

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1026, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be **AMENDED** as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 5.
- 3 Page 3, line 31, delete "Containers" and insert "**Vaults**".
- 4 Page 3, line 33, delete "container" and insert "**vault**".
- 5 Page 3, line 37, delete "container" and insert "**vault**".
- 6 Page 3, line 39, delete "container" and insert "**vault**".
- 7 Page 4, line 26, after "merchandise" insert "**or equipment**".
- 8 Page 4, line 26, delete "container" and insert "**vault (as defined in**
- 9 **IC 23-14-33-33)**".
- 10 Page 4, line 31, delete "container" and insert "**vault**".
- 11 Page 7, line 21, after "merchandise" insert "**or cash advance**
- 12 **items**".
- 13 Page 7, line 22, delete "includes" and insert "**include**".
- 14 Page 7, line 22, delete "container" and insert "**vault (as defined in**
- 15 **IC 23-14-33-33)**".
- 16 Page 7, line 27, delete "container" and insert "**vault**".
- 17 Page 10, delete lines 10 through 15.
- 18 Page 11, delete lines 9 through 14.
- 19 Page 16, line 4, after "purpose" delete ":" and insert "**and as**
- 20 **provided in the Indiana uniform prudent investor act (IC**
- 21 **30-4-3.5):**".

1 Page 18, between lines 13 and 14, begin a new paragraph and insert:  
 2 "SECTION 15. IC 30-4-3.5-1 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as  
 4 otherwise provided in subsection (b), a trustee who invests and  
 5 manages trust assets owes a duty to the beneficiaries of the trust to  
 6 comply with the prudent investor rule set forth in this chapter.

7 (b) The prudent investor rule, a default rule, may be expanded,  
 8 restricted, eliminated, or otherwise altered by the provisions of a trust.  
 9 A trustee is not liable to a beneficiary to the extent that the trustee  
 10 acted in reasonable reliance on the provision of the trust.

11 (c) **This chapter applies to a trustee or escrow agent, acting as**  
 12 **fiduciary, of:**

13 (1) **a perpetual care fund or an endowment care fund**  
 14 **established under IC 23-14-48-2;**

15 (2) **a prepaid funeral plan or funeral trust established under**  
 16 **IC 30-2-9;**

17 (3) **a funeral trust established under IC 30-2-10; or**

18 (4) **a trust or escrow account created from payments of**  
 19 **funeral, burial services, or merchandise in advance of need, as**  
 20 **described in IC 30-2-13."**

21 Renumber all SECTIONS consecutively.

(Reference is to HB 1026 as printed January 18, 2008.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 8, Nays 0.

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**Senator Steele, Chairperson**