school counselor, after seeking consultation with each student's parents, and not later than the date on which the student completes grade 9, each student shall further develop the graduation plan developed in grade 6 under section 1.5 of this chapter to also include the following:

(1) The subject and skill areas of interest to the student.

(2) The postsecondary goals of the student. The postsecondary goals of the student should indicate whether the student plans to complete:

(A) a career aptitude exam;

(B) a work based learning course;

(C) a certificate, two (2) year, or four (4) or more year postsecondary education program; or

(D) any combination of the exams, courses, or programs described in clauses (A) through (C).

~~(2)~~ **(3)** A program of study under the college/technology preparation curriculum adopted by the state board under IC 20-30-10-2 for grades 10, 11, and 12 that meets the interests, ~~and~~ aptitude, **and postsecondary goals** of the student.

~~(3)~~ **(4)** Assurances that, upon satisfactory fulfillment of the plan, the student:

(A) is entitled to graduate; and

(B) will have taken at least the minimum variety and number of courses necessary to gain admittance to a state educational institution.

~~(4)~~ **(5)** An indication of assessments (other than the statewide assessment program and the graduation examination (before July 1, 2018)) that the student plans to take voluntarily during grade 10 through grade 12 and which may include any of the following:

(A) The SAT Reasoning Test.

(B) The ACT test.

(C) Advanced placement exams.

(D) College readiness exams approved by the department.

(E) Workforce readiness exams approved by the department of workforce development established under IC 22-4.1-2.

(F) Cambridge International examinations.

~~(5)~~ **(6)** An indication of the graduation pathway requirement (after June 30, 2018) that the student plans to take.

SECTION 23. IC 20-30-4-4, AS AMENDED BY P.L.140-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A graduation

plan may be modified after initial development. However, the modifications may not interfere with the assurances described in section ~~2(3)~~ **2(4)** of this chapter.

SECTION 24. IC 20-30-10-5, AS AMENDED BY P.L.215-2018(ss), SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. **(a)** Notwithstanding any other law, a high school may:

(1) replace high school courses on the high school transcript with dual credit courses (as defined in IC 21-43-1-2.5), Cambridge International courses, **international baccalaureate courses,** or advanced placement courses on the same subject matter with equal or greater rigor to the required high school course; and ~~may~~

(2) count: ~~such~~ a

(A) a course **described in subdivision (1);**

(B) a work based learning course, program, or experience that is approved under subsection (c); or

(C) a career and technical education course, program, or experience that is approved under subsection (c);

as satisfying an Indiana diploma with a Core 40 with academic honors designation or another designation requirement.

(b) A course, program, or experience described in subsection (a)(2)(B) or (a)(2)(C):

(1) with:

(A) subject matter that is similar to; and

(B) rigor that is equal to or greater than;

the subject matter and rigor of the required course; but

(2) that does not fully align with the required course standards;

must be augmented with instruction to include the remaining standards of the required course.

(c) If a course, program, or experience provider requests that the state board, a state educational institution (as defined in IC 21-7-13-32), or any other entity designated by the state board approve a course, program, or experience described in subsection (a)(2)(B) or (a)(2)(C), the state board, state educational institution, or other entity shall approve the course, program, or experience if the provider provides the following:

(1) A description of the extent to which the course, program, or experience aligns with the required course that the provider is replacing.

(2) An explanation regarding how the remaining standards of the required course, program, or experience will be augmented.

(d) If the state board, a state educational institution, or another entity designated by the state board approves a course, program, or experience under subsection (c), the state board, state educational institution, or other entity:

(1) shall periodically review the approved course, program, or experience to ensure the course, program, or experience complies with the requirements under subsection (b); and

(2) may revoke approval of the course, program, or experience if, at any time more than one (1) year after the course, program, or experience is offered, the state board, state educational institution, or other entity determines that the course, program, or experience does not comply with the requirements under subsection (b).

(e) A dual credit course **described in subsection (a)(1)** must be authorized by an eligible institution (as described in IC 21-43-4-3.5) that is a member of a national dual credit accreditation organization, or the eligible institution must make assurances that the final assessment for the course given for dual credit under this section is substantially equivalent to the final assessment given in the college course in that subject.

SECTION 25. IC 20-31-5-4, AS AMENDED BY P.L.233-2015, SECTION 233, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A plan must:

(1) state objectives for a three (3) year period; and

(2) be annually reviewed and revised to accomplish the achievement objectives of the school.

(b) A plan must establish objectives for the school to achieve.

(c) A plan must address the learning needs of all students, including programs and services for exceptional learners.

(d) A plan must specify how and to what extent the school expects to make continuous improvement in all areas of the education system where results are measured by setting benchmarks for progress on an individual school basis.

(e) A plan must note specific areas where improvement is needed immediately.

(f) On or before November 1 of the year in which the pilot program described in IC 20-30-5-14(i) expires, each school in a school corporation and each charter school shall include in the plan a summary of how the school will implement the curriculum described in IC 20-30-5-14(f), including the proposed student activities. A school may subsequently amend the school's plan under this subsection in a manner prescribed by the department. The department shall review the submitted plans under this subsection every two (2) years and may review a plan at random to review the relevancy of the plan to the changing economy. The department shall assist schools in incorporating best practices from around the state.

(g) Each year before November 1, the budget agency shall estimate the costs incurred by each school corporation in the immediately preceding school year to implement the curriculum described in IC 20-30-5-14(f), including the proposed student activities, and submit a report of these costs by school corporation to the general assembly in an electronic format under IC 5-14-6.

SECTION 26. IC 20-37-2-2, AS AMENDED BY P.L.69-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018 (RETROACTIVE)]: Sec. 2. (a) A governing body may:

(1) establish career and technical education centers, schools, or departments in the manner approved by the state board; and

(2) maintain these schools or departments from the general fund.

(b) The governing body may include in the high school curriculum without additional state board approval any secondary **or postsecondary** level career and technical education course that is approved under section 11 of this chapter, if applicable.

(c) The governing body shall notify the department and the department of workforce development whenever the governing body:

(1) includes an approved course for; or

(2) removes an approved course from;

the high school curriculum.

(d) A contract between a career and technical education center and a school or school corporation is a public record under IC 5-14-3.

SECTION 27. IC 20-37-2-11, AS AMENDED BY P.L.69-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) As used in this section, "career and technical education course" means a career and technical education course that is an approved ~~high school~~ course under the rules of the state board.

(b) **Except as provided in subsection (c),** a school corporation that has entered into an agreement for a joint program of career and technical education with one (1) or more other school corporations may not add a new career and

technical education course to its curriculum unless the course has been approved in the following manner:

(1) In the case of an agreement under IC 20-37-1, the course must be approved by the management board for the joint program.

(2) In the case of an agreement under IC 20-26-10, the course must be approved by the governing body of the school corporation that is designated to administer the joint program under IC 20-26-10-3. However, if that governing body refuses to approve the course, the course may be approved by a majority of the governing bodies of the school corporations that are parties to the agreement.

(c) A school that has entered into an agreement for a joint program of career and technical education may add a new career and technical education course to its curriculum without being approved under subsection (b)(1) or (b)(2) if the course is being offered in partnership with an employer or an employer and either:

(1) a postsecondary educational institution; or

(2) a third party trainer that is eligible to receive funding under the federal Workforce Innovation and Opportunity Act (WIOA) of 2014 under 29 U.S.C. 3101 et seq., including reauthorizations of WIOA, and is listed on the department of workforce development's eligible training provider list on the department of workforce development's Internet web site.

(d) A student who is enrolled or was enrolled in a career and technical education course after June 30, 2018, that:

(1) is or was offered by a school corporation; and

(2) meets the requirements set forth in subsection (c); shall receive credit for successfully completing the course regardless of whether the course has been approved under subsection (b)(1) or (b)(2).

(e) Subject to IC 20-43-8-7.5 and any applicable federal law, a course that meets the requirements set forth in subsection (c) that is offered by a school corporation after June 30, 2018, is eligible for state and federal career and technical education funding.

SECTION 28. IC 20-43-8-0.7, AS ADDED BY P.L.174-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 0.7. As used in this chapter, "work based learning course" means a program, delivered in an employment relationship, that provides a worker with paid **or meaningful** work experience and corresponding classroom instruction.

SECTION 29. IC 20-47-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 6. Industry Collaboration Organization; Certification; Administration of Contributions

Sec. 1. As used in this chapter, "contribution" means a contribution to an industry collaboration organization made for the purposes set forth in section 10 of this chapter.

Sec. 2. As used in this chapter, "eligible training program" means a training program that leads to the attainment of any of the following:

(1) An industry certification that appears on the state board's industry certification list that is approved by the department of workforce development.

(2) A postsecondary degree, certificate, or credential that:

(A) is from a training provider; and

(B) certifies occupational proficiency in a skilled trade.

(3) A certificate of completion of an apprenticeship program (as defined in IC 20-43-8-0.3) that is established as a graduation pathway requirement under IC 20-32-4-1.5.

Sec. 3. As used in this chapter, "qualifying educational expenses" means:

(1) tuition, fees, or expenses required to attend an eligible training program;

(2) fees, books, supplies, and equipment required for courses of instruction in the eligible training program; and

(3) any other training or educational expenses approved by the governor's workforce cabinet.

Sec. 4. As used in this chapter, "school" means a public school, including a charter school, an accredited nonpublic school, or an eligible school (as defined in IC 20-51-1-4.7).

Sec. 5. As used in this chapter, "student" refers to an individual who:

(1) has legal settlement in Indiana;

(2) is at least five (5) years of age and less than twenty-two (22) years of age on the date in the school year specified in IC 20-33-2-7; and

(3) is currently enrolled in a school.

Sec. 6. As used in this chapter, "training provider" means any of the following:

(1) A state educational institution (as defined in IC 21-7-13-32).

(2) A postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9).

(3) A career and technical education provider established by a governing body (as defined in IC 20-18-2-5) under IC 20-37.

(4) An entity approved by the governor's workforce cabinet to provide education or training to a student.

(5) An industry collaboration organization.

Sec. 7. An organization qualifies for certification as an industry collaboration organization if the organization:

(1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(2) conducts activities for the purpose of enhancing career and technical education and work based learning opportunities for students in alignment with state and regional workforce needs;

(3) is governed by a board of directors that consists of members:

(A) of whom the majority are representatives of businesses from a high wage, high demand, priority industry sector or sectors; and

(B) of whom the minority represent:

(i) kindergarten through grade 12 education;

(ii) postsecondary education; and

(iii) community based organizations in Indiana;

(4) applies to the governor's workforce cabinet on the form, by the date, and in the manner prescribed by the governor's workforce cabinet to be recognized by the state and to be eligible for state funding;

(5) indicates the industry sector or sectors and geographic region in which the organization is requesting to be designated by the governor's workforce cabinet; and

(6) enters into an agreement with the governor's workforce cabinet to comply with this article.

Sec. 8. The governor's workforce cabinet shall certify an organization as an industry collaboration organization in the sector or sectors and region (which may include the entire state) the organization requests, if the organization meets the qualification requirements under section 7 of this chapter. The governor's workforce cabinet shall certify the organization at the next governor's workforce cabinet meeting after receiving the request for certification. However, if the governor's workforce cabinet's next meeting is within ten (10) days of receipt of the request for certification, the governor's workforce cabinet may certify the organization at the governor's workforce cabinet's second meeting after the receipt of the request for certification.

Sec. 9. An agreement entered into under section 7(6) of this chapter by the governor's workforce cabinet and an

industry collaboration organization must require the industry collaboration organization to do the following:

(1) Collaborate with industry sector partners at the state and regional levels and coordinate periodically with:

(A) the governor's workforce cabinet;

(B) training providers; and

(C) other stakeholders;

in carrying out the activities of the industry collaboration organization under this chapter.

(2) Agree to deposit all contributions in a separate account of the industry collaboration organization.

(3) Agree to provide written substantiation to taxpayers for each contribution made to the industry collaboration organization, which must include certification that the contribution will be used by the industry collaboration organization only for purposes of this chapter.

(4) Beginning not later than the third year following the date the industry collaboration organization is certified under section 8 of this chapter, distribute annually not less than seventy-five percent (75%) of the total amount of contributions for one (1) or more purposes set forth in section 10 of this chapter.

(5) Use not more than ten percent (10%) of the total amount of contributions for administrative costs, including costs for:

(A) financial audits for an industry collaboration organization; and

(B) reimbursements for reasonable costs incurred by members of the board of directors of an industry collaboration organization in carrying out the activities of the industry collaboration organization under this chapter.

(6) Prohibit a taxpayer from directing a contribution to a particular student or a particular training provider.

(7) Allow a taxpayer to designate:

(A) a specific purpose for which the taxpayer's contribution must be used; and

(B) a specific school or school district for which the taxpayer's contribution must be used;

under section 10 of this chapter.

(8) Agree to provide a list of the names and addresses of the board members, officers, and employees with managerial authority of the industry collaboration organization.

(9) Conduct criminal background checks on all the industry collaboration organization board members, officers, and employees, and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of contributed funds.

(10) Make the reports required by this chapter.

Sec. 10. (a) Money received from contributions may be used by an industry collaboration organization for one (1) or more of the following purposes:

(1) To support the development and implementation of high school graduation pathways.

(2) To provide money to the industry collaboration organization to establish and operate a career counseling program for students.

(3) To enhance career and technical education and training programs which may include a work ethic certificate program established under IC 22-4.1-25.

(4) To expand apprenticeships and work based learning opportunities which may include the following:

(A) An apprenticeship program (as defined in IC 20-43-8-0.3) that is established as a graduation pathway requirement under IC 20-32-4-1.5.

(B) A work based learning course delivered in an employment relationship that:

(i) provides a worker with paid or meaningful work experience and corresponding classroom instruction as set forth in IC 20-43-8-0.7; and

(ii) is established as a graduation pathway requirement under IC 20-32-4-1.5.

(5) To provide grants to schools to be used by the school to pay the transportation costs for students to attend an eligible training program that allows the student to concurrently earn high school or college credit.

(6) To provide grants for any other course or program, if the course or program leads to the attainment of a specific employment related credential that documents the student's skills for employment success.

(7) To partner with other industry collaboration organizations, nonprofits, public foundations, or other entities to provide workforce related educational programs or training for students.

(b) State grant funding distributed by the governor's workforce cabinet for purposes of subsection (a) shall be granted with a preference given to multisector industry collaboration organizations.

Sec. 11. An industry collaboration organization may accept a contribution of stock for purposes of this chapter. If an industry collaboration organization accepts stock as a contribution for purposes of this chapter, the industry collaboration organization must sell the stock and deposit the proceeds of the sale in the account described in section 9(2) of this chapter not later than ten (10) days after the date of the contribution of the stock.

Sec. 12. (a) An industry collaboration organization may not distribute grants from contributions under this chapter:

(1) for use by a student who is also the recipient of a high value workforce ready credit-bearing grant under IC 21-12-8 for attendance at a training provider in any course for which the grant for attendance from the industry collaboration organization is provided;

(2) for use by a student to enroll in an eligible training program that the industry collaboration organization knows does not qualify under this chapter;

(3) for use to fund an eligible training program of a training provider as defined in section 6(3) of this chapter (career and technical education provider), if the grant money is used by the training provider to replace state funding for the eligible training program for which the grant is made; or

(4) to pay the qualifying educational expenses for students to attend an eligible training program in which the student is entitled to enroll without payment of tuition.

(b) An agreement entered into under section 7(6) of this chapter must prohibit an industry collaboration organization from limiting the availability of grants from contributions to students of only one (1) school or attendance at only one (1) eligible training provider.

Sec. 13. (a) An industry collaboration organization certified under this chapter must publicly report to the governor's workforce cabinet by December 1 of each year the following information regarding the industry collaboration organization's grants awarded in the previous school year:

(1) The name and address of the industry collaboration organization.

(2) The total number and total dollar amount of contributions received during the previous school year.

(3) The:

(A) total number and total dollar amount of all grants awarded during the previous school year;

(B) total number and total dollar amount of grants awarded to pay the qualifying educational expenses

for students to attend an eligible training program;
(C) total number and total dollar amount of grants awarded to each school; and
(D) total number and total dollar amount of other expenses.

The report must be certified under penalties of perjury by the executive director of the industry collaboration organization.

(b) An industry collaboration organization certified under this chapter shall contract with an independent certified public accountant for an annual financial audit of the industry collaboration organization. The industry collaboration organization must provide a copy of the annual financial audit to the governor's workforce cabinet and must make the annual financial audit available to a member of the public upon request.

Sec. 14. The governor's workforce cabinet shall prescribe a standardized form for industry collaboration organizations to report information required under this chapter.

Sec. 15. The governor's workforce cabinet may, in a proceeding under IC 4-21.5, suspend or terminate the certification of an organization as an industry collaboration organization if the governor's workforce cabinet establishes that the industry collaboration organization has intentionally and substantially failed to comply with the requirements of this chapter or an agreement entered into under this chapter.

Sec. 16. The governor's workforce cabinet may conduct either a financial review or an audit of an industry collaboration organization certified under this chapter if the department of state revenue has evidence of fraud.

Sec. 17. (a) An industry collaboration organization established under this chapter shall report to the governor's workforce cabinet:

(1) the activities supported by any state grant money received; and
(2) the student outcomes resulting from the approved activities;

in accordance with reporting standards established by the governor's workforce cabinet and the management performance hub.

(b) The governor's workforce cabinet shall make the information reported by each industry collaboration organization under subsection (a) available to the public on the Internet web site of the governor's workforce cabinet.

Sec. 18. The governor's workforce cabinet shall prescribe a standard form to be used by the industry collaboration organization to report student outcomes as required under section 17(a)(2) of this chapter, including at least the following information for the students participating in the approved activities described in section 10 of this chapter:

(1) The number, geographic region, and demographic breakdown of students who completed a program or activity funded in whole or in part by state grant money under this chapter, including:
(A) an industry recognized apprenticeship program;
(B) an internship or equivalent work based learning experience;
(C) an industry recognized certification or credential; or
(D) a postsecondary certificate or degree.
(2) The industry sectors and businesses supported by the approved activities.
(3) The number and names of school corporations and postsecondary institutions supporting the delivery of the approved activities.

Sec. 19. The governor's workforce cabinet shall support an industry collaboration organization in sharing and scaling best practices on a statewide basis by:

(1) conducting an annual survey of the business, education, and community organizations participating in the industry collaboration organization, in consultation with the management performance hub; and
(2) convening the industry collaboration organizations on an ongoing basis in collaboration with Indiana's statewide business and industry associations.

Sec. 20. The governor's workforce cabinet shall annually compile lists of the following:

(1) The industry sectors and geographic regions in which industry collaboration organizations are operating, disaggregated by industry category and region.
(2) The business, educational institutions, and community organizations affiliated with the industry collaboration organizations established under this chapter, disaggregated by industry category and region.

SECTION 30. IC 21-12-8-2, AS AMENDED BY P.L.230-2017, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The commission shall do the following:

(1) Prescribe the form and manner in which applications for adult student grants may be submitted.
(2) Determine the eligibility of applicants.
(3) Determine the amount of an adult student grant awarded to a recipient.
(4) In conjunction with the department of workforce development, determine which certificate programs are eligible for the high value workforce ready credit-bearing grant under section 9 of this chapter after considering at least the following for each certificate program:
(A) Workforce demand and needs.
(B) Wage level data and information.
(C) Program content and completion data.
(D) Job placement data.
(E) The program's impact on public safety.

SECTION 31. IC 21-12-8-9, AS AMENDED BY P.L.174-2018, SECTION 8, AND AS AMENDED BY P.L.178-2018, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) This section applies to an applicant who attends or has attended any of the following:

(1) An approved secondary school.
(2) An accredited nonpublic school.
(3) A nonaccredited nonpublic school.

(b) An applicant is eligible to receive a high value workforce ready credit-bearing grant if the following conditions are met:

(1) The applicant is domiciled in Indiana, as defined by the commission.
(2) The applicant:
(A) has received a diploma of graduation from a school described in subsection (a);
(B) has been granted a:
(i) high school equivalency certificate before July 1, 1995; or
(ii) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1 (before its repeal), IC 20-20-6 (before its repeal), or IC 22-4.1-18; or
(C) is a student in good standing who is completing a final year of study at a school described in subsection (a) and will be eligible upon graduation to attend an approved institution of higher learning.
(3) The applicant is enrolled in an eligible certificate program, as determined under ~~IC 21-12-8-2(4),~~ **section 2(4) of this chapter,** at ~~Ivy Tech Community College or Vincennes University.~~ **Ivy Tech Community College, Vincennes University, or a program approved by the commission.**

(4) The applicant enrolls at least half-time for purposes of federal financial aid.

(5) The applicant has not received any grant for the maximum number of academic terms specified for the grant in IC 21-12-13-1 or IC 21-12-13-2.

(6) The applicant is not eligible for any state financial aid program described in IC 21-12-13-1(a) or IC 21-12-13-2(a).

(7) The applicant is identified as financially independent from the applicant's parents as determined by the Free Application for Federal Student Aid (FAFSA).

(8) The applicant has correctly filed the FAFSA and, if eligible for aid, accepts all offered federal scholarships and grants.

(9) *Except as provided under subsection (c),* the applicant maintains satisfactory academic progress, as determined by the eligible institution. ~~*unless one (1) or more of the following conditions is met:*~~

~~*(A) The applicant has not attended an eligible institution for the immediately preceding two (2) academic years.*~~

~~*(B) The applicant attended an eligible institution at any time during the immediately preceding two (2) academic years and the applicant maintained satisfactory academic progress during the period in which the applicant attended the eligible institution.*~~

(10) The applicant has not previously received a baccalaureate degree, an associate degree, or an eligible certificate.

(11) The applicant meets any other minimum criteria established by the commission.

(c) This subsection applies to an applicant who does not maintain satisfactory academic progress under subsection (b)(9) but meets all the other conditions required under subsection (b). An applicant is eligible to receive a high value workforce ready credit-bearing grant if the applicant meets one (1) of the following:

(1) The applicant has not attended an eligible institution for the immediately preceding two (2) academic years.

(2) The applicant:

(A) attended an eligible institution at any time during the immediately preceding two (2) academic years; and

(B) maintained satisfactory academic progress, as determined by the eligible institution, during the period described in clause (A) in which the applicant attended the eligible institution.

~~*(c)*~~ **(d)** *If an applicant is identified as dependent as determined by the Free Application for Federal Student Aid (FAFSA), the applicant must:*

(1) meet the criteria specified in subsection (b), except for subsection (b)(4), (b)(7), and (b)(9);

(2) enroll full time for purposes of federal financial aid;

(3) maintain satisfactory academic progress, as determined by the eligible institution; and

(4) complete a workforce ready grant success program, as determined by the commission, if the applicant graduates from high school after December 31, 2018.

~~*(d)*~~ **(e)** *If the demand for high value workforce ready credit-bearing grants exceeds the available appropriation, as determined by the commission, the commission shall prioritize the applicants identified as independent as determined by the Free Application for Federal Student Aid (FAFSA).*

SECTION 32. IC 21-18-15 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 15. Let Indiana Work for You Program

Sec. 1. As used in this chapter, "corporation" refers to the Indiana economic development corporation established by IC 5-28-3-1.

Sec. 2. As used in this chapter, "department" refers to the department of workforce development.

Sec. 3. As used in this chapter, "program" refers to the Let Indiana Work for You program established under section 4 of this chapter.

Sec. 4. (a) The commission shall, in coordination with the department and the corporation, establish a Let Indiana Work for You program to provide to colleges and universities as provided under this chapter information for college and university students concerning:

(1) workforce opportunities in Indiana; and

(2) other benefits of residing and working in Indiana after graduating from the college or university.

(b) The corporation shall assemble and provide to the commission and the department information concerning the economic benefits of residing and working in Indiana.

Sec. 5. The commission, in coordination with the department and the corporation, shall do the following:

(1) Subject to section 6 of this chapter, not later than the 2019-2020 academic year, implement the program at state educational institutions selected by the commission.

(2) Subject to section 6 of this chapter, not later than the 2020-2021 academic year, implement the program at:

(A) all state educational institutions; and

(B) other colleges and universities that elect to participate in the program.

Sec. 6. If a college or university approves of the information described in section 4 of this chapter for distribution to the students of the college or university, the:

(1) commission, in coordination with the department and the corporation, shall provide the information to the college or university in:

(A) a written or electronic format; or

(B) both a written and electronic format; and

(2) college or university shall:

(A) present in person;

(B) use other communication mediums to provide; or

(C) both present in person and use other communication mediums to provide;

to students of the college or university the information described in section 4 of this chapter.

SECTION 33. IC 22-4.1-19-6, AS AMENDED BY P.L.152-2018, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. The cabinet may make recommendations to the state board concerning the legislative budget requests prepared under IC 20-20-38-12 by state educational institutions for state ~~and federal~~ funds for career and technical education.

SECTION 34. IC 22-4.1-20-4, AS AMENDED BY P.L.152-2018, SECTION 32, AND AS AMENDED BY P.L.174-2018, SECTION 39, AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) *Not less than twenty-five percent (25%) of the* money appropriated by the general assembly for adult education *and the work Indiana program shall be used as provided in subsections (b) and (c).*

(b) Money described in subsection (a) may be used ~~*only*~~ to reimburse an eligible provider for adult education that is provided to individuals who:

(1) need the education to master a skill that leads to:

(A) the completion of grade 8; or

(B) an Indiana high school equivalency diploma under IC 22-4.1-18;

(2) need the education to receive high school credit to obtain a high school diploma; or

(3) have graduated from high school (or received a high

school equivalency certificate, a general educational development (GED) diploma, or an Indiana high school equivalency diploma), but who demonstrate basic skill deficiencies in mathematics or English/language arts.

(c) The department shall use the money described in subsection (a) for adult education grants to employers. **A grant to an employer under this subsection is equal to the amount established under subsection (d) plus, subject to the availability of funds, the amount determined under subsection (e).**

(d) *An employer is eligible for an adult education grant for each eligible employee who obtains a high school diploma or a high school equivalency diploma through a program organized or funded by the employer. The amount of the grant is the lesser of ~~five hundred dollars ($500)~~* **one thousand dollars ($1,000)** *or the out-of-pocket expenditure by the employer for the costs described in subsection ~~(c).~~* **(h).**

(e) Subject to subsection (i), if, on June 15, the total amount of funds allocated under subsection (a) exceeds the total amount of funds used for reimbursements and grants under subsections (a) and (b), the department shall use the remaining funds to reimburse each employer that received a grant under subsection (d) for instructor salary costs that the employer incurred and that exceeded the amount of funds the employer received under subsection (d). If the amount of the remaining funds is not sufficient to reimburse each employer for the employer's instructor salary costs, each employer shall receive funds under this subsection in an amount equal to the lesser of:

(1) the total instructor salary costs that the employer incurred and that exceeded the amount of funds the employer received under subsection (d); or

(2) the result of STEP FOUR of the following STEPS:

STEP ONE: Determine the total number of eligible employees for which the employer received a grant under subsection (d).

STEP TWO: Determine the total number of eligible employees for which all employers received a grant under subsection (d).

STEP THREE: Determine the result of:

(A) the STEP ONE amount; divided by

(B) the STEP TWO amount.

STEP FOUR: Determine the result of:

(A) the STEP THREE result; multiplied by

(B) the amount of the remaining funds.

(f) *To qualify as an eligible employee, an individual must meet all of the following criteria:*

(1) The individual must be at least eighteen (18) years of age and not enrolled in a school corporation's kindergarten through grade 12 educational program.

(2) The individual must be a resident of Indiana for at least thirty (30) days before enrolling in a program of adult education.

(3) The individual must be employed on a part-time or full-time basis in Indiana.

(4) When initially employed by the employer, the individual:

(A) did not have sufficient high school credits to earn a high school diploma; or

(B) had not passed the examination to earn a high school equivalency diploma or a general educational development (GED) diploma.

~~(d)~~ **(g)** For purposes of reimbursement under this section, the eligible provider may not count an individual who is also enrolled in a school corporation's kindergarten through grade 12 educational program. An individual described in *~~subdivision (3)~~ subsection (b)(3)* may be counted for reimbursement by the eligible provider only for classes taken in mathematics and English/language arts.

~~(b)~~ ~~(c)~~ **(h) Subject to subsection (i),** the *~~council~~ department* shall provide for reimbursement to an eligible provider *or employer* under this section for instructor salaries and administrative and support costs. ~~However,~~ The *~~council~~ department* may not allocate more than fifteen percent (15%) of the total appropriation under subsection (a) **to the department** for administrative and support costs **incurred by eligible providers or employers under this subsection.**

(i) The costs incurred by an employer for an instructor's salary are not eligible to be included as out-of-pocket expenditures by the employer under subsection (d) or as instructor salary costs incurred by the employer under subsection (e) unless the following conditions apply:

(1) The instruction by the instructor was provided in a program that allows the eligible employees of the employer that participate in the program to obtain a high school diploma or a high school equivalency diploma.

(2) The costs for the instructor's salary could not be provided by an eligible provider without expenditures by the employer.

(3) An eligible provider or the instructor signs an affidavit attesting that the costs for the instructor's salary meet the requirements of subdivisions (1) and (2).

SECTION 35. IC 22-4.1-26-5, AS ADDED BY P.L.174-2018, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. **(a) Except as provided in section 5.5 of this chapter,** eligible employees must be trained, hired, and retained for at least six (6) months by the employer. If an eligible employee separates from employment with the employer that provided the training in order to accept employment with another employer before the end of the six (6) month period, the retention requirement is waived.

(b) Eligible employment must be in one (1) of the following sectors:

(1) Manufacturing.
(2) Technology business services.
(3) Transportation and logistics.
(4) Health sciences.
(5) Building and construction.
(6) Agriculture.

SECTION 36. IC 22-4.1-26-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.5. (a) The requirements described in section 5(a) of this chapter do not apply to this section.**

(b) A high school student is eligible to participate in the program if the student is enrolled in a work based learning course (as defined in IC 20-43-8-0.7) that is aligned with the sectors for eligible employment described in section 5(b) of this chapter.

SECTION 37. IC 22-4.1-26-6, AS ADDED BY P.L.174-2018, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Eligible training must be job skills training that ties to an in demand occupation **and leads to:**

(1) for an eligible employee (including a high school student described in section 5.5 of this chapter) that is a new hire, a postsecondary credential, a nationally recognized industry credential, or specialized company training; or

(2) for an eligible employee that is an existing worker:

(A) a postsecondary credential, a nationally recognized industry credential, or specialized company training; and

(B) an increase of wages.

(b) Eligible training does not include human resource training or job shadowing.

SECTION 38. IC 22-4.1-26-7, AS ADDED BY

P.L.174-2018, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The maximum grant amount provided to an employer for each eligible employee is five thousand dollars ($5,000). **However, if the eligible employee is a high school student, the maximum grant amount provided to an employer for the student is the lesser of:**

(1) one thousand dollars ($1,000); or

(2) not more than one-third (1/3) of the cost of the student's work based learning course.

(b) The maximum grant amount provided to a particular employer is fifty thousand dollars ($50,000).

SECTION 39. [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)] **(a) 511 IAC 8-2-6 is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this section from the Indiana Administrative Code.**

(b) This SECTION expires January 1, 2020.

SECTION 40. **An emergency is declared for this act.**

(Reference is to EHB 1002 as reprinted April 10, 2019.)

SULLIVAN	PERFECT
JORDAN	RAATZ
House Conferees	Senate Conferees

Roll Call 601: yeas 64, nays 30. Report adopted.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Karickhoff.

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

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

CONFERENCE COMMITTEE REPORT
EHB 1021–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1021 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-11-2-3, AS ADDED BY P.L.2-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 3. If:

(1) a person has purchased and been granted a deed of conveyance to any lands sold for delinquent taxes by the county treasurer of any county;

(2) at the time when the lands were sold, there was an unpaid school ~~fund~~ loan, secured by mortgage, on the lands, and the mortgage was foreclosed by the county after the sale; and

(3) through the foreclosure proceedings, the county acquired title to the lands;

the board of commissioners of the county in which the lands are situated may pay to the person who holds the tax deed to the lands any sum that may be agreed upon, not exceeding the amount that the purchaser paid for the lands at the tax sale, together with an amount equal to any taxes that the purchaser of the lands paid, not including any interest, on the condition that the holder of the tax deed to the lands execute to the board of commissioners of the county a quitclaim deed to the lands. All expenditures authorized under this section shall be paid out of the county general fund without any appropriation being made for the expenditure.

SECTION 2. IC 4-33-13-5, AS AMENDED BY P.L.212-2018(ss), SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) An amount equal to the following shall be set aside for revenue sharing under subsection (e):

(A) Before July 1, 2021, the first thirty-three million dollars ($33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(B) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the first thirty-three million dollars ($33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(C) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is less ~~then~~ **than** the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state year ending June 30, 2020, an amount equal to the first thirty-three million dollars ($33,000,000) of tax revenues collected under this chapter multiplied by the result of:

(i) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year; divided by

(ii) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020;

shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the state general fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the state general fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, 2015. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Fifty-six and five-tenths percent (56.5%) shall be paid to the state general fund.

(2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

(A) Twenty-two and four-tenths percent (22.4%) shall be paid as follows:

(i) Fifty percent (50%) to the fiscal officer of the town of French Lick.

(ii) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(E) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Crawford County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(F) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Paoli.

(G) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Orleans.

(H) Twenty-six and four-tenths percent (26.4%) shall be paid to the Indiana economic development corporation established by IC 5-28-3-1 for transfer as follows:

(i) Beginning after December 31, 2017, ten percent (10%) of the amount transferred under this clause in each calendar year shall be transferred to the South Central Indiana Regional Economic Development Corporation or a successor entity or partnership for economic development for the purpose of recruiting new business to Orange County as well as promoting the retention and expansion of existing businesses in Orange County.

(ii) The remainder of the amount transferred under this clause in each calendar year shall be transferred to Radius Indiana or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote successful and sustainable communities.

To the extent possible, the Indiana economic development corporation shall provide for the transfer under item (i) to be made in four (4) equal installments. However, an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under this section were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making distributions to the South Central Indiana Regional Economic Development Corporation and Radius Indiana or their successor entities or partnerships. The amount paid to the Orange County development commission shall proportionally reduce the amount payable to the South Central Indiana Regional Economic Development Corporation and Radius Indiana or their successor entities or partnerships.

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

(1) exceeds a particular city's or county's base year revenue; and

(2) would otherwise be due to the city or county under this section;

to the state general fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the state general fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars ($250,000,000):

(1) Surplus lottery revenues under IC 4-30-17-3.

(2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.

(3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the state general fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Except as provided in subsections (l) and (m), before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population

bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

(1) To each city located in the county according to the ratio the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

(1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).

(2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.

(3) To fund sewer and water projects, including storm water management projects.

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) Before July 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-9), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under IC 4-33-12-9); minus

(2) the sum of:

(A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus

(B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

(1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies to a supplemental distribution made after June 30, 2017. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is equal to the following:

(1) Before July 1, 2021, forty-eight million dollars ($48,000,000).

(2) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is equal to or greater than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is forty-eight million dollars ($48,000,000).

(3) After June 30, 2021, if the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year is less than the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020, the maximum amount is equal to the result of:

(A) forty-eight million dollars ($48,000,000); multiplied by

(B) the result of:

(i) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the preceding state fiscal year; divided by

(ii) the total adjusted gross receipts received by licensees from gambling games authorized under this article during the state fiscal year ending June 30, 2020.

If the total amount determined under subsection (g) exceeds the maximum amount determined under this subsection, the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental distribution.

(j) This subsection applies to a supplemental distribution, if any, payable to Lake County, Hammond, Gary, or East Chicago under subsections (g) and (i). Beginning in July 2016, the treasurer of state shall, after making any deductions from the supplemental distribution required by IC 6-3.1-20-7, deduct from the remainder of the supplemental distribution otherwise payable to the unit under this section the lesser of:

(1) the remaining amount of the supplemental distribution; or

(2) the difference, if any, between:

(A) three million five hundred thousand dollars ($3,500,000); minus

(B) the amount of admissions taxes constructively received by the unit in the previous state fiscal year.

The treasurer of state shall distribute the amounts deducted under this subsection to the northwest Indiana redevelopment authority established under IC 36-7.5-2-1 for deposit in the development authority revenue fund established under IC 36-7.5-4-1.

(k) Money distributed to a political subdivision under subsection (b):

(1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund **(in the case of a school corporation, the school corporation may deposit the money into either the education fund (IC 20-40-2) or the operations fund (IC 20-40-18))** or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in subsection (b)(2)(B), may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;

(3) except as provided in subsection (b)(2)(B), may be

used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

Money distributed under subsection (b)(2)(B) must be used for the purposes specified in subsection (b)(2)(B).

(l) After June 30, 2020, the amount of wagering taxes that would otherwise be distributed to South Bend under subsection (e) shall be deposited as being received from all riverboats whose supplemental wagering tax, as calculated under IC 4-33-12-1.5(b), is over three and five-tenths percent (3.5%). The amount deposited under this subsection, in each riverboat's account, is proportionate to the supplemental wagering tax received from that riverboat under IC 4-33-12-1.5 in the month of July. The amount deposited under this subsection must be distributed in the same manner as the supplemental wagering tax collected under IC 4-33-12-1.5. This subsection expires June 30, 2021.

(m) After June 30, 2021, the amount of wagering taxes that would otherwise be distributed to South Bend under subsection (e) shall be withheld and deposited in the state general fund.

SECTION 3. IC 4-35-8.3-5, AS AMENDED BY P.L.149-2016, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 5. (a) Money distributed to a political subdivision under section 4 of this chapter:

(1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund **(in the case of a school corporation, the school corporation may deposit the money into either the education fund (IC 20-40-2) or the operations fund (IC 20-40-18))** or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in section 4(2) of this chapter, may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;

(3) except as provided in section 4(2) of this chapter, may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(b) Money distributed under section 4(2) of this chapter must be used for the purposes specified in section 4(2) of this chapter.

SECTION 4. IC 5-3-1-3, AS AMENDED BY P.L.244-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 3. (a) Within sixty (60) days after the expiration of each calendar year, the fiscal officer of each civil city and town in Indiana shall publish an annual report of the receipts and expenditures of the city or town during the preceding calendar year.

(b) Not earlier than August 1 or later than August 15 of each year, the secretary of each school corporation in Indiana shall publish an annual financial report.

(c) In the annual financial report the school corporation shall include the following:

(1) Actual receipts and expenditures by major accounts as compared to the budget advertised under IC 6-1.1-17-3 for the prior calendar year.

(2) The salary schedule for all certificated employees (as defined in IC 20-29-2-4) as of June 30, with the number of employees at each salary increment. However, the listing of salaries of individual teachers is not required.

(3) The extracurricular salary schedule as of June 30.

(4) The range of rates of pay for all noncertificated employees by specific classification.

(5) The number of employees who are full-time certificated, part-time certificated, full-time noncertificated, and part-time noncertificated.

(6) The lowest, highest, and average salary for the administrative staff and the number of administrators without a listing of the names of particular administrators.

(7) The number of students enrolled at each grade level and the total enrollment.

(8) The assessed valuation of the school corporation for the prior and current calendar year.

(9) The tax rate for each fund for the prior and current calendar year.

(10) In the ~~general fund, capital projects fund, and transportation fund,~~ **education fund and operations fund,** a report of the total payment made to each vendor ~~for the specific~~ **from each** fund in excess of two thousand five hundred dollars ($2,500) during the prior calendar year. However, a school corporation is not required to include more than two hundred (200) vendors whose total payment to each vendor was in excess of two thousand five hundred dollars ($2,500). A school corporation shall list the vendors in descending order from the vendor with the highest total payment to the vendor with the lowest total payment above the minimum listed in this subdivision.

(11) A statement providing that the contracts, vouchers, and bills for all payments made by the school corporation are in its possession and open to public inspection.

(12) The total indebtedness as of the end of the prior calendar year showing the total amount of notes, bonds, certificates, claims due, total amount due from such corporation for public improvement assessments or intersections of streets, and any and all other evidences of indebtedness outstanding and unpaid at the close of the prior calendar year.

(d) The school corporation may provide an interpretation or explanation of the information included in the financial report.

(e) The department of education shall do the following:

(1) Develop guidelines for the preparation and form of the financial report.

(2) Provide information to assist school corporations in the preparation of the financial report.

(f) The annual reports required by this section and IC 36-2-2-19 and the abstract required by IC 36-6-4-13 shall each be published one (1) time only, in accordance with this chapter.

(g) Each school corporation shall submit to the department of education a copy of the financial report required under this section. The department of education shall make the financial reports available for public inspection.

(h) As used in this subsection, "bonds" means any bonds, notes, or other evidences of indebtedness, whether payable from property taxes, other taxes, revenues, fees, or any other source. However, the term does not include notes, warrants, or other evidences of indebtedness that have a maturity of not more than five (5) years and that are made in anticipation of and to be paid from revenues of the school corporation. Notwithstanding any other law, a school corporation may not issue any bonds unless the school corporation has filed the annual financial report required under subsection (b) with the department of education. The requirements under this subsection for the issuance of bonds by a school corporation are in addition to any other requirements imposed under any other law. This subsection applies to the issuance of bonds authorized under any statute, regardless of whether that statute specifically references this subsection or the requirements under this subsection.

SECTION 5. IC 5-4-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 2. The cost of any such bond or other like obligation so procured, if furnished by a state officer or employee, shall be paid out of the general fund of the state treasury; if furnished by an officer or employee of any state

institution, such cost shall be paid out of the maintenance fund of such institution; if furnished by a county, city, town, or township officer or employee, such cost shall be paid out of the general fund of the county, city, town, or township in and for which such officer or employee shall have been or shall be elected or appointed, as the case may be; if furnished by any officer or employee of any school corporation, such cost shall be paid out of the ~~special school~~ fund of the school corporation in **accordance with the categories of expenditures established under IC 20-42.5-3** and for which such officer or employee shall have been or shall be elected or appointed; and if furnished by any officer or employee of any municipal corporation or political subdivision of the state, other than those designated in this section, such cost shall be paid out of the operating or maintenance fund of such corporation or political subdivision in or for which such officer or employee is acting.

SECTION 6. IC 5-10.3-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 6. ~~Appropriations and Payments by School Corporations.~~ A school corporation shall make the appropriations and payments required of participating political subdivisions from its ~~general~~ **education fund or operations** fund **in accordance with the categories of expenditures established under IC 20-42.5-3.**

SECTION 7. IC 5-10.4-9-5, AS ADDED BY P.L.217-2017, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 5. A school corporation shall make the appropriations and payments required under this article and IC 5-10.2 from its ~~general~~ **education fund or operations** fund **in accordance with the categories of expenditures established under IC 20-42.5-3.**

SECTION 8. IC 6-1.1-18.5-2, AS AMENDED BY P.L.184-2016, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) As used in this section, "Indiana nonfarm personal income" means the estimate of total nonfarm personal income for Indiana in a calendar year as computed by the federal Bureau of Economic Analysis using any actual data for the calendar year and any estimated data determined appropriate by the federal Bureau of Economic Analysis.

(b) **Except as provided in subsection (c),** for purposes of determining a civil taxing unit's maximum permissible ad valorem property tax levy for an ensuing calendar year, the civil taxing unit shall use the assessed value growth quotient determined in the last STEP of the following STEPS:

STEP ONE: For each of the six (6) calendar years immediately preceding the year in which a budget is adopted under IC 6-1.1-17-5 for the ensuing calendar year, divide the Indiana nonfarm personal income for the calendar year by the Indiana nonfarm personal income for the calendar year immediately preceding that calendar year, rounding to the nearest one-thousandth (0.001).

STEP TWO: Determine the sum of the STEP ONE results.

STEP THREE: Divide the STEP TWO result by six (6), rounding to the nearest one-thousandth (0.001).

STEP FOUR: Determine the lesser of the following:

(A) The STEP THREE quotient.

(B) One and six-hundredths (1.06).

(c) A school corporation shall use for its operations fund maximum levy calculation under IC 20-46-8-1 the assessed value growth quotient determined in the last STEP of the following STEPS:

STEP ONE: Determine for each school corporation, the average annual growth in net assessed value using the three (3) calendar years immediately preceding the year in which a budget is adopted under IC 6-1.1-17-5 for the ensuing calendar year.

STEP TWO: Determine the greater of:

(A) zero (0); or

(B) the STEP ONE amount minus the sum of:

(i) the assessed value growth quotient determined under subsection (b) minus one (1); plus

(ii) two-hundredths (0.02).

STEP THREE: Determine the lesser of:

(A) the STEP TWO amount; or

(B) four-hundredths (0.04).

STEP FOUR: Determine the sum of:

(A) the STEP THREE amount; plus

(B) the assessed value growth quotient determined under subsection (b).

STEP FIVE: Determine the greater of:

(A) the STEP FOUR amount; or

(B) the assessed value growth quotient determined under subsection (b).

~~(c)~~ **(d)** The budget agency shall provide the assessed value growth quotient for the ensuing year to civil taxing units, school corporations, and the department of local government finance before July 1 of each year.

SECTION 9. IC 6-1.1-20.6-9.9, AS AMENDED BY P.L.244-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 9.9. (a) If:

(1) a school corporation ~~in 2017, 2018, or 2019~~ **after July 1, 2016,** issues new bonds or enters into a new lease rental agreement for which the school corporation is imposing or will impose a debt service levy other than:

(A) to refinance or renew prior bond or lease rental obligations existing before January 1, 2017; or

(B) indebtedness that is approved in a local public question or referendum under IC 6-1.1-20 or any other law; and

(2) the school corporation's:

(A) total debt service levy ~~in 2018 or 2019~~ is greater than the school corporation's total debt service levy in 2016; and

(B) total debt service tax rate ~~in 2018 or 2019~~ is greater than the school corporation's total debt service tax rate in 2016;

the school corporation is not eligible to allocate credits proportionately under this section.

(b) Subject to subsection (a), a school corporation is eligible to allocate credits proportionately under this section for ~~2016, 2017, 2018, or~~ 2019, **2020, 2021, 2022, or 2023** if the school corporation's percentage computed under this subsection is at least ten percent (10%) for its ~~transportation fund levy for that year (for 2017 and 2018) or~~ operations fund levy ~~after 2018,~~ as certified by the department of local government finance. A school corporation shall compute its percentage under this subsection as ~~follows:~~ **determined under the following formula:**

~~(1) Compute~~ **STEP ONE: Determine** the amount of credits granted under this chapter against the school corporation's levy for the school corporation's ~~transportation fund (for 2017 and 2018) or~~ operations fund. ~~after 2018.~~

STEP TWO: Determine the amount of the school corporation's levy that is attributable to new debt incurred after June 30, 2019, but is not attributable to the debt service levy described in subsection (a)(1)(B).

STEP THREE: Determine the result of the school corporation's total levy minus any referendum levy.

STEP FOUR: Subtract the STEP TWO amount from the STEP THREE amount.

STEP FIVE: Divide the STEP FOUR amount by the STEP THREE amount expressed as a percentage.

STEP SIX: Multiply the STEP ONE amount by the STEP FIVE percentage.

STEP SEVEN: Determine the school corporation's levy for the school corporation's operations fund.

STEP EIGHT: Divide the STEP SIX amount by the

STEP SEVEN amount expressed as a percentage.

~~(2) Compute the school corporation's levy for the school corporation's transportation fund (for 2017 and 2018) or operations fund levy. after 2018.~~

~~(3) Divide the amount computed under subdivision (1) by the amount computed under subdivision (2) and express it as a percentage.~~

The computation must be made by taking into account the requirements of section 9.8 of this chapter regarding protected taxes and the impact of credits granted under this chapter on the revenue to be distributed to the school corporation's ~~transportation fund (for 2017 and 2018) or~~ operations fund ~~after 2018~~ for the particular year.

(c) A school corporation that desires to be an eligible school corporation under this section must, before May 1 of the year for which it wants a determination, submit a written request for a certification by the department of local government finance that the computation of the school corporation's percentage under subsection (b) is correct. The department of local government finance shall, not later than June 1 of that year, determine whether the percentage computed by the school corporation **under subsection (b)** is accurate and certify whether the school corporation is eligible under this section.

(d) For a school corporation that is certified as eligible under this section, the school corporation may allocate the effect of the credits granted under this chapter proportionately among all the school corporation's property tax funds that are not exempt under section 7.5(b) or 7.5(c) of this chapter, based on the levy for each fund and without taking into account the requirements of section 9.8 of this chapter regarding protected taxes **as determined under the following formula:**

STEP ONE: Determine the product of:

(A) the percentage determined under STEP EIGHT of subsection (b); multiplied by

(B) five (5).

STEP TWO: Determine the lesser of the STEP ONE percentage or one hundred percent (100%).

STEP THREE: Determine the product of:

(A) the amount determined under STEP SIX of subsection (b); multiplied by

(B) the STEP TWO percentage.

The school corporation may allocate the amount of credits determined under STEP THREE proportionately under this section. The department of local government finance shall include in its certification of an eligible school corporation under subsection (c) the amount of credits that the school corporation may allocate proportionately as determined under this subsection.

(e) This section expires January 1, 2024.

SECTION 10. IC 20-37-2-2, AS AMENDED BY P.L.69-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 2. (a) A governing body may:

(1) establish career and technical education centers, schools, or departments in the manner approved by the state board; and

(2) maintain these schools or departments from the ~~general~~ **education fund and operations** fund **in accordance with the categories of expenditures established under IC 20-42.5-3.**

(b) The governing body may include in the high school curriculum without additional state board approval any secondary level career and technical education course that is approved under section 11 of this chapter, if applicable.

(c) The governing body shall notify the department and the department of workforce development whenever the governing body:

(1) includes an approved course for; or

(2) removes an approved course from;

the high school curriculum.

SECTION 11. IC 20-40-10-3, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 3. The chief fiscal officer of a school corporation may invest money in the school corporation's fund in the same manner in which money in the school corporation's ~~general~~ **education fund or operations** fund may be invested. However, any income derived from investment of the money shall be deposited in and becomes a part of the fund.

SECTION 12. IC 20-40-12-6, AS AMENDED BY P.L.146-2008, SECTION 479, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 6. Subject to the approval of the commissioner of insurance, the governing body of the school corporation may:

(1) transfer to the fund an amount of money in the ~~general~~ **education fund or operations** fund budget **in accordance with the categories of expenditures established under IC 20-42.5-3;**

(2) transfer money from the ~~general~~ **education fund or operations** fund **in accordance with the categories of expenditures established under IC 20-42.5-3** to the fund;

(3) appropriate money from the ~~general~~ **education fund or operations** fund **in accordance with the categories of expenditures established under IC 20-42.5-3** for the fund; or

(4) transfer money from the ~~capital projects~~ **operations** fund to the fund, to the extent that money in the ~~capital projects~~ **operations** fund may be used for property or casualty insurance.

SECTION 13. IC 20-40-14-1, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 1. (a) Except as provided in this section, money received by a school corporation for a specific purpose or purposes, by gift, endowment, or under a federal statute, may be accounted for by establishing separate funds apart from ~~the general~~ **any other school corporation** fund.

(b) Subsection (a) does not apply if local tax funds are involved.

(c) Money described in subsection (a) may not be accepted unless the:

(1) terms of the gift, endowment, or payment; and

(2) acceptance of the gift, endowment, or payment;

provide that the officers of the school corporation are not divested of any right or authority that the officers are granted by law.

SECTION 14. IC 20-40-18-6, AS AMENDED BY P.L.140-2018, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. (a) A school corporation's capital projects expenditure plan or amended plan must limit proposed expenditures to those described in section 7 of this chapter. The plan must include all proposed expenditures that exceed ten thousand dollars ($10,000) and are for:

(1) capital assets; or

(2) projects that are considered capital in nature under section 7 of this chapter, including technology related projects.

The department of local government finance shall prescribe the information that is required in a plan.

(b) The department of local government finance shall prescribe the format of the plan. A plan must:

(1) apply to at least the three (3) years immediately following the year the plan is adopted; **and**

(2) estimate for each year to which the plan applies the nature and amount of proposed capital expenditures from the fund. ~~and~~

~~(3) estimate:~~

~~(A) the source of all revenue to be dedicated to the proposed capital expenditures in the upcoming calendar year; and~~

~~(B) the amount of property taxes to be collected in the upcoming calendar year and retained in the fund for capital expenditures proposed for a later year.~~

(c) If a school corporation wants to use money in the operations fund during the year to pay for any items listed in section 7 of this chapter that are considered capital in nature, the governing body must adopt a resolution approving the plan or amended plan. The school corporation shall post the proposed plan or proposed amended plan on the school corporation's Internet web site before the hearing. The governing body must hold a hearing on the adoption of the resolution as follows:

(1) For a school corporation that has not elected to adopt a budget under IC 6-1.1-17-5.6 or for which a resolution adopted under IC 6-1.1-17-5.6(d) is in effect, the school corporation must hold the hearing and adopt the resolution after January 1 and not later than November 1 of the immediately preceding year.

(2) For a school corporation that elects to adopt a budget under IC 6-1.1-17-5.6, the school corporation must hold the hearing and adopt the resolution after January 1 and not later than April 1 of the immediately preceding school fiscal year.

~~The governing body shall publish a notice of the hearing in accordance with IC 5-3-1-2(b). The notice must include the address of the school corporation's Internet web site. The governing body may hold the hearing and include the notice as part of a regular governing body meeting or part of the same hearing and notice for a school bus replacement plan.~~ **The governing body shall submit the proposed capital projects expenditure plan or amended plan to the department of local government finance's computer gateway at least ten (10) days before the hearing on the adoption of the resolution. The department of local government finance shall make the proposed plan available to taxpayers, at least ten (10) days before the hearing, through the department's computer gateway. The department of local government finance's computer gateway must allow a taxpayer to search for the proposed plan under this section by the taxpayer's address.** If an amendment to a capital projects expenditure plan is being proposed, the governing body must declare the nature of and the need for the amendment in the resolution to adopt the amendment to the plan. The plan, as proposed to be amended, must comply with the requirements for a plan under this section.

(d) If a governing body adopts the resolution specified in subsection (c), the school corporation must then submit the resolution to the department of local government finance in the manner prescribed by the department. **In addition, the governing body shall submit the plan or amended plan that is approved in the resolution to the department of local government finance's computer gateway not later than thirty (30) days after adoption of the resolution. The department of local government finance shall immediately make the adopted plan available to taxpayers through the department's computer gateway.**

(e) This subsection applies to an amendment to a plan that is required because of an emergency that results in costs that exceed the amount accumulated in the fund for repair, replacement, or site acquisition that is necessitated by an emergency. The governing body is not required to comply with subsection (c) or (d). If the governing body determines that an emergency exists, the governing body may adopt a resolution to amend the plan. An amendment to the plan is not subject to the deadline and the procedures for adoption described in this section.

SECTION 15. IC 20-40-18-9, AS AMENDED BY P.L.140-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 9. (a) Before a school corporation may use money in the operations fund for replacing school buses, a resolution approving the school bus replacement plan or amended plan must be submitted to the department of local government finance.

(b) The department of local government finance shall prescribe the format of the plan. A plan must apply to at least the five (5) budget years immediately following the year the plan is adopted and include at least the following:

(1) An estimate for each year to which it applies of the nature and amount of proposed expenditures from the fund.

(2) If the school corporation is seeking to:

(A) acquire; or

(B) contract for transportation services that will provide;

additional school buses or school buses with a larger seating capacity as compared with the number and type of school buses from the prior school year, evidence of a demand for increased transportation services within the school corporation. Clause (B) does not apply if contracted transportation services are not paid from the fund.

(3) If the school corporation is seeking to require a contractor to replace a school bus, evidence that the need exists for the replacement of the school bus. This subdivision does not apply if contracted transportation services are not paid from the operations fund.

(4) Evidence that the school corporation that seeks to acquire additional school buses under this section is acquiring or contracting for the school buses only for the purposes specified in subdivision (2) or for replacement purposes.

(c) If a school corporation wants to use money in the operations fund during the year to pay for school bus replacement, the governing body must adopt a resolution approving the bus replacement plan or amended plan. The school corporation shall post the proposed plan or proposed amended plan on the school corporation's Internet web site before the hearing. The governing body must hold a hearing on the adoption of the resolution as follows:

(1) For a school corporation that has not elected to adopt a budget under IC 6-1.1-17-5.6 or for which a resolution adopted under IC 6-1.1-17-5.6(d) is in effect, the school corporation must hold the hearing and adopt the resolution after January 1 and not later than November 1 of the immediately preceding year.

(2) For a school corporation that elects to adopt a budget under IC 6-1.1-17-5.6, the school corporation must hold the hearing and adopt the resolution after January 1 and not later than April 1 of the immediately preceding school fiscal year.

~~The governing body shall publish a notice of the hearing in accordance with IC 5-3-1-2(b). The notice must include the address of the school corporation's Internet web site. The governing body may hold the hearing and include the notice as part of a regular governing body meeting or part of the same hearing and notice for a capital projects expenditure plan.~~ **The governing body shall submit the proposed school bus replacement plan or amended plan to the department of local government finance's computer gateway at least ten (10) days before the hearing on the adoption of the resolution. The department of local government finance shall make the proposed plan available to taxpayers, at least ten (10) days before the hearing, through the department's computer gateway. The department of local government finance's computer gateway must allow a taxpayer to search for the proposed plan under this section by the taxpayer's address.** If an amendment to a bus replacement plan is being proposed, the governing body must declare the nature of and the need for the amendment in the resolution to adopt the

amendment to the plan. The plan, as proposed to be amended, must comply with the requirements for a plan under this section.

(d) If a governing body adopts the resolution specified in subsection (c), the school corporation must then submit the resolution to the department of local government finance in the manner prescribed by the department. **In addition, the governing body shall submit the school bus replacement plan or amended plan that is approved in the resolution to the department of local government finance's computer gateway not later than thirty (30) days after adoption of the resolution. The department of local government finance shall immediately make the adopted plan available to taxpayers through the department's computer gateway.**

(e) The operations fund must be used to pay for the replacement of school buses, either through a purchase agreement or under a lease agreement.

(f) Before the last Thursday in August in the year preceding the first school year in which a proposed contract commences, the governing body of a school corporation may elect to designate a part of a:

(1) transportation contract (as defined in IC 20-27-2-12);

(2) fleet contract (as defined in IC 20-27-2-5); or

(3) common carrier contract (as defined in IC 20-27-2-3);

as an expenditure payable from the fund. An election under this subsection must be included in the resolution approving the school bus replacement plan or amended plan. The election applies throughout the term of the contract.

(g) The amount that may be paid from the fund under this section in a school year is equal to the fair market lease value in the school year of each school bus, school bus chassis, or school bus body used under the contract, as substantiated by invoices, depreciation schedules, and other documented information available to the school corporation.

(h) The allocation of costs under this section to the fund must comply with the accounting standards prescribed by the state board of accounts.

SECTION 16. IC 20-41-1-2, AS AMENDED BY P.L.286-2013, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 2. Any self-supporting programs maintained by a school corporation, including:

(1) school lunch; and

(2) rental or sale of curricular materials;

may be established as separate funds, separate and apart from ~~the general~~ **any other school corporation** fund, if no local tax rate is established for the programs.

SECTION 17. IC 20-41-1-4, AS ADDED BY P.L.2-2006, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 4. (a) All forms and records for keeping the accounts of the extracurricular activities in school corporations shall be prescribed or approved by the state board of accounts. The records and affairs of the extracurricular activities may be examined by the state board of accounts when the state examiner determines an examination is necessary. The forms prescribed or approved for keeping these accounts must achieve a simplified system of bookkeeping and shall be paid for, along with the bond required in this chapter, from the ~~general~~ **education fund or operations** fund **in accordance with the categories of expenditures established under IC 20-42.5-3.**

(b) The funds of all accounts of any organization, class, or activity shall be accounted separately from all others. Funds may not be transferred from the accounts of any organization, class, or activity except by a majority vote of its members, if any, and by the approval of the principal, sponsor, and treasurer of the organization, class, or activity. However, in the case of athletic funds:

(1) approval of the transfer must be made by the athletic director, who is regarded as the sponsor; and

(2) participating students are not considered members.

All expenditures of the funds are subject to review by the governing body of the school corporation.

SECTION 18. IC 20-46-1-7, AS AMENDED BY P.L.41-2010, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 7. (a) This section applies to a school corporation that added an amount to the school corporation's base tax levy before 2002 as the result of the approval of an excessive tax levy by the majority of individuals voting in a referendum held in the area served by the school corporation under IC 6-1.1-19-4.5 (before its repeal).

(b) A school corporation may adopt a resolution before September 21, 2005, to transfer the power of the school corporation to levy the amount described in subsection (a) from the school corporation's general fund **(before the elimination of the general fund)** to the school corporation's fund. A school corporation that adopts a resolution under this section shall, as soon as practicable after adopting the resolution, send a certified copy of the resolution to the department of local government finance and the county auditor. A school corporation that adopts a resolution under this section may, for property taxes first due and payable after 2005, levy an additional amount for the fund that does not exceed the amount of the excessive tax levy added to the school corporation's base tax levy before 2002.

(c) The power of the school corporation to impose the levy transferred to the fund under this section expires December 31, 2012, unless:

(1) the school corporation adopts a resolution to reimpose or extend the levy; and

(2) the levy is approved, before January 1, 2013, by a majority of the individuals who vote in a referendum that is conducted in accordance with the requirements in this chapter.

As soon as practicable after adopting the resolution under subdivision (1), the school corporation shall send a certified copy of the resolution to the department of local government finance and the county auditor. However, if requested by the school corporation in the resolution adopted under subdivision (1), the question of reimposing or extending a levy transferred to the fund under this section may be combined with a question presented to the voters to reimpose or extend a levy initially imposed after 2001. A levy reimposed or extended under this subsection shall be treated for all purposes as a levy reimposed or extended under this chapter.

(d) The school corporation's levy under this section may not be considered in the determination of the school corporation's state tuition support distribution under IC 20-43 or the determination of any other property tax levy imposed by the school corporation.

SECTION 19. IC 20-46-7-6, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 6. An amount equal to deductions made or to be made in the current year for the payment of principal and interest on an advancement from any state fund (including the common school fund and the veterans memorial school construction fund) may be included in a levy and appropriated and paid to the ~~general~~ **operations** fund.

SECTION 20. IC 20-46-8-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 10. (a) This section applies to a school corporation in a county having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000).**

(b) For property taxes first due and payable in 2020, the maximum permissible operations fund property tax levy of a school corporation subject to this section is equal to the amount determined in the following STEPS, instead of the amount determined under section 1 of this chapter:

STEP ONE: Determine the result under section 1(c) of this chapter, without regard to this section.

STEP TWO: Determine the result of:

(A) the amount of the school corporation's 2018 historical society fund levy under IC 36-10-13-5 (as it existed on December 31, 2018); multiplied by

(B) the 2019 assessed value growth quotient determined under IC 6-1.1-18.5-2.

STEP THREE: Determine the result of:

(A) the STEP TWO amount; multiplied by

(B) the 2020 assessed value growth quotient determined under IC 6-1.1-18.5-2.

STEP FOUR: Determine the sum of:

(A) the STEP ONE amount;

(B) the STEP TWO amount; and

(C) the STEP THREE amount.

(c) For purposes of determining the 2021 maximum permissible property tax levy for the school corporation's operations fund, the amount to be used for purposes of STEP ONE (A) of section 1(c) of this chapter is equal to the remainder of:

(1) the amount determined under STEP FOUR of subsection (b); minus

(2) the amount determined under STEP TWO of subsection (b).

(d) This section expires January 1, 2022.

SECTION 21. IC 24-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 5. It shall be the duty of the attorney general and of the prosecuting attorney of each judicial circuit to institute appropriate proceedings to prevent and restrain violations of the provisions of this chapter or any other statute or the common law relating to the subject matter of this chapter and to prosecute any person or persons guilty of having violated any of the penal provisions thereof. In all criminal proceedings the prosecution may be by way of affidavit or indictment the same as in other criminal matters, and the attorney general shall have concurrent jurisdiction with the prosecuting attorneys in instituting and prosecuting any such actions. All civil proceedings to prevent and restrain violations shall be in the name of the state of Indiana upon relation of the proper party. The attorney general may file such proceedings upon ~~his~~ **the attorney general's** own relation or that of any private person in any circuit or superior court of the state, without applying to such court for leave, when ~~he~~ **the attorney general** shall deem it ~~his~~ **the attorney general's** duty so to do. Such proceedings shall be by information filed by any prosecuting attorney in a circuit or superior court of the proper county upon ~~his~~ **the prosecuting attorney's** own relation whenever ~~he~~ **the prosecuting attorney** shall deem it ~~his~~ **the prosecuting attorney's** duty so to do, or shall be directed by the court or governor or attorney general, and an information may be filed by any taxpayer on ~~his~~ **the taxpayer's** own relation. If judgment or decree be rendered against any domestic corporation or against any person claiming to be a corporation, the court may cause the costs to be collected by execution against the person claiming to be a corporation or by attachment against any or all of the directors or officers of the corporation, and may restrain the corporation or any director, agent, employee, or stockholder and appoint a receiver for its property and effects, and take an accounting and make distribution of its assets among its creditors, and exercise any other power or authority necessary and proper for carrying out the provisions of this chapter. If judgment or decree be rendered against any corporation incorporated under the laws of the United States, or of any district or territory thereof, or of any state other than this state, or of any foreign country, the court may cause the costs to be collected as in this section provided and may render judgment and decree of ouster perpetually excluding such corporation from the privilege of transacting business in the state of Indiana and forfeiting to the school **corporation's education fund or operations** fund any or all property of such corporation within the state, and shall exercise such power and authority with regard to the property of such corporation as may be exercised with regard to that of domestic corporations.

SECTION 22. IC 36-1.5-3-5, AS AMENDED BY P.L.217-2017, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 5. (a) This subsection applies to the plan of reorganization of a political subdivision other than a school corporation. The plan of reorganization must specify the amount (if any) of the decrease that the department of local government finance shall make to the maximum permissible property tax levies, maximum permissible property tax rates, and budgets under IC 6-1.1-17 and IC 6-1.1-18.5 of the reorganized political subdivision to:

(1) eliminate double taxation for services or goods provided by the reorganized political subdivision; or

(2) eliminate any excess by which the amount of property taxes imposed by the reorganized political subdivision exceeds the amount necessary to pay for services or goods provided under this article.

(b) This subsection applies to a plan of reorganization for a school corporation. The plan of reorganization must specify the adjustments that the department of local government finance shall make to the maximum permissible property tax levies, maximum permissible property tax rates, and budgets under IC 6-1.1-17 and IC 6-1.1-18.5 of the reorganized school corporation. The following apply to a school corporation reorganized under this article:

(1) The new maximum permissible tax levy under ~~IC 20-46-4 (transportation fund) and IC 20-46-5 (school bus replacement)~~ **IC 20-46-8 (operations fund property tax levy)** for the first calendar year in which the reorganization is effective equals the following:

STEP ONE: Determine for each school corporation that is part of the reorganization the sum of the maximum levies under ~~IC 20-46-4 and IC 20-46-5~~ **IC 20-46-8 (operations fund property tax levy)** for the ensuing calendar year, including the assessed value growth quotient (IC 6-1.1-18.5-2) adjustment for the ensuing calendar year.

STEP TWO: Determine the sum of the STEP ONE amounts.

STEP THREE: Multiply the STEP TWO amount by one hundred three percent (103%).

~~(2) The new maximum capital projects fund rate under IC 20-46-6 for the first calendar year in which the reorganization is effective equals the following:~~

~~STEP ONE: Determine for each school corporation that is part of the reorganization the maximum amount that could have been levied using the school corporation's maximum capital projects fund tax rate for the calendar year.~~

~~STEP TWO: Determine the sum of the STEP ONE amounts.~~

~~STEP THREE: Determine the sum of the certified net assessed values for all the school corporations that are part of the reorganization.~~

~~STEP FOUR: Divide the STEP TWO amount by the STEP THREE amount.~~

~~STEP FIVE: Determine the product (rounded to the nearest ten-thousandth (0.0001)) of:~~

~~(i) the STEP FOUR amount; multiplied by~~

~~(ii) one hundred (100).~~

~~(3)~~ **(2)** The new debt service levy under IC 20-46-7 for the first calendar year in which the reorganization is effective equals the sum of the debt service fund levies for each school corporation that is part of the reorganization that would have been permitted under IC 20-46-7 in the

calendar year.

(c) The fiscal body of the reorganized political subdivision shall determine and certify to the department of local government finance the amount of the adjustment (if any) under subsection (a).

(d) The amount of the adjustment (if any) under subsection (a) or (b) must comply with the reorganization agreement under which the political subdivision or school corporation is reorganized under this article.

SECTION 23. **An emergency is declared for this act.**

(Reference is to EHB 1021 as reprinted March 22, 2019.)

THOMPSON	BASSLER
KLINKER	TALLIAN
House Conferees	Senate Conferees

Roll Call 602: yeas 92, nays 0. Report adopted.

Representatives Bartels and GiaQuinta, who had been present, are now excused.

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

CONFERENCE COMMITTEE REPORT
EHB 1114–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1114 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-30-10-4, AS AMENDED BY P.L.188-2015, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

(1) Reckless homicide resulting from the operation of a motor vehicle.

(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

(3) Failure of the operator of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.

(6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;

resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

(1) Operation of a vehicle while intoxicated.

(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.

(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(5) Reckless driving.

(6) Criminal recklessness as a felony involving the operation of a motor vehicle.

(7) Drag racing or engaging in a speed contest in violation of law.

(8) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1) (repealed January 1, 2015), IC 9-26-1-1(2) (repealed January 1, 2015), IC 9-26-1-2(1) (repealed January 1, 2015), IC 9-26-1-2(2) (repealed January 1, 2015), IC 9-26-1-3 (repealed January 1, 2015), IC 9-26-1-4 (repealed January 1, 2015), or IC 9-26-1-1.1.

(9) Resisting law enforcement under ~~IC 35-44.1-3-1(b)(1)(A), IC 35-44.1-3-1(b)(2), IC 35-44.1-3-1(b)(3), or IC 35-44.1-3-1(b)(4).~~ **IC 35-44.1-3-1(c)(1)(A), IC 35-44.1-3-1(c)(2), IC 35-44.1-3-1(c)(3), or IC 35-44.1-3-1(c)(4).**

(10) Any felony under this title or any felony in which the operation of a motor vehicle is an element of the offense.

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, and not arising out of the same incident, is a habitual violator. However, at least one (1) of the judgments must be for:

(1) a violation enumerated in subsection (a);

(2) a violation enumerated in subsection (b);

(3) operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or IC 9-24-19-3; or

(4) operating a motor vehicle without ever having obtained a license to do so.

A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

(d) For purposes of this section, a judgment includes a judgment in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of the offenses described in subsections (a), (b), and (c).

(e) For purposes of this section, the offense date is used when determining the number of judgments accumulated within a ten (10) year period.

SECTION 2. IC 35-31.5-2-127.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 127.8. "Family member", for purposes of IC 35-44.1-3-1, has the meaning set forth in IC 35-44.1-3-1.**

SECTION 3. IC 35-44.1-3-1, AS AMENDED BY P.L.198-2016, SECTION 673, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A person

who knowingly or intentionally:

(1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in ~~subsection (b).~~ **subsection (c).**

(b) A person who, having been denied entry by a law enforcement officer, knowingly or intentionally enters an area that is marked off with barrier tape or other physical barriers, commits interfering with law enforcement, a Class B misdemeanor, except as provided in subsection (c) or (h).

~~(b)~~ **(c)** The offense under subsection (a) **or (b)** is a:

(1) Level 6 felony if:

(A) ~~the offense is described in subsection (a)(3) and~~ the person uses a vehicle to commit the offense; or

(B) while committing ~~any~~ **the** offense, ~~described in subsection (a),~~ the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Level 5 felony if, while committing ~~any~~ **the** offense, ~~described in subsection (a),~~ the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Level 3 felony if, while committing ~~any~~ **the** offense, ~~described in subsection (a),~~ the person operates a vehicle in a manner that causes the death of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

~~(c)~~ **(d)** If a person uses a vehicle to commit a felony offense under subsection ~~(b)(1)(B), (b)(2), (b)(3), or (b)(4)~~ **(c)(1)(B), (c)(2), (c)(3), or (c)(4),** as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

~~(d)~~ **(e)** Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection ~~(c)~~ **(d)** may not be suspended.

~~(e)~~ **(f)** If a person is convicted of an offense involving the use of a motor vehicle under:

(1) ~~subsection (b)(1)(A),~~ **subsection (c)(1)(A),** if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;

(2) ~~subsection (b)(2);~~ **subsection (c)(2);** or

(3) ~~subsection (b)(3);~~ **subsection (c)(3);**

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

~~(f)~~ **(g)** A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

(h) As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense to a prosecution under subsection (b) that the person reasonably believed that the person's family member:

(1) was in the marked off area; and

(2) had suffered bodily injury or was at risk of suffering bodily injury;

if the person is not charged as a defendant in connection with the offense, if applicable, that caused the area to be secured by barrier tape or other physical barriers.

(Reference is to EHB 1114 as reprinted April 2, 2019.)

MILLER	HEAD
PIERCE	TALLIAN
House Conferees	Senate Conferees

Roll Call 603: yeas 91, nays 0. Report adopted.

Representatives Bartels and Sullivan, who had been excused, are now present.

Representatives Huston, Lehman and Pryor, who had been present, are now excused.

CONFERENCE COMMITTEE REPORT
EHB 1432–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1432 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 31-34-15-4, AS AMENDED BY P.L.105-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A child's case plan must be set out in a form prescribed by the department that meets the specifications set by 45 CFR 1356.21. The case plan must include a description and discussion of the following:

(1) A permanent plan, or two (2) permanent plans if concurrent planning, for the child and an estimated date for achieving the goal of the plan or plans.

(2) The appropriate placement for the child based on the child's special needs and best interests.

(3) The least restrictive family-like setting that is close to the home of the child's parent, custodian, or guardian if out-of-home placement is recommended. If an out-of-home placement is appropriate, the local office or department shall consider whether a child in need of services should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.

(4) Family services recommended for the child, parent, guardian, or custodian.

(5) Efforts already made to provide family services to the child, parent, guardian, or custodian.

(6) Efforts that will be made to provide family services that are ordered by the court.

(7) If the parent of a child is incarcerated:

(A) the services and treatment available to the

parent at the facility at which the parent is incarcerated; and

(B) how the parent and the child may be afforded visitation opportunities, unless visitation with the parent is not in the best interests of the child.

~~(7)~~ **(8)** A plan for ensuring the educational stability of the child while in foster care that includes assurances that the:

(A) placement of the child in foster care considers the appropriateness of the current educational setting of the child and the proximity to the school where the child is presently enrolled; and

(B) department has coordinated with local educational agencies to ensure:

(i) the child remains in the school where the child is enrolled at the time of removal; or

(ii) immediate, appropriate enrollment of the child in a different school, including arrangements for the transfer of the child's school records to the new school, if remaining in the same school is not in the best interests of the child.

~~(8)~~ **(9)** Any age appropriate activities that the child is interested in pursuing.

~~(9)~~ **(10)** If the case plan is for a child in foster care who is at least fourteen (14) years of age, the following:

(A) A document that describes the rights of the child with respect to:

(i) education, health, visitation, and court participation;

(ii) the right to be provided with the child's medical documents and other medical information; and

(iii) the right to stay safe and avoid exploitation.

(B) A signed acknowledgment by the child that the:

(i) child has been provided with a copy of the document described in clause (A); and

(ii) rights contained in the document have been explained to the individual in an age appropriate manner.

~~(10)~~ **(11)** Any efforts made by the department to enable the child's school to provide appropriate support to and protect the safety of the child, if, in developing the case plan, the department coordinates with officials in the child's school to enable the school to provide appropriate support to and protect the safety of the child.

SECTION 2. IC 31-34-19-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. If consistent with the safety of the community and the best interest of the child, the juvenile court shall enter a dispositional decree that:

(1) is:

(A) in the least restrictive (most family like) and most appropriate setting available; and

(B) close to the parents' home, consistent with the best interest and special needs of the child;

(2) least interferes with family autonomy;

(3) is least disruptive of family life;

(4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; ~~and~~

(5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian; **and**

(6) provides a reasonable opportunity for the child's parent who:

(A) is incarcerated; and

(B) has maintained a meaningful role in the child's life;

to maintain a relationship with the child.

SECTION 3. IC 31-35-2-4, AS AMENDED BY P.L.42-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A petition to terminate the parent-child relationship involving a delinquent child or a child in need of services may be signed and filed with the juvenile or probate court by any of the following:

(1) The attorney for the department.

(2) The child's court appointed special advocate.

(3) The child's guardian ad litem.

(b) The petition must meet the following requirements:

(1) The petition must be entitled "In the Matter of the Termination of the Parent-Child Relationship of _____, a child, and _____, the child's parent (or parents)".

(2) The petition must allege:

(A) that one (1) of the following is true:

(i) The child has been removed from the parent for at least six (6) months under a dispositional decree.

(ii) A court has entered a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification are not required, including a description of the court's finding, the date of the finding, and the manner in which the finding was made.

(iii) The child has been removed from the parent and has been under the supervision of a local office or probation department for at least fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child;

(B) that one (1) of the following is true:

(i) There is a reasonable probability that the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied.

(ii) There is a reasonable probability that the continuation of the parent-child relationship poses a threat to the well-being of the child.

(iii) The child has, on two (2) separate occasions, been adjudicated a child in need of services;

(C) that termination is in the best interests of the child; and

(D) that there is a satisfactory plan for the care and treatment of the child.

(3) If the department intends to file a motion to dismiss under section 4.5 of this chapter, the petition must indicate whether at least one (1) of the factors listed in section 4.5(d)(1) through ~~4.5(d)(3)~~ **4.5(d)(4)** of this chapter applies and specify each factor that would apply as the basis for filing a motion to dismiss the petition.

(c) At the time the petitioner files the verified petition described in subsection (b) with the juvenile or probate court, the petitioner shall also file a:

(1) copy of the order approving the permanency plan under IC 31-34-21-7 for the child; or

(2) permanency plan for the child as described by IC 31-34-21-7.5.

SECTION 4. IC 31-35-2-4.5, AS AMENDED BY SEA 1-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.5. (a) This section applies if:

(1) a court has made a finding under IC 31-34-21-5.6 that reasonable efforts for family preservation or reunification with respect to a child in need of services are not required; or

(2) a child in need of services or a delinquent child:

(A) has been placed in:

(i) a foster family home, child caring institution, or group home licensed under IC 31-27; or

(ii) the home of a relative (as defined in IC 31-9-2-107(c));

as directed by a court in a child in need of services proceeding under IC 31-34 or a delinquency action under IC 31-37; and

(B) has been removed from a parent and has been under

the supervision of the department or county probation department for not less than fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child.

(b) A person described in section 4(a) of this chapter shall:

(1) file a petition to terminate the parent-child relationship under section 4 of this chapter; and

(2) request that the petition be set for hearing.

(c) If a petition under subsection (b) is filed by the child's court appointed special advocate or guardian ad litem, the department shall be joined as a party to the petition.

(d) A person described in section 4(a) of this chapter may file a motion to dismiss the petition to terminate the parent-child relationship if any of the following circumstances apply:

(1) That the current case plan prepared by or under the supervision of the department or the probation department under IC 31-34-15, IC 31-37-19-1.5, or IC 31-37-22-4.5 has documented a compelling reason, based on facts and circumstances stated in the petition or motion, for concluding that filing, or proceeding to a final determination of, a petition to terminate the parent-child relationship is not in the best interests of the child. A compelling reason may include the fact that the child is being cared for by a custodian who is a relative (as defined in IC 31-9-2-107(c)).

(2) That:

(A) IC 31-34-21-5.6 is not applicable to the child;

(B) the department or the probation department has not provided family services to the child, parent, or family of the child in accordance with a currently effective case plan prepared under IC 31-34-15 or IC 31-37-19-1.5 or a permanency plan or dispositional decree approved under IC 31-34 or IC 31-37, for the purpose of permitting and facilitating safe return of the child to the child's home; and

(C) the period for completion of the program of family services, as specified in the current case plan, permanency plan, or decree, has not expired.

(3) That:

(A) IC 31-34-21-5.6 is not applicable to the child;

(B) the department has not provided family services to the child, parent, or family of the child, in accordance with applicable provisions of a currently effective case plan prepared under IC 31-34-15 or IC 31-37-19-1.5, or a permanency plan or dispositional decree approved under IC 31-34 or IC 31-37; and

(C) the services that the department has not provided are substantial and material in relation to implementation of a plan to permit safe return of the child to the child's home.

(4) Subject to subjection (f), that:

(A) the parent is incarcerated or the parent's prior incarceration is a significant factor in the child having been under the supervision of the department or a county probation department for at least fifteen (15) of the most recent twenty-two (22) months;

(B) the parent maintains a meaningful role in the child's life; and

(C) the department has not documented a reason to conclude that it would otherwise be in the child's best interests to terminate the parent-child relationship.

The motion to dismiss shall specify which of the allegations described in subdivisions (1) through ~~(3)~~ **(4)** apply to the motion. If the court finds that any of the allegations described in subdivisions (1) through ~~(3)~~ **(4)** are true, as established by a preponderance of the evidence, the court shall dismiss the petition to terminate the parent-child relationship. **In determining whether to dismiss a petition to terminate a parent-child relationship pursuant to a motion to dismiss that specifies allegations described in subdivision (4), the court may consider the length of time remaining in the incarcerated parent's sentence and any other factor the court considers relevant.**

(e) If:

(1) a child in need of services or a delinquent child has been removed from a parent and has been under the supervision of the department or county probation department for not less than fifteen (15) months of the most recent twenty-two (22) months, beginning with the date the child is removed from the home as a result of the child being alleged to be a child in need of services or a delinquent child; and

(2) a petition to terminate the parent-child relationship has not been filed by the department or another person described in section 4(a) of this chapter;

a foster parent, relative of the child, or de facto custodian with whom the child has been placed for at least six (6) months may file a notice with the court that the petition to terminate the parent-child relationship has not been filed as required under subsection (b). Upon the filing of the notice, if the petition to terminate the parent-child relationship has not been filed, the court shall schedule a hearing within thirty (30) days.

(f) Subsection (d)(4) does not apply if the person was incarcerated for any of the following:

(1) A crime described in IC 31-35-3-4.

(2) A crime of child abuse (as defined in IC 5-2-22-1).

(3) Neglect of a dependent (IC 35-46-1-4):

(A) as a Level 5 or above felony; and

(B) the dependent would be the subject of the petition to terminate the parent-child relationship.

(Reference is to EHB 1432 as reprinted March 26, 2019.)

STEUERWALD	YOUNG
MACER	J. D. FORD
House Conferees	Senate Conferees

Roll Call 604: yeas 90, nays 0. Report adopted.

Representatives GiaQuinta and Lehman, who had been excused, are now present.

Representatives Dvorak and Leonard, who had been present, are now excused.

CONFERENCE COMMITTEE REPORT

EHB 1362–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1362 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-25-6-3, AS AMENDED BY P.L.120-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. (a) If the bureau:

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

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

referred to in IC 9-25-5-2;

the bureau shall take action under subsection (d).

(b) If the bureau:

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

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

the bureau shall take action under subsection (d).

(c) If the bureau:

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

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

the bureau shall take action under subsection (d).

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

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

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

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

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

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

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

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

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

SECTION 2. IC 9-25-8-2, AS AMENDED BY P.L.198-2016, SECTION 547, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) A person that knowingly:

(1) operates; or

(2) permits the operation of;

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

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

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

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

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

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

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

SECTION 3. IC 24-4-9.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]:

Chapter 9.2. Peer to Peer Vehicle Sharing

Sec. 1. As used in this chapter, "delivery period" means a period during which a shared vehicle is delivered to a location identified in the shared vehicle agreement before the vehicle sharing start time.

Sec. 2. As used in this chapter, "motor vehicle insurance policy" means an insurance policy that provides:

(1) the types of insurance described in Class 2(f) of IC 27-1-5-1; and

(2) coverage in not less than the minimum amounts required by IC 9-25-4-5.

Sec. 3. As used in this chapter, "peer to peer vehicle sharing" or "P2P vehicle sharing" means the authorized use of a shared vehicle by a person other than the shared vehicle's owner as part of a P2P vehicle sharing program.

Sec. 4. As used in this chapter, "peer to peer vehicle sharing program" or "P2P vehicle sharing program" means an online platform operated by an entity under which a shared vehicle owner is connected with a shared vehicle driver to facilitate P2P vehicle sharing. The term does not include the following:

(1) A shared vehicle owner.

(2) A rental company (as defined in IC 24-4-9-7).

Sec. 5. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or another legal entity.

Sec. 6. As used in this chapter, "shared vehicle" means a vehicle that a shared vehicle owner has made available for P2P vehicle sharing with a shared vehicle driver through a P2P vehicle sharing program. The term does not include a vehicle obtained from a rental company under a rental agreement under IC 24-4-9.

Sec. 7. As used in this chapter, "shared vehicle driver" means a person who:

(1) has entered into a shared vehicle agreement with a P2P vehicle sharing program to drive a shared vehicle; and

(2) is authorized to drive a shared vehicle.

The term does not include a renter (as defined in IC 24-4-9-6).

Sec. 8. As used in this chapter, "shared vehicle owner" means an individual who makes a shared vehicle available for P2P vehicle sharing with a shared vehicle driver through a P2P vehicle sharing program.

Sec. 9. As used in this chapter, "start time" means the time, as identified in the shared vehicle agreement, when the

shared vehicle driver is authorized to use a shared vehicle.

Sec. 10. As used in this chapter, "termination time" means the earliest of the following events:

(1) The end of the vehicle sharing period identified in the shared vehicle agreement if the shared vehicle is delivered to the location agreed upon in the shared vehicle agreement.

(2) The end of the vehicle sharing period identified in the shared vehicle agreement if the shared vehicle is delivered to an agreed alternative location and the alternative location has been communicated through the P2P vehicle sharing program.

(3) The shared vehicle owner or the shared vehicle owner's designee takes possession and control of the shared vehicle.

Sec. 11. As used in this chapter, "shared vehicle agreement" means a written contract:

(1) that provides terms and conditions governing the conduct of the shared vehicle owner and shared vehicle driver;

(2) that authorizes a shared vehicle driver to use a shared vehicle under a shared vehicle agreement made available by a shared vehicle owner through a P2P vehicle sharing program for a period of thirty (30) days or less;

(3) under which a charge for use of the shared vehicle is made at a periodic rate; and

(4) under which the title to the shared vehicle is not transferred to the shared vehicle driver.

The term does not include a rental agreement (as defined in IC 24-4-9-5).

Sec. 12. As used in this chapter, "vehicle sharing period" means a period beginning with:

(1) the delivery period; or

(2) if there is no delivery period, the start time;

and ending with the termination time.

Sec. 13. A P2P vehicle sharing program, for each shared vehicle agreement completed through the P2P shared vehicle program, shall do the following:

(1) Provide the language of the shared vehicle agreement to the shared vehicle owner and shared vehicle driver.

(2) Disclose:

(A) to the shared vehicle driver any:

(i) rates, fees, and costs that are charged under the shared vehicle agreement to the shared vehicle driver; and

(ii) conditions under which the shared vehicle driver is required to maintain primary coverage under a personal motor vehicle insurance policy, including the specific required coverage limits to enter into a shared vehicle agreement; and

(B) to the shared vehicle owner any rates, fees, and costs that are charged under the shared vehicle agreement to the shared vehicle driver.

(3) Provide an emergency telephone number for the shared vehicle driver to use during the vehicle sharing period to contact the person tasked with providing roadside assistance to the shared vehicle driver.

Sec. 14. (a) When a vehicle owner registers as a shared vehicle owner on a P2P vehicle sharing program, and before a shared vehicle owner makes a shared vehicle available for sharing on the P2P vehicle sharing program, a P2P vehicle sharing program shall:

(1) verify that the shared vehicle does not have any safety recalls appearing on the National Highway Traffic Safety Administration recall data base created under 49 CFR 573.15 for which repairs have not been made; and

(2) notify the shared vehicle owner of the requirements stated under subsection (b).

(b) If the shared vehicle owner has received a safety recall notice required under 49 U.S.C. 30118 through 30120:

(1) for a vehicle not yet available as a shared vehicle on a P2P vehicle sharing program, a shared vehicle owner may not make the vehicle available as a shared vehicle on a P2P vehicle sharing program until the safety recall repair has been made; or

(2) for a vehicle while the vehicle is available for P2P vehicle sharing through the P2P vehicle sharing program, the shared vehicle owner shall, not later than seventy-two (72) hours after the shared vehicle owner receives the safety recall notice, remove the shared vehicle from P2P vehicle sharing until repairs related to the safety recall are finished.

(c) If a shared vehicle owner receives a safety recall notice required under 49 U.S.C. 30118 through 30120 while the vehicle is in possession of a shared vehicle driver, the shared vehicle owner shall, not later than seventy-two (72) hours after the shared vehicle owner receives the safety recall notice, notify the P2P vehicle sharing program and shared vehicle driver about the safety recall.

Sec. 15. (a) A shared vehicle that is the subject of a shared vehicle agreement must be insured during a vehicle sharing period by a motor vehicle insurance policy that is maintained by any of the following:

(1) The shared vehicle owner.

(2) The shared vehicle driver.

(3) The P2P vehicle sharing program.

(4) Any combination of the persons described in subdivisions (1) through (3).

(b) A motor vehicle insurance policy described in subsection (a) must:

(1) provide coverage in an amount equal to or greater than the minimum amounts required by IC 9-25-4-5; and

(2) be issued by one (1) of the following:

(A) An insurance company granted a certificate of authority to engage in insurance business in Indiana under IC 27-1-3-20.

(B) A surplus lines insurer through a surplus lines producer licensed under IC 27-1-15.8.

(c) A P2P vehicle sharing program must ensure that during each vehicle sharing period the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle insurance policy that:

(1) either:

(A) specifies that the motor vehicle insurance policy provides coverage if the insured vehicle is made available and used in a P2P vehicle sharing program; or

(B) does not exclude coverage if the insured vehicle is used as a shared vehicle; and

(2) provides coverage in an amount equal to or greater than the minimum amounts required under IC 9-25-4-5.

(d) The insurance described in subsection (a) that is satisfying the insurance requirement shall be primary during each vehicle sharing period.

(e) The P2P vehicle sharing program shall assume primary liability for a claim when:

(1) it is in whole or in part providing the insurance required under subsection (a);

(2) a dispute exists as to who was in control of the shared motor vehicle at the time of the loss; and

(3) the P2P vehicle sharing program does not have available, did not retain, or fails to provide the information required by section 17 of this chapter.

(f) The shared vehicle's insurer shall indemnify the P2P vehicle sharing program to the extent of its obligation, if any, under the applicable insurance policy, if it is determined the shared vehicle's owner was in control of the

shared vehicle at the time of the loss.

(g) If insurance maintained by a shared vehicle owner or shared vehicle driver in subsection (a) has lapsed or does not provide the required coverage, insurance maintained by a P2P vehicle sharing program shall provide the coverage required by subsection (c) beginning with the first dollar of a claim and have the duty to defend such claim.

(h) Coverage under a motor vehicle insurance policy maintained by the P2P vehicle sharing program does not depend on whether a personal motor vehicle insurer first denies a claim and does not require a personal motor vehicle insurer to first deny a claim.

Sec. 16. (a) During a vehicle sharing period, the P2P vehicle sharing program has an insurable interest in the shared vehicle.

(b) A P2P vehicle sharing program may maintain, as the named insured, one (1) or more motor vehicle insurance policies that provide coverage in an amount equal to or greater than the minimum amounts required by IC 9-25-4-5, including coverage for the following:

(1) Liability assumed by the P2P vehicle sharing program under a shared vehicle agreement.

(2) Liability of a shared vehicle owner.

(3) Liability of a shared vehicle driver.

(4) Damage or loss to a shared vehicle.

(c) Nothing in this section creates a liability on a P2P vehicle sharing program to maintain the coverage mandated under section 15 of this chapter.

(d) A P2P vehicle sharing program shall assume liability, except as provided in subsection (e), of a shared vehicle owner for any:

(1) bodily injury or property damage to third parties;

(2) uninsured and underinsured motorist losses; and

(3) personal injuries;

during the vehicle sharing period in an amount that is at least equal to the amount required by IC 9-25-4-5 and is specified in the shared vehicle agreement.

(e) The assumption of liability in subsection (d) does not apply if:

(1) the shared vehicle owner made an intentional or fraudulent material misrepresentation to the P2P vehicle sharing program before the vehicle sharing period in which the loss occurred; or

(2) acting jointly with the shared vehicle owner, the shared vehicle driver fails to return the shared vehicle under the terms of the shared vehicle agreement.

(f) Notwithstanding the definition of "termination time" under section 10 of this chapter, the assumption of liability under subsection (d) would apply to:

(1) bodily injury or property damage to third parties;

(2) uninsured and underinsured motorist losses; and

(3) personal injuries;

in an amount required by IC 9-25-4-5.

(g) This chapter does not:

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

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

Sec. 17. (a) A P2P vehicle sharing program and a shared vehicle owner are exempt from vicarious liability:

(1) as if the P2P vehicle sharing program were a vehicle rental or leasing business, in accordance with 49 U.S.C. 30106; and

(2) under any state or local law that imposes liability based solely on vehicle ownership.

(b) In an insurance claim investigation concerning a vehicle accident, a P2P vehicle sharing program shall cooperate in exchanging information between directly involved parties to the accident and the insurer of a shared vehicle owner concerning the shared vehicle's use in the P2P vehicle sharing program. This subsection does not make the P2P vehicle sharing program subject to civil or criminal liability.

(c) Records described in this section must be retained for a period of two (2) years.

Sec. 18. When a vehicle owner registers as a shared vehicle owner on a P2P vehicle sharing program and before a shared vehicle owner makes a shared vehicle available for sharing on the P2P vehicle sharing program, a P2P vehicle sharing program shall notify the shared vehicle owner that if the shared vehicle has a lien against it, the use of the shared vehicle through a P2P vehicle sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.

Sec. 19. (a) Except as otherwise provided in subsection (b), a county, a municipality, or another political subdivision (as defined in IC 36-1-2-13) of the state may not enact or enforce an ordinance, resolution, policy, or rule to regulate P2P vehicle sharing.

(b) A board of an airport authority or a board of aviation commissioners may enact or enforce an ordinance, resolution, policy, or rule to regulate P2P vehicle sharing.

(Reference is to EHB 1362 as printed April 10, 2019.)

EBERHART	CRIDER
CYHUNG	J. D. FORD
House Conferees	Senate Conferees

Roll Call 605: yeas 90, nays 0. Report adopted.

Representatives Candelaria Reardon and Mayfield, who had been present, is now excused.

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

CONFERENCE COMMITTEE REPORT
EHB 1628–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1628 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 5, line 35, delete "2020," and insert "**2019,**".

(Reference is to EHB 1628 as reprinted April 12, 2019.)

BEHNING	HOLDMAN
MOED	MELTON
House Conferees	Senate Conferees

Roll Call 606: yeas 78, nays 11. Report adopted.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Representatives Dvorak, Candelaria Reardon and Mayfield, who had been excused, are now present.

CONFERENCE COMMITTEE REPORT
ESB 179–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 179 respectfully reports that said two committees have conferred and agreed as

follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-1-3-16.4, AS ADDED BY P.L.270-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16.4. "Entertainment", for purposes of IC 7.1-5-5, means **one (1) or more of** the following:

(1) Participation in a sporting event.

(2) Attendance at a sporting event or an event featuring live performances.

(3) Meals.

(4) Beverages.

(5) Ground transportation provided in connection with an activity described in subdivisions (1) through (4).

SECTION 2. IC 7.1-1-3-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16.5. The term "entertainment complex" means a premises that **complies with one (1) or more of the following requirements:**

~~(1) is a site for the performance of musical, theatrical, or other entertainment;~~

~~(2) if located in a county containing a consolidated city:~~

~~(A) includes an area where at least two thousand (2,000) individuals may be seated at one (1) time in permanent seating; and~~

~~(B) is located in a facility that is:~~

~~(i) on the National Register of Historic Places; or~~

~~(ii) located within the boundaries of a historic district that is established by ordinance under IC 36-7-11-7;~~

~~and~~

~~(3) if located in a county other than a county containing a consolidated city, includes an area where at least twelve thousand (12,000) individuals may be seated at one (1) time in permanent seating.~~

(1) The premises:

(A) is a site for the performance of musical, theatrical, or other entertainment; and

(B) includes an area where at least eight hundred (800) individuals may be seated at one (1) time in permanent seating.

(2) The premises:

(A) is located entirely within a one (1) mile radius of the center of a consolidated city;

(B) is used by a nonprofit organization primarily for the professional performance of musical or theatrical entertainment; and

(C) has audience seating in one (1) or more performance spaces for at least two hundred (200) individuals.

(Reference is to ESB 179 as reprinted April 10, 2019.)

ALTING	SMALTZ
LANANE	MOED
Senate Conferees	House Conferees

Roll Call 607: yeas 80, nays 13. Report adopted.

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

CONFERENCE COMMITTEE REPORT
ESB 197–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 197 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 33.

Renumber all SECTIONS consecutively.

(Reference is to ESB 197 as reprinted March 15, 2019.)

HEAD	STEUERWALD
RANDOLPH	BAUER
Senate Conferees	House Conferees

Roll Call 608: yeas 94, nays 0. Report adopted.

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

CONFERENCE COMMITTEE REPORT
ESB 233–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 233 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-3-6, AS AMENDED BY P.L.146-2008, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. ~~Between the assessment date and~~ **Not later than thirty (30) days before** the filing date of each year, the appropriate township assessor, or the county assessor if there is no township assessor for the township, shall ~~furnish~~ **provide notification to** each person whose personal property is subject to assessment for that year. ~~with a personal property return.~~ **The notification must include the date that personal property tax returns are due, the telephone number and email address of the assessor's office, and instruction to the taxpayer on how to obtain the appropriate personal property tax forms. The notification must be sent by mail unless the taxpayer consents to receiving it by electronic mail.**

SECTION 2. IC 6-1.1-3-7.2, AS AMENDED BY P.L.199-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7.2. (a) This section applies to assessment dates occurring after December 31, 2015.

(b) As used in this section, "affiliate" means an entity that effectively controls or is controlled by a taxpayer or is associated with a taxpayer under common ownership or control, whether by shareholdings or other means.

(c) As used in this section, "business personal property" means personal property that:

(1) is otherwise subject to assessment and taxation under this article;

(2) is used in a trade or business or otherwise held, used, or consumed in connection with the production of income; and

(3) was:

(A) acquired by the taxpayer in an arms length transaction from an entity that is not an affiliate of the taxpayer, if the personal property has been previously used in Indiana before being placed in service in the county; or

(B) acquired in any manner, if the personal property has never been previously used in Indiana before being placed in service in the county.

The term does not include mobile homes assessed under IC 6-1.1-7, personal property held as an investment, or personal property that is assessed under IC 6-1.1-8 and is owned by a public utility subject to regulation by the Indiana utility

regulatory commission. However, the term does include the personal property of a telephone company or a communications service provider if that personal property meets the requirements of subdivisions (1) through (3), regardless of whether that personal property is assessed under IC 6-1.1-8 and regardless of whether the telephone company or communications service provider is subject to regulation by the Indiana utility regulatory commission.

(d) Notwithstanding section 7 of this chapter, if the acquisition cost of a taxpayer's total business personal property in a county is less than ~~twenty thousand dollars ($20,000)~~ **forty thousand dollars ($40,000)** for that assessment date, the taxpayer's business personal property in the county for that assessment date is exempt from taxation.

(e) ~~Except as provided in subsection (f),~~ A taxpayer that is eligible for the exemption under this section for an assessment date shall ~~indicate~~ **include the following information** on the taxpayer's personal property tax return:

(1) A declaration that the taxpayer's business personal property in the county is exempt from property taxation. ~~for the assessment date.~~

(2) Whether the taxpayer's business personal property within the county is in one (1) location or multiple locations.

(3) An address for the location of the property.

If the business personal property is in multiple locations within a county, the taxpayer shall provide an address for the location where the sum of acquisition costs for business personal property is greatest. If two (2) or more addresses contain the greatest equivalent sum of acquisition costs for business personal property within a given county, the taxpayer shall choose only one (1) address to list on the return.

~~(f) For purposes of the January 1, 2016, assessment date, a taxpayer that is eligible for the exemption under this section may file with the county assessor before May 17, 2016, a certification of the taxpayer's eligibility for the exemption under this section instead of indicating the taxpayer's eligibility for the exemption on the taxpayer's personal property tax return.~~

SECTION 3. IC 6-1.1-3-7.3 IS REPEALED [EFFECTIVE JULY 1, 2019]. ~~Sec. 7.3. (a) A county fiscal body may adopt an ordinance to impose a local service fee on each person that indicates on the person's personal property tax return or, for purposes of the January 1, 2016, assessment date, on the person's certification under section 7.2(f) of this chapter that the person's business personal property in the county is exempt from taxation under section 7.2 of this chapter for an assessment date after December 31, 2015.~~

~~(b) The county fiscal body shall specify the amount of the local service fee in the ordinance. A local service fee imposed on a person under this section may not exceed fifty dollars ($50).~~

~~(c) A local service fee imposed for an assessment date is due and payable at the same time that property taxes for that assessment date are due and payable. A county may collect a delinquent local service fee in the same manner as delinquent property taxes are collected.~~

~~(d) The revenue from a local service fee:~~

~~(1) shall be allocated in the same manner and proportion and at the same time as property taxes are allocated to each taxing unit in the county; and~~

~~(2) may be used by a taxing unit for any lawful purpose of the taxing unit.~~

SECTION 4. IC 6-1.1-4-25, AS AMENDED BY P.L.203-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25. (a) Each township assessor and each county assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township or county assessor's records shall at all times show the assessed value of real property in accordance with this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) The ~~township assessor (if any) in a county having a consolidated city, the~~ county assessor ~~if there are no township assessors in a county having a consolidated city, or the county assessor in every other county,~~ shall:

(1) maintain an electronic data file of:

(A) the parcel characteristics and parcel assessments of all parcels; **and**

(B) the personal property return characteristics and assessments by return; ~~and~~

~~(C) the geographic information system characteristics of each parcel;~~

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance; **and**

(3) **before September 1 of each year,** transmit the data in the file with respect to the assessment date of ~~each~~ **that** year ~~before October 1 of a year ending before January 1, 2016, and before September 1 of a year beginning after December 31, 2015,~~ to:

(A) the legislative services agency; and

(B) the department of local government finance. ~~for data described in subdivision (1)(A) and (1)(B); and~~

~~(B) the geographic information office of the office of technology, for data described in subdivision (1)(C);~~

(c) The appropriate county officer, as designated by the county executive, shall:

(1) maintain an electronic data file of the geographic information system characteristics of each parcel for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by the office of technology; and

(3) before September 1 of each year, transmit the data in the file with respect to the assessment date of that year to the geographic information office of the office of technology.

(d) An assessor under subsection (b) and an appropriate county officer under subsection (c) shall do the following:

(1) Transmit the data in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency. ~~and~~

~~(4)~~ **(2)** Resubmit the data in the form and manner required under ~~this~~ subsection **(b) or (c)** upon request of the legislative services agency, the department of local government finance, or the geographic information office of the office of technology, as applicable, if data previously submitted under ~~this~~ subsection **(b) or (c)** does not comply with the requirements of ~~this subsection,~~ **subsection (b) or (c),** as determined by the legislative services agency, the department of local government finance, or the geographic information office of the office of technology, as applicable.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established

by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 5. IC 6-1.1-37-7, AS AMENDED BY P.L.199-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) If a person fails to file a required personal property return on or before the due date, the county auditor shall add a penalty of twenty-five dollars ($25) to the person's next property tax installment. The county auditor shall also add an additional penalty to the taxes payable by the person if the person fails to file the personal property return within thirty (30) days after the due date. The amount of the additional penalty is twenty percent (20%) of the taxes finally determined to be due with respect to the personal property which should have been reported on the return.

(b) For purposes of this section, a personal property return is not due until the expiration of any extension period granted by the township or county assessor under IC 6-1.1-3-7(b).

(c) The penalties prescribed under this section do not apply to an individual or the individual's dependents if the individual:

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

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

(d) If a person subject to IC 6-1.1-3-7(c) fails to include on a personal property return the information, if any, that the department of local government finance requires under IC 6-1.1-3-9 or IC 6-1.1-5-13, the county auditor shall add a penalty to the property tax installment next due for the return. The amount of the penalty is twenty-five dollars ($25).

(e) If the total assessed value that a person reports on a personal property return is less than the total assessed value that the person is required by law to report and if the amount of the undervaluation exceeds five percent (5%) of the value that should have been reported on the return, then the county auditor shall add a penalty of twenty percent (20%) of the additional taxes finally determined to be due as a result of the undervaluation. The penalty shall be added to the property tax installment next due for the return on which the property was undervalued. If a person has complied with all of the requirements for claiming a deduction, an exemption, or an adjustment for abnormal obsolescence, then the increase in assessed value that results from a denial of the deduction, exemption, or adjustment for abnormal obsolescence is not considered to result from an undervaluation for purposes of this subsection.

(f) If a person required by IC 6-1.1-3-7.2(e) to ~~indicate~~ **declare** on the taxpayer's personal property tax return ~~or, for purposes of the January 1, 2016, assessment date, on the taxpayer's certification under IC 6-1.1-3-7.2(f)~~ that the taxpayer's business personal property is exempt fails to timely file ~~either~~ the taxpayer's personal property tax return with the ~~indication or, for purposes of the January 1, 2016, assessment date, the certification,~~ **declaration,** the county auditor shall impose a penalty of twenty-five dollars ($25) that must be paid by the person with the next property tax installment that is collected.

(g) A penalty is due with an installment under subsection (a), (d), (e), or (f) whether or not an appeal is filed under IC 6-1.1-15-5 with respect to the tax due on that installment.

SECTION 6. [EFFECTIVE JULY 1, 2019] **(a) IC 6-1.1-3-7.2, as amended by this act, applies to assessment dates after December 31, 2019.**

(b) This SECTION expires June 30, 2022.

(Reference is to ESB 233 as reprinted April 2, 2019.)

FREEMAN	SPEEDY
HOLDMAN	CHERRY
Senate Conferees	House Conferees

Roll Call 609: yeas 68, nays 25. Report adopted.

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

Representatives Dvorak and Ellington, who had been present, is now excused.

CONFERENCE COMMITTEE REPORT
ESB 243–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 243 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-31.5-2-100, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 100. **(a) "Distribute", for purposes of IC 35-45-4-8, has the meaning set forth in IC 35-45-4-8.**

~~(a)~~ **(b)** "Distribute", for purposes of IC 35-46-1-10, has the meaning set forth in IC 35-46-1-10(e).

~~(b)~~ **(c)** "Distribute", for purposes of IC 35-46-1-10.2, has the meaning set forth in IC 35-46-1-10.2(e).

~~(c)~~ **(d)** "Distribute", for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-6.

~~(d)~~ **(e)** "Distribute", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-14.

~~(e)~~ **(f)** "Distribute", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-2.

SECTION 2. IC 35-31.5-2-176.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 176.2. "Intimate image", for purposes of IC 35-45-4-8, has the meaning set forth in IC 35-45-4-8.**

SECTION 3. IC 35-45-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 8. (a) This section does not apply to a photograph, digital image, or video that is distributed:**

(1) to report a possible criminal act;

(2) in connection with a criminal investigation;

(3) under a court order; or

(4) to a location that is:

(A) intended solely for the storage or backup of personal data, including photographs, digital images, and video; and

(B) password protected.

(b) As used in this section, "distribute" means to transfer to another person in, or by means of, any medium, forum, telecommunications device or network, or Internet web site, including posting an image on an Internet web site or application.

(c) As used in this section, "intimate image" means a photograph, digital image, or video:

(1) that depicts:

(A) sexual intercourse;
(B) other sexual conduct (as defined in IC 35-31.5-2-221.5); or
(C) exhibition of the uncovered buttocks, genitals, or female breast;
of an individual; and
(2) taken, captured, or recorded by:
(A) an individual depicted in the photograph, digital image, or video and given or transmitted directly to the person described in subsection (d); or
(B) the person described in subsection (d) in the physical presence of an individual depicted in the photograph, digital image, or video.
(d) A person who:
(1) knows or reasonably should know that an individual depicted in an intimate image does not consent to the distribution of the intimate image; and
(2) distributes the intimate image;
commits distribution of an intimate image, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

(Reference is to ESB 243 as reprinted April 3, 2019.)

FREEMAN	SPEEDY
RANDOLPH	PIERCE
Senate Conferees	House Conferees

Roll Call 610: yeas 92, nays 0. Report adopted.

Representatives Dvorak and Ellington, who had been excused, are now present.

CONFERENCE COMMITTEE REPORT
ESB 258–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 258 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-38-2-2.2, AS AMENDED BY P.L.114-2012, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.2. **(a)** As a condition of probation for a sex offender (as defined in IC 11-8-8-4.5), the court shall:

(1) require the sex offender to register with the local law enforcement authority under IC 11-8-8;
(2) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-31.5-2-285), as measured from the property line of the sex offender's residence to the property line of the school property, for the period of probation, unless the sex offender obtains written approval from the court;
(3) require the sex offender to consent:
(A) to the search of the sex offender's personal computer at any time; and
(B) to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and
(4) prohibit the sex offender from:
(A) accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and
(B) deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by clause (A).

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order. However, a court may not allow a sex offender who is a sexually violent predator (as defined in IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 to reside within one thousand (1,000) feet of school property.

(b) As a condition of probation for a sex offender who is a sexually violent predator under IC 35-38-1-7.5 or an offender against children under IC 35-42-4-11, the court may:
(1) subject to subdivision (2), prohibit the sex offender from having any:
(A) unsupervised contact; or
(B) contact;
with a person less than sixteen (16) years of age; and
(2) if the court finds it is in the best interests of the child, prohibit the sex offender from having any:
(A) unsupervised contact; or
(B) contact;
with a child or stepchild of the sex offender, if the child or stepchild is less than sixteen (16) years of age.

SECTION 2. IC 35-38-2-2.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2.9. As a condition of probation, the court shall inform an offender against children (as described in IC 35-42-4-11) of the residency restrictions described in IC 35-42-4-11(c)(1).**

SECTION 3. IC 35-42-4-10, AS AMENDED BY P.L.158-2013, SECTION 446, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) As used in this section, "offender against children" means a person who is an offender against children under IC 35-42-4-11.

(b) As used in this section, "sexually violent predator" means a person who is a sexually violent predator under IC 35-38-1-7.5.

(c) A sexually violent predator or an offender against children who knowingly or intentionally works for compensation or as a volunteer:

(1) on school property;
(2) at a youth program center; ~~or~~
(3) at a public park;
(4) as a child care provider (as defined by IC 31-33-26-1);
(5) for a child care provider (as defined by IC 31-33-26-1); or
(6) as a provider of:
(A) respite care services and other support services for primary or family caregivers; or
(B) adult day care services;

commits unlawful employment ~~near children~~ by a sexual predator, a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under IC 11-8-8.

SECTION 4. IC 35-42-4-11, AS AMENDED BY P.L.13-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or
(2) convicted of one (1) or more of the following offenses:
(A) Child molesting (IC 35-42-4-3).
(B) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
(C) Child solicitation (IC 35-42-4-6).
(D) Child seduction (IC 35-42-4-7).
(E) Kidnapping (IC 35-42-3-2), if the victim is less

than eighteen (18) years of age, and the person is not the child's parent or guardian.

(F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).

(G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

(1) a residence; or

(2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

(1) resides within one thousand (1,000) feet of:

(A) school property, not including property of an institution providing post-secondary education;

(B) a youth program center; ~~or~~

(C) a public park; or

(D) A day care center licensed under IC 12-17.2;

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense; **or**

(3) resides in a residence where a child care provider (as defined by IC 31-33-26-1) provides child care services;

commits a sex offender residency offense, a Level 6 felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration or parole, whichever occurs last (or, if the person is not incarcerated, not earlier than ten (10) years after the person is released from probation). A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

(Reference is to ESB 258 as reprinted March 22, 2019.)

HEAD	MANNING
J. D. FORD	JACKSON
Senate Conferees	House Conferees

Roll Call 611: yeas 94, nays 0. Report adopted.

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

CONFERENCE COMMITTEE REPORT

ESB 554–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 554 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-28-15-11, AS AMENDED BY P.L.146-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) Notwithstanding any other provision of this chapter, one (1) or more units (as defined in IC 36-1-2-23) may declare all or any part of a military base or another military installation that is inactive, closed, or scheduled for closure as an enterprise zone. The declaration shall be made by a resolution of the legislative body of the unit that contains the geographic area being declared an enterprise zone. The legislative body must include in the resolution that a U.E.A. is created or designate another entity to function as the U.E.A. under this chapter. The resolution must also be approved by the executive of the unit.

(b) If the resolution is approved, the executive shall file the resolution and the executive's approval with the corporation. If an entity other than a U.E.A. is designated to function as a U.E.A., the entity's acceptance must be filed with the corporation along with the resolution. The enterprise zone designation is effective on the first day of the month following the day the resolution is filed with the corporation.

(c) An enterprise zone that is established under this section is not subject to the expiration and renewal provisions under section 10 of this chapter. Instead, the corporation may review the success of an enterprise zone established under this section based on the following criteria and may renew the enterprise zone, including all provisions of this chapter, for not more than ten (10) years:

(1) Increases in capital investment in the zone.

(2) Retention of jobs and creation of jobs in the zone.

SECTION 2. IC 5-28-15.5-5, AS ADDED BY P.L.238-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) **For each state fiscal year beginning after June 30, 2019, until a district expires under section 3 of this chapter, if a district board applies for a grant under section 8(a)(3) of this chapter,** the corporation ~~may~~ **shall, before September 1,** make **a determination on** grants from the Indiana twenty-first century research and technology fund established under IC 5-28-16-2 to a district board established in:

(1) the city of Lafayette; and

(2) the city of Fort Wayne.

(b) The total amount of grant money that a district board established in the city of Lafayette may receive during a state fiscal year may not exceed one million dollars ($1,000,000).

(c) The total amount of grant money that a district board established in the city of Fort Wayne may receive during a state fiscal year may not exceed one million dollars ($1,000,000).

(d) **Except as provided in subsection (e),** one hundred percent (100%) of grant money awarded to a district board under this section must be used by the district board for programs **or projects** that support entrepreneurship, small business development, technology development, and innovation.

(e) A district board may use grant money awarded under this section to reimburse itself for costs incurred before the grant money was awarded if the costs are attributable to the purposes described in subsection (d).

~~(c)~~ **(f)** The corporation may develop guidelines, without complying with IC 4-22-2, for awarding grants under this section.

SECTION 3. IC 36-7-30-25.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 25.1. (a) This section applies only to a reuse authority that had jurisdiction over an enterprise zone established under**

IC 5-28-15-11 that is expired under IC 5-28-15.

(b) As used in this section, "incentive" means a tax credit, deduction, or exemption available under:

(1) IC 6-1.1-45;

(2) IC 6-3-3-10;

(3) IC 6-3.1-7 (before its expiration); and

(4) IC 6-3.1-10 (before its expiration).

(c) Subject to the approval of the Indiana economic development corporation, a reuse authority may certify a business that is located within the boundaries of an enterprise zone (before its expiration) for one (1) or more incentives described in subsection (b)(1) through (b)(4).

(d) A business wishing to receive a certification for an incentive must apply to the reuse authority in the form and in the manner prescribed by the reuse authority.

(e) If a reuse authority issues a certification for one (1) or more incentives to a business under this section, the reuse authority shall provide a copy of the certification to:

(1) the business;

(2) the department of local government finance; and

(3) the department of state revenue.

(f) A business that claims any of the incentives available to businesses shall, before June 1 of each year:

(1) submit to the reuse authority, on a form prescribed by the reuse authority, a verified summary concerning the amount of tax credits and exemptions claimed by the business in the preceding year; and

(2) pay the amount specified in subsection (h) to the reuse authority.

(g) A reuse authority may adopt guidelines for the revocation of a business's certification for one (1) or more incentives under this section, if the business does not do one (1) of the following:

(1) Use all its incentives for its property or employees in the boundaries of the enterprise zone (before its expiration).

(2) Remain open and operating as a business for twelve (12) months of the year for which the incentive is claimed.

(h) Each business that is certified by a reuse authority to receive an incentive under this section shall assist the reuse authority in an amount determined by the reuse authority. If a business does not assist the reuse authority as required under this subsection, the reuse authority may pass a resolution disqualifying the business from eligibility for all incentives available to the business. If all of a business's incentives exceed one thousand dollars ($1,000) in a year, the reuse authority may impose an additional fee on a business to be paid to the reuse authority in an amount equal to one percent (1%) of all its incentives to be used exclusively for the reuse authority's administrative expenses.

(i) If a reuse authority disqualifies a business under subsection (h), the reuse authority shall notify the department of local government finance and the department of state revenue in writing not more than thirty (30) days after the passage of the resolution disqualifying the business. Disqualification of a business under this section is effective beginning with the taxable year in which the resolution disqualifying the business is adopted.

(j) This subsection applies to a zone business (as defined in IC 5-28-15-3) that received incentives in an enterprise zone described in subsection (a) that are claimed by the zone business after the phaseout of the enterprise zone. Notwithstanding the expiration of the enterprise zone, the termination of the U.E.A., or any other provision in IC 5-28-15, the zone business shall pay to the reuse authority the same fee or amount determined under IC 5-28-15-5.7(b) for the zone business on the day immediately preceding the day on which the enterprise zone expired and for the same period as if the enterprise zone was not expired.

(Reference is to ESB 554 as reprinted April 12, 2019.)

GROOMS	CLERE
TALLIAN	FLEMING
Senate Conferees	House Conferees

Roll Call 612: yeas 91, nays 2. Report adopted.

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

Representatives Huston and Smaltz, who had been excused, are now present.

CONFERENCE COMMITTEE REPORT
ESB 603–2

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 603 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-4-3-7, AS AMENDED BY P.L.86-2018, SECTION 342, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) After an ordinance is adopted under section 3, 4, 5, or 5.1 of this chapter, it must be published in the manner prescribed by IC 5-3-1. Except as provided in subsection (b), **(c),** (d), or (f), in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter, the ordinance takes effect at least ninety (90) days after its publication and upon the filing required by section 22(a) of this chapter.

(b) An ordinance described in subsection (d) or adopted under section 3, 4, 5, or 5.1 of this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(c) Subsections (d) and (e) apply to fire protection districts that are established after ~~June 14, 1987.~~ **July 1, 1987, and to which subsection (g) does not apply. For the purposes of this section, territory that has been:**

(1) added to an existing fire protection district under IC 36-8-11-11; or

(2) approved by ordinance of the county legislative body to be added to an existing fire protection district under IC 36-8-11-11, notwithstanding that the territory's addition to the fire protection district has not yet taken effect;

shall be considered a part of the fire protection district as of the date that the fire protection district was originally established.

(d) Except as provided in subsection (b), whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance (in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter) takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. **Except in the case of an annexation to which subsection (g) applies,** the municipality shall:

(1) provide fire protection to that territory beginning the date the ordinance is effective; and

(2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

(e) If the fire protection district from which a municipality annexes territory under subsection (d) is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

(f) This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Subject to subsections (b) and (d), and in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter.

(g) Whenever a municipality annexes territory that lies within a fire protection district that has a total net assessed value (as determined by the county auditor) of more than one billion dollars ($1,000,000,000) on the date the annexation ordinance is adopted:

(1) the annexed area shall remain a part of the fire protection district after the annexation takes effect; and

(2) the fire protection district shall continue to provide fire protection services to the annexed area.

The municipality shall not tax the annexed territory for fire protection services. The annexing municipality shall establish a special fire fund for all fire protection services that are provided by the municipality within the area of the municipality that is not within the fire protection district, and which shall not be assessed to the annexed special taxing district. The annexed territory that lies within the fire protection district shall continue to be part of the fire protection district special taxing district.

SECTION 2. IC 36-8-11-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. **(a)** Any area that is part of a fire protection district and is annexed by a municipality that is not a part of the district ceases to be a part of the fire protection district when the municipality begins to provide fire protection services to the area.

(b) Notwithstanding subsection (a), if a fire protection district has a total net assessed value (as determined by the county auditor) of more than one billion dollars ($1,000,000,000) on the date that the annexation ordinance is adopted:

(1) the annexed area shall remain a part of the fire protection district after the annexation takes effect; and

(2) the fire protection district shall continue to provide fire protection services to the annexed area.

Nothing in this section requires a municipality to provide fire protection services to an annexed area described in this subsection.

(Reference is to ESB 603 as printed April 2, 2019.)

BUCK	CARBAUGH
KOCH	ELLINGTON
Senate Conferees	House Conferees

Roll Call 613: yeas 63, nays 30. Report adopted.

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

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

CONFERENCE COMMITTEE REPORT
ESB 604–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 604 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 32-20-4-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4. (a) A claim for an interest in land filed under this chapter is void if both of the following occur:**

(1) The owner of the property subject to the claim or any person or corporation having an interest in the property, including a mortgagee or a lienholder, provides written notice to the claimant to file an action to enforce the claim.

(2) The claimant fails to file an action to enforce the claim in the county where the property is located not later than thirty (30) days after receiving the notice described in subdivision (1).

However, this section does not prevent any other claim with respect to the land from being collected or enforced as other claims are collected or enforced by law.

(b) A person who has given notice under subsection (a)(1) by registered or certified mail to the claimant, at the address given by the claimant in the recorded notice of the claim, may file with the recorder of the county in which the property is located an affidavit of service of the notice under subsection (a)(1) to file an action to enforce the claim. The affidavit must state the following:

(1) The facts of the notice under subsection (a)(1).

(2) That more than thirty (30) days have passed since the notice under subsection (a)(1) was received by the claimant.

(3) That no action for enforcement of the claim is pending.

(4) That no unsatisfied judgment has been rendered on the claim.

(5) A reference to the recording information for the notice of claim recorded under sections 1 and 2 of this chapter.

(c) The recorder shall record the affidavit of service in the miscellaneous record book of the recorder's office, with a reference to the recorded notice of claim identified in the affidavit of service under subsection (b)(5). When the recorder records the affidavit of service with a reference to the notice of claim under this subsection, the land described in the claim is released from the claim.

SECTION 2. IC 32-28-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) A lien is void if both of the following occur:

(1) The owner of property subject to a mechanic's lien or any person or corporation having an interest in the property, including a mortgagee or a lienholder, provides written notice to the owner or holder of the lien to file an action to foreclose the lien.

(2) The owner or holder of the lien fails to file an action to foreclose the lien in the county where the property is located not later than thirty (30) days after receiving the notice.

However, this section does not prevent the claim from being collected as other claims are collected by law.

(b) A person who gives notice under subsection (a)(1) by registered or certified mail to the lienholder at the address given in the recorded statement and notice of intention to hold a lien may file an affidavit of service of the notice to file an action to foreclose the lien with the recorder of the county in which the property is located. The affidavit must state the following:

(1) The facts of the notice.

(2) That more than thirty (30) days have passed since the notice was received by the lienholder.

(3) That no action for foreclosure of the lien is pending.

(4) That no unsatisfied judgment has been rendered on the lien.

(c) The recorder shall:

(1) record the affidavit of service in the miscellaneous record book of the recorder's office; and

(2) certify ~~on the face of~~ **by cross reference to** the record any lien that is fully released.

When the recorder records the affidavit and certifies **by cross reference** the record under this subsection, the real estate described in the lien is released from the lien.

SECTION 3. IC 32-28-4-2, AS AMENDED BY P.L.18-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as provided in section 3 of this chapter, if the record of a mortgage or vendor's lien described in section 1 of this chapter does not show when the debt or the last installment of the debt secured by the mortgage or vendor's lien becomes due, the following apply:

(1) If the mortgage or vendor's lien was created before July 1, 2012, the mortgage or vendor's lien expires twenty (20) years after the date on which the mortgage or vendor's lien was executed unless an action to foreclose is brought not later than twenty (20) years after the date on which the mortgage or vendor's lien was executed.

(2) If the mortgage or vendor's lien was created after June 30, 2012, the mortgage or vendor's lien expires ten (10) years after the date on which the mortgage or vendor's lien was executed unless an action to foreclose is brought not later than ten (10) years after the date on which the mortgage or vendor's lien was executed.

(b) If:

(1) the record of a mortgage or vendor's lien described in section 1 of this chapter does not show when the debt or the last installment of the debt secured by the mortgage or vendor's lien becomes due;

(2) the date of execution has been omitted in the mortgage or vendor's lien; and

(3) the mortgage or vendor's lien was created before July 1, 2012;

the mortgage or vendor's lien expires twenty (20) years after the date on which the mortgage or vendor's lien was recorded unless an action to foreclose is brought not later than twenty (20) years after the date on which the mortgage or vendor's lien was recorded.

(c) If:

(1) the record of a mortgage or vendor's lien described in section 1 of this chapter does not show when the debt or the last installment of the debt secured by the mortgage or vendor's lien becomes due;

(2) the date of execution has been omitted in the mortgage or vendor's lien; and

(3) the mortgage or vendor's lien was created after June 30, 2012;

the mortgage or vendor's lien expires ten (10) years after the date on which the mortgage or vendor's lien was recorded unless an action to foreclose is brought not later than ten (10) years after the date on which the mortgage or vendor's lien was recorded.

(d) Upon the request of the owner of record of real estate encumbered by a mortgage or vendor's lien that has expired under this section, the recorder of the county in which the real estate is situated shall certify ~~on~~ **by cross reference to** the record that the mortgage or vendor's lien is fully paid and satisfied by lapse of time, and the real estate is released from the mortgage or vendor's lien.

SECTION 4. IC 32-28-4-3, AS AMENDED BY P.L.18-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) If the record of a mortgage or vendor's lien to which this chapter applies does not show the time when the debt or the last installment of the debt secured by the mortgage or vendor's lien becomes due:

(1) the original mortgagee;

(2) the owner of the mortgage; or

(3) the owner of a vendor's lien;

may file an affidavit with the recorder of the county where the mortgage or vendor's lien is recorded, stating when the debt becomes due.

(b) An affidavit must be filed under this section not later than the following:

(1) If the mortgage or vendor's lien was created before July 1, 2012, not later than twenty (20) years after:

(A) the date on which the mortgage or vendor's lien was executed; or

(B) if the mortgage or vendor's lien does not contain the date on which the mortgage or vendor's lien was executed, the date on which the mortgage or vendor's lien was recorded.

(2) If the mortgage or vendor's lien was created after June 30, 2012, ten (10) years after the date of execution of the mortgage or vendor's lien, or, if the mortgage or vendor's lien contains no date of execution, not later than ten (10) years from the date the mortgage or vendor's lien was recorded.

Upon the filing of the affidavit, the recorder shall note in the record of the mortgage or vendor's lien that an affidavit has been filed, showing the location where the affidavit is recorded.

(c) The filing of an affidavit under subsection (a) has the same effect with respect to the duration of the mortgage or vendor's lien described in the affidavit and with respect to the time within which an action may be brought to foreclose the mortgage or vendor's lien as though the time of maturity of the debt or the last installment of the debt secured by the mortgage or vendor's lien had been stated in the mortgage or vendor's lien when recorded. The affidavit is prima facie evidence of the truth of the averments contained in the affidavit.

(d) A mortgage or vendor's lien on the real estate described in the affidavit expires as follows:

(1) If the mortgage or vendor's lien was created before July 1, 2012, twenty (20) years after the date on which the debt or the last installment of the debt secured by the mortgage or vendor's lien becomes due, as shown by the affidavit.

(2) If the mortgage or vendor's lien was created after June 30, 2012, ten (10) years after the time when the debt or the last installment of the debt secured by the mortgage or vendor's lien becomes due, as shown by the affidavit.

Upon the expiration of a mortgage or vendor's lien as described in this section and at the request of the real estate owner, the recorder of the county in which the affidavit is recorded shall certify ~~on~~ **by cross reference to** the record of the mortgage or vendor's lien that the mortgage or vendor's lien is fully paid and satisfied by lapse of time and that the real estate is released from the mortgage or vendor's lien.

(e) The recorder shall charge a fee for filing the affidavit in accordance with the fee schedule established in IC 36-2-7-10.

SECTION 5. IC 32-28-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. If a person who owns or has an interest in real estate encumbered by a

mechanic's lien **prepares and** files the affidavit described in section 1(c) of this chapter, the recorder of the county in which the encumbered real estate is situated shall immediately record the affidavit and certify ~~on~~ **by cross reference to** the record of the lien that the mechanic's lien is fully satisfied and that the real estate described in the mechanic's lien is released from the lien. The fee of the recorder for the filing and recording of the affidavit shall be an amount prescribed by law and shall be paid by the person filing the affidavit.

(Reference is to ESB 604 as printed March 19, 2019.)

DORIOTT	MANNING
RANDOLPH	BAUER
Senate Conferees	House Conferees

Roll Call 614: yeas 93, nays 0. Report adopted.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1631	Conferees:	Representative Lehman replacing Representative Austin
ESB 110	Conferees:	Representative Young replacing Representative Hatcher
ESB 566	Conferees:	Representative Heine replacing Representative Pryor

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1065, 1171, 1177, 1183, 1192, 1284, 1402, 1405, 1482, 1488, 1520, 1546 and 1641 on April 23.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Acts 144, 162, 172, 174, 216, 220, 223, 235, 280 and 281 on April 23.

OTHER BUSINESS ON THE SPEAKER'S TABLE

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 94, 186, 193 and 491.

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 President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 127:

Conferees: Holdman, Chairman; and Stoops
Advisors: Merritt, J. D. Ford, Becker

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1495:

Conferees: Bohacek and Lanane
Advisors: Rogers, Breaux

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 adopted the Conference Committee Report 1 on Engrossed Senate Bills 119, 133, 363 and 518.

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 adopted the Conference Committee Report 1 on Engrossed House Bills 1171 and 1284.

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 pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Roderic Bray has made the following change in conferees appointments to Engrossed House Bill 1015:

Conferees: Senator Lanane replacing Senator Randolph

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 pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Roderic Bray has made the following change in advisor appointments to Engrossed House Bill 1015:

Advisors Senator Mishler replacing Senator Doriott

Advisors: Senator Melton replacing Senator Stoops

Add: Senator Jon Ford and Leising as advisors

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 pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric Bray has made the following change in advisor appointments to Engrossed House Bill 1427:

Add: Senator Spartz as advisor

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 pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric Bray has made the following change in advisor/conferee appointments to Engrossed Senate Bill 233:

Remove: Senator Holdman as advisor

Conferees: Senator Holdman to replace Senator Stoops

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 pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric Bray has made the following change in conferee/advisor appointments to Engrossed Senate Bill 603:

Remove: Senator Koch as advisor

Conferees: Senator Koch to replace Senator Stoops

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 pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in advisor appointments to Engrossed House Bill 1651:

Add: Senator Bohacek as advisor

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1331:

Conferees: Freeman and Taylor
Advisors: Rogers, Lanane

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1362:

Conferees: Crider and J. D. Ford
Advisors: Garten, Melton

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1427:

Conferees: Bassler and Taylor
Advisors: Buchanan, J. D. Ford

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1486:

Conferees: Messmer and Stoops
Advisors: Doriot, Niezgodski

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1591:

Conferees: Koch and Lanane
Advisors: Young, Randolph

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1640:

Conferees: Kruse and Melton
Advisors: Crane, Stoops

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1628:

Conferees: Holdman and Melton
Advisors: Raatz, Stoops

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1651:

Conferees: Houchin, Taylor
Advisors: Zay, Stoops, Spartz

JENNIFER L. MERTZ
Principal Secretary of the Senate

On the motion of Representative Carbaugh, the House adjourned at 9:59 p.m., this twenty-third day of April, 2019, until Wednesday, April 24, 2019, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives