



April 13, 2011

**ENGROSSED
HOUSE BILL No. 1006**

DIGEST OF HB 1006 (Updated April 11, 2011 1:41 pm - DI 113)

Citations Affected: IC 4-5; IC 5-28; IC 20-30; IC 21-18.

Synopsis: Entrepreneurial know-how. Requires the secretary of state, in collaboration with other state agencies, to develop and maintain a web site that would allow a person to submit information concerning the person's business to the secretary of state and other state agencies, as applicable, for the purpose of complying with the requirements of state law, including establishing the new business, registering with states agencies, and obtaining necessary licenses and permits. Allows money in the electronic and enhanced access fund to be used to develop and maintain the Internet web site. Requires the Indiana economic development corporation (IEDC) to work with local economic development organizations within geographic regions in Indiana and with the various state economic development organizations within the states contiguous to Indiana. Requires the IEDC to include,
(Continued next page)

Effective: July 1, 2011.

Crouch, Truitt, Reske, Noe

(SENATE SPONSORS — HERSHMAN, ARNOLD)

January 12, 2011, read first time and referred to Committee on Commerce, Small Business and Economic Development.

February 10, 2011, amended, reported — Do Pass.

February 14, 2011, read second time, amended, ordered engrossed.

February 15, 2011, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Commerce and Economic Development.

April 12, 2011, amended, reported favorably — Do Pass.

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Digest Continued

in its annual report to the general assembly, recommendations for strategies and plans for collaboration with local economic development organizations and with the various state economic development organizations of neighboring states. Requires the department of education, in cooperation with the commission for higher education and the IEDC, to develop curriculum guides based on best practices for entrepreneurship instruction in high schools. Requires the commission for higher education (commission) to make an inventory of entrepreneurship programs conducted by colleges and universities in Indiana and to display the inventory on the commission's web site for the use of students, after consulting with the department of workforce development and the Indiana economic development corporation.

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April 13, 2011

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1006

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-5-10-1, AS AMENDED BY P.L.177-2005,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 1. **(a) As used in this section, "person"**
4 **includes:**
5 **(1) an individual engaged in a trade or business; and**
6 **(2) a business entity or association described in IC 23.**
7 **(b)** The office of technology established by IC 4-13.1-2-1 and the
8 secretary of state shall establish policies and procedures for providing
9 electronic and enhanced access under this chapter to create and
10 maintain uniform policies and procedures for electronic and enhanced
11 access by the public.
12 **(c) The secretary of state, in collaboration with other state**
13 **agencies, shall develop and maintain an Internet web site through**
14 **which a person is able to submit information simultaneously to the**
15 **secretary of state and other state agencies about the person's**
16 **formation, existence, or other trade, business, business entity, or**
17 **association activities for the purpose of complying with the**

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1 requirements of state law, including requirements concerning:
 2 (1) pre-establishment;
 3 (2) establishment;
 4 (3) registration;
 5 (4) licenses or permits;
 6 (5) filings or reports; and
 7 (6) transacting payments or refunds.
 8 (d) If the secretary of state requests assistance from a state
 9 agency in the development and maintenance of the Internet web
 10 site described in subsection (c), the state agency shall furnish the
 11 requested assistance.
 12 (e) The secretary of state shall annually, on or before November
 13 1, report to the legislative council about the progress of the
 14 Internet web site described in subsection (c). The report must be
 15 made:
 16 (1) in an electronic format submitted in accordance with
 17 IC 5-14-6; and
 18 (2) in person, if requested by the legislative council.
 19 SECTION 2. IC 4-5-10-5 IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The electronic and enhanced
 21 access fund is established to do the following:
 22 (1) Improve and enhance the technology necessary and desirable
 23 to fulfill the duties of the secretary of state **and state agencies as**
 24 **provided in section 1 of this chapter.**
 25 (2) Improve service to customers of the secretary of state **and**
 26 **state agencies as provided in section 1 of this chapter.**
 27 (3) Provide the public electronic and other enhanced access to
 28 information maintained by:
 29 (A) the secretary of state under IC 23 or IC 26; **and**
 30 (B) **the secretary of state and state agencies as provided in**
 31 **section 1 of this chapter.**
 32 (4) Allow the public to conduct business electronically with
 33 (A) ~~the corporations division;~~ and
 34 (B) ~~the uniform commercial code division;~~
 35 ~~of the office of the secretary of state~~ **and state agencies as**
 36 **provided in section 1 of this chapter.**
 37 (5) Acquire and finance technology necessary or desirable to
 38 accomplish the purposes stated in subdivisions (1) through (4),
 39 including the purchase or lease of hardware, software, and other
 40 appropriate goods and services.
 41 The secretary of state may enter into one (1) or more agreements in
 42 furtherance of the purposes of this chapter.

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- 1 (b) The fund consists solely of the following:
- 2 (1) Electronic and enhanced access fees established and collected
- 3 by the secretary of state under section 2 of this chapter.
- 4 (2) Other money specifically provided to the fund by law.
- 5 Fees collected by the secretary of state under IC 23 or IC 26 may not
- 6 be deposited into the fund.
- 7 (c) The secretary of state shall administer the fund.
- 8 (d) The expenses of administering the fund shall be paid from
- 9 money in the fund.
- 10 (e) Money in the fund at the end of a state fiscal year does not revert
- 11 to the state general fund.
- 12 (f) The secretary of state may use money in the fund to pay expenses
- 13 related to the purposes of the fund as set forth in section 5 of the
- 14 chapter, to make payments under any agreement authorized by
- 15 subsection (a) or authorized by law and directly relating to the purpose
- 16 of the fund, and monies in the fund are continuously appropriated for
- 17 the purposes set forth in this chapter.
- 18 (g) Money in the fund not currently needed to meet the obligations
- 19 of the fund may be invested by either of the following:
- 20 (1) The treasurer of state in the same manner as other public
- 21 funds may be invested.
- 22 (2) A financial institution designated by trust agreement with the
- 23 secretary of state.
- 24 Interest that accrues from investment of money in the fund shall be
- 25 deposited into the fund.
- 26 SECTION 3. IC 5-28-6-1, AS ADDED BY P.L.4-2005, SECTION
- 27 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 28 2011]: Sec. 1. The corporation shall do the following:
- 29 (1) Create and regularly update a strategic economic development
- 30 plan **that includes the following:**
- 31 (A) **Identification of specific economic regions within**
- 32 **Indiana and methods by which the corporation will**
- 33 **implement more regional collaboration between the**
- 34 **corporation and the various local economic development**
- 35 **organizations within these regions.**
- 36 (B) **Methods by which the corporation will implement**
- 37 **more collaboration between the corporation and the**
- 38 **various state economic development organizations within**
- 39 **the states contiguous to Indiana.**
- 40 (2) Establish strategic benchmarks and performance measures.
- 41 (3) Monitor and report on Indiana's economic performance.
- 42 (4) Market Indiana to businesses worldwide.

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- 1 (5) Assist Indiana businesses that want to grow.
- 2 (6) Solicit funding from the private sector for selected initiatives.
- 3 (7) Provide for the orderly economic development and growth of
- 4 Indiana.
- 5 (8) Establish and coordinate the operation of programs commonly
- 6 available to all citizens of Indiana to implement a strategic plan
- 7 for the state's economic development and enhance the general
- 8 welfare.
- 9 (9) Evaluate and analyze the state's economy to determine the
- 10 direction of future public and private actions, and report and make
- 11 recommendations to the general assembly in an electronic format
- 12 under IC 5-14-6 with respect to the state's economy. **The report**
- 13 **prepared under this subdivision must include**
- 14 **recommendations for strategies and plans for collaboration**
- 15 **by the corporation with:**
- 16 (A) local economic development organizations within
- 17 geographic regions in Indiana; and
- 18 (B) the various state economic development organizations
- 19 within the states contiguous to Indiana.
- 20 SECTION 4. IC 5-28-6-2, AS AMENDED BY P.L.120-2008,
- 21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2011]: Sec. 2. (a) The corporation shall develop and promote
- 23 programs designed to make the best use of Indiana resources to ensure
- 24 a balanced economy and continuing economic growth for Indiana, and,
- 25 for those purposes, may do the following:
- 26 (1) Cooperate with federal, state, and local governments and
- 27 agencies in the coordination of programs to make the best use of
- 28 Indiana resources, **and encourage collaboration with local**
- 29 **economic development organizations within geographic**
- 30 **regions in Indiana and with the various state economic**
- 31 **development organizations within the states contiguous to**
- 32 **Indiana.**
- 33 (2) Receive and expend funds, grants, gifts, and contributions of
- 34 money, property, labor, interest accrued from loans made by the
- 35 corporation, and other things of value from public and private
- 36 sources, including grants from agencies and instrumentalities of
- 37 the state and the federal government. The corporation:
- 38 (A) may accept federal grants for providing planning
- 39 assistance, making grants, or providing other services or
- 40 functions necessary to political subdivisions, planning
- 41 commissions, or other public or private organizations;
- 42 (B) shall administer these grants in accordance with the terms

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- 1 of the grants; and
- 2 (C) may contract with political subdivisions, planning
- 3 commissions, or other public or private organizations to carry
- 4 out the purposes for which the grants were made.
- 5 (3) Direct that assistance, information, and advice regarding the
- 6 duties and functions of the corporation be given to the corporation
- 7 by an officer, agent, or employee of the executive branch of the
- 8 state. The head of any other state department or agency may
- 9 assign one (1) or more of the department's or agency's employees
- 10 to the corporation on a temporary basis or may direct a division
- 11 or an agency under the department's or agency's supervision and
- 12 control to make a special study or survey requested by the
- 13 corporation.
- 14 (b) The corporation shall perform the following duties:
- 15 (1) Develop and implement industrial development programs to
- 16 encourage expansion of existing industrial, commercial, and
- 17 business facilities in Indiana and to encourage new industrial,
- 18 commercial, and business locations in Indiana.
- 19 (2) Assist businesses and industries in acquiring, improving, and
- 20 developing overseas markets and encourage international plant
- 21 locations in Indiana. The corporation, with the approval of the
- 22 governor, may establish foreign offices to assist in this function.
- 23 (3) Promote the growth of minority business enterprises by doing
- 24 the following:
- 25 (A) Mobilizing and coordinating the activities, resources, and
- 26 efforts of governmental and private agencies, businesses, trade
- 27 associations, institutions, and individuals.
- 28 (B) Assisting minority businesses in obtaining governmental
- 29 or commercial financing for expansion or establishment of
- 30 new businesses or individual development projects.
- 31 (C) Aiding minority businesses in procuring contracts from
- 32 governmental or private sources, or both.
- 33 (D) Providing technical, managerial, and counseling assistance
- 34 to minority business enterprises.
- 35 (4) Assist the office of the lieutenant governor in:
- 36 (A) community economic development planning;
- 37 (B) implementation of programs designed to further
- 38 community economic development; and
- 39 (C) the development and promotion of Indiana's tourist
- 40 resources.
- 41 (5) Assist the secretary of agriculture and rural development in
- 42 promoting and marketing of Indiana's agricultural products and

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1 provide assistance to the director of the Indiana state department
 2 of agriculture.
 3 (6) With the approval of the governor, implement federal
 4 programs delegated to the state to carry out the purposes of this
 5 article.
 6 (7) Promote the growth of small businesses by doing the
 7 following:
 8 (A) Assisting small businesses in obtaining and preparing the
 9 permits required to conduct business in Indiana.
 10 (B) Serving as a liaison between small businesses and state
 11 agencies.
 12 (C) Providing information concerning business assistance
 13 programs available through government agencies and private
 14 sources.
 15 (8) Establish a public information page on its current Internet site
 16 on the world wide web. The page must provide the following:
 17 (A) By program, cumulative information on the total amount
 18 of incentives awarded, the total number of companies that
 19 received the incentives and were assisted in a year, and the
 20 names and addresses of those companies.
 21 (B) A mechanism on the page whereby the public may request
 22 further information online about specific programs or
 23 incentives awarded.
 24 (C) A mechanism for the public to receive an electronic
 25 response.
 26 (c) The corporation may do the following:
 27 (1) Disseminate information concerning the industrial,
 28 commercial, governmental, educational, cultural, recreational,
 29 agricultural, and other advantages of Indiana.
 30 (2) Plan, direct, and conduct research activities.
 31 (3) Assist in community economic development planning and the
 32 implementation of programs designed to further community
 33 economic development.
 34 SECTION 5. IC 20-30-6-17 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 2011]: **Sec. 17. (a) Each school corporation may include in the
 37 school corporation's curriculum for grades 9 through 12
 38 instruction concerning entrepreneurship.**
 39 **(b) The department, in cooperation with the commission for
 40 higher education and the Indiana economic development
 41 corporation, shall develop curriculum guides based on best
 42 practices for entrepreneurship to assist teachers assigned to**

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1 provide the instruction described in subsection (a).
 2 (c) The entrepreneurship curricula developed under this section
 3 must be approved by the state board.
 4 (d) The department shall report on the department's progress
 5 under this section to the legislative council not later than
 6 November 1, 2012, in an electronic format under IC 5-14-6.
 7 SECTION 6. IC 21-18-9-6 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2011]: Sec. 6. (a) The commission shall inventory the
 10 entrepreneurship programs conducted by postsecondary
 11 educational institutions in Indiana. The commission shall publish
 12 the inventory on the commission's Internet web site in a form that
 13 allows students to identify the educational opportunities that are
 14 available in the field of entrepreneurship, after consulting with the
 15 department of workforce development and the Indiana economic
 16 development corporation.
 17 (b) The commission shall report the findings under subsection
 18 (a) to the legislative council not later than November 1, 2011, in an
 19 electronic format under IC 5-14-6.
 20 (c) This section expires June 30, 2013.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-5-10-1, AS AMENDED BY P.L.177-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a) As used in this section, "person" includes:**

- (1) an individual engaged in a trade or business; and**
- (2) a business entity or association described in IC 23.**

(b) The office of technology established by IC 4-13.1-2-1 and the secretary of state shall establish policies and procedures for providing electronic and enhanced access under this chapter to create and maintain uniform policies and procedures for electronic and enhanced access by the public.

(c) The secretary of state, in collaboration with other state agencies, shall develop and maintain an Internet web site through which a person is able to submit information simultaneously to the secretary of state and other state agencies about the person's formation, existence, or other trade, business, business entity, or association activities for the purpose of complying with the requirements of state law, including requirements concerning:

- (1) pre-establishment;**
- (2) establishment;**
- (3) registration;**
- (4) licenses or permits;**
- (5) filings or reports; and**
- (6) transacting payments or refunds.**

(d) If the secretary of state requests assistance from a state agency in the development and maintenance of the Internet web site described in subsection (c), the state agency shall furnish the requested assistance.

(e) The secretary of state shall annually, on or before November 1, report to the legislative council about the progress of the Internet web site described in subsection (c). The report must be made:

- (1) in an electronic format submitted in accordance with IC 5-14-6; and**
- (2) in person, if requested by the legislative council.**

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SECTION 2. IC 4-5-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The electronic and enhanced access fund is established to do the following:

- (1) Improve and enhance the technology necessary and desirable to fulfill the duties of the secretary of state **and state agencies as provided in section 1 of this chapter.**
- (2) Improve service to customers of the secretary of state **and state agencies as provided in section 1 of this chapter.**
- (3) Provide the public electronic and other enhanced access to information maintained by:
 - (A) the secretary of state under IC 23 or IC 26; **and**
 - (B) **the secretary of state and state agencies as provided in section 1 of this chapter.**
- (4) Allow the public to conduct business electronically with
 - (A) ~~the corporations division;~~ and
 - (B) ~~the uniform commercial code division;~~**of the office of the secretary of state and state agencies as provided in section 1 of this chapter.**
- (5) Acquire and finance technology necessary or desirable to accomplish the purposes stated in subdivisions (1) through (4), including the purchase or lease of hardware, software, and other appropriate goods and services.

The secretary of state may enter into one (1) or more agreements in furtherance of the purposes of this chapter.

- (b) The fund consists solely of the following:
 - (1) Electronic and enhanced access fees established and collected by the secretary of state under section 2 of this chapter.
 - (2) Other money specifically provided to the fund by law.

Fees collected by the secretary of state under IC 23 or IC 26 may not be deposited into the fund.

- (c) The secretary of state shall administer the fund.
- (d) The expenses of administering the fund shall be paid from money in the fund.
- (e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.
- (f) The secretary of state may use money in the fund to pay expenses related to the purposes of the fund as set forth in section 5 of the chapter, to make payments under any agreement authorized by subsection (a) or authorized by law and directly relating to the purpose of the fund, and monies in the fund are continuously appropriated for the purposes set forth in this chapter.
- (g) Money in the fund not currently needed to meet the obligations

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of the fund may be invested by either of the following:

- (1) The treasurer of state in the same manner as other public funds may be invested.
- (2) A financial institution designated by trust agreement with the secretary of state.

Interest that accrues from investment of money in the fund shall be deposited into the fund."

Page 2, delete lines 1 through 8.

Page 5, between lines 28 and 29, begin a new paragraph and insert:

"(d) The department shall report on the department's progress under this section to the legislative council not later than November 1, 2012, in an electronic format under IC 5-14-6."

Page 5, line 31, delete "survey entrepreneurship" and insert **"inventory the entrepreneurship programs conducted by postsecondary educational institutions in Indiana. The commission shall publish the inventory on the commission's Internet web site in a form that allows students to identify the educational opportunities that are available in the field of entrepreneurship, after consulting with the department of workforce development and the Indiana economic development corporation.**

(b) The commission shall report the findings under subsection (a) to the legislative council not later than November 1, 2011, in an electronic format under IC 5-14-6."

Page 5, delete lines 32 through 35.

Page 5, line 36, delete "(b)" and insert "(c)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1006 as introduced.)

STEMLER, Chair

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1006 be amended to read as follows:

Page 6, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 5. IC 5-28-23-1, AS AMENDED BY P.L.2-2007, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The corporation shall do

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the following:

(1) Contribute to the strengthening of the economy of Indiana through the development of science and technology and to promote the modernization of Indiana businesses by supporting the transfer of science, technology, and quality improvement methods to the workplace.

(2) Encourage collaborative efforts between any of Indiana's postsecondary educational institutions, local economic development commissions, and businesses to customize job training programs at postsecondary educational institutions to encourage employment in high technology business operations (as defined in IC 5-28-15-1).

~~(2)~~ (3) Submit an annual report to the governor and to the general assembly (in an electronic format under IC 5-14-6) that is due on the first day of November for each year and must include detailed information on the corporation's efforts to carry out this chapter. The corporation shall conduct an annual public hearing to receive comments from interested parties regarding the report, and notice of the hearing shall be given at least fourteen (14) days before the hearing in accordance with IC 5-14-1.5-5(b).

(b) The corporation may do the following:

(1) Receive money from any source, borrow money, enter into contracts, and expend money for activities appropriate to its purpose under this chapter.

(2) Do things necessary or incidental to carrying out the functions listed in this chapter.

(3) Establish a statewide business modernization network to assist Indiana businesses in identifying ways to increase productivity and market competitiveness.

(4) Identify scientific and technological problems and opportunities related to the economy of Indiana and formulate proposals to overcome those problems or realize those opportunities.

(5) Identify specific areas in which scientific research and technological investigation will contribute to the improvement of productivity of Indiana manufacturers and farmers.

(6) Determine specific areas in which financial investment in scientific and technological research and development from private businesses located in Indiana could be improved or increased if state resources were made available to assist in financing activities.

(7) Assist in establishing cooperative associations of

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postsecondary educational institutions in Indiana and of private enterprises to coordinate research and development programs that will, consistent with the primary educational function of the postsecondary educational institutions, aid in the creation of new jobs in Indiana.

(8) Assist in financing the establishment and continued development of technology intensive businesses in Indiana.

(9) Advise postsecondary educational institutions of the research needs of Indiana businesses and improve the exchange of scientific and technological information for the mutual benefit of postsecondary educational institutions and private businesses.

(10) Coordinate programs established by postsecondary educational institutions to provide Indiana businesses with scientific and technological information.

(11) Establish programs in scientific education that will support the accelerated development of technology intensive businesses in Indiana.

(12) Provide financial assistance through contracts, grants, and loans to programs of scientific and technological research and development.

(13) Determine how state educational institutions can increase income derived from the sale or licensure of products or processes having commercial value that are developed as a result of state educational institution sponsored research programs."

Page 7, after line 20, begin a new paragraph and insert:

"SECTION 8. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1006 as printed February 11, 2011.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Economic Development, to which was referred House Bill No. 1006, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, delete lines 34 through 42.

Delete page 7.

Page 8, delete lines 1 through 18.

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Page 9, delete line 6.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1006 as reprinted February 15, 2011.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 8, Nays 0.

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