

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1001 be amended to read as follows:

- 1 Page 10, line 33, delete "200,000 200,000" and insert "**222,000**
- 2 **222,000**".
- 3 Page 24, line 2, delete "43,849,585 43,849,585" and insert
- 4 "**43,999,585 43,999,585**".
- 5 Page 24, line 14, delete "20,920,241 20,920,241" and insert
- 6 "**21,070,241 21,070,241**".
- 7 Page 28, between lines 24 and 25, begin a new line and insert:
- 8 "**FOR THE DEPARTMENT OF TOXICOLOGY**
- 9 **Total Operating Expenses 2,093,873 2,093,873**".
- 10 Page 50, line 12, delete "2,520,681 2,520,681" and insert "**2,470,681**
- 11 **2,470,681**".
- 12 Page 50, line 14, delete "\$550,000" and insert "**\$500,000**".
- 13 Page 50, line 32, delete "10,000,000 10,000,000" and insert
- 14 "**10,000,000 20,000,000**".
- 15 Page 51, between lines 26 and 27, begin a new line and insert:
- 16 "**ADULT EDUCATION DISTRIBUTION**
- 17 **Total Operating Expense 12,600,000 12,600,000**
- 18 **It is the intent of the 2011 general assembly that the above**
- 19 **appropriations for adult education shall be the total allowable state**
- 20 **expenditure for such program. Therefore, if the expected**
- 21 **disbursements are anticipated to exceed the total appropriation for**
- 22 **a state fiscal year, the department of workforce development shall**
- 23 **reduce the distributions proportionately.**".
- 24 Page 71, line 6, delete "18,976,859" and insert "**18,661,268**".
- 25 Page 71, line 10, delete "89,152,568" and insert "**88,836,977**".
- 26 Page 72, delete lines 25 through 26.
- 27 Page 74, line 24, delete "184,944,963" and insert "**184,994,963**".
- 28 Page 81, between lines 20 and 21, begin a new line blocked left and
- 29 insert:
- 30 "**The above appropriation for tuition support includes an amount**

1 for the department of education to make a special distribution to  
 2 each school corporation and charter school (other than a virtual  
 3 charter school). The department shall determine the amount of the  
 4 distribution for each year as follows:

5 **STEP ONE:** Determine the total amount distributed in the  
 6 year to all individuals for a scholarship under the choice  
 7 scholarship program described in House Bill 1003-2011 or a  
 8 similar program for eligible students who enroll in a private  
 9 school.

10 **STEP TWO:** Determine the total amount of state tuition  
 11 support that all school corporations and charter schools  
 12 (other than virtual charter schools) would have received in  
 13 the year if those individuals who received a scholarship and  
 14 who were enrolled in a public school during the preceding two  
 15 (2) semesters before first receiving the scholarship had instead  
 16 remained enrolled in public schools and had not enrolled in  
 17 private schools.

18 **STEP THREE:** Determine the result of:

19 (A) the STEP TWO result; minus

20 (B) the STEP ONE amount.

21 **STEP FOUR.** Determine each school corporation's percentage  
 22 and each charter school's (other than a virtual charter school)  
 23 percentage of the total state tuition support that will be  
 24 distributed to school corporations and charter schools (other  
 25 than virtual charter schools).

26 **STEP FIVE:** Multiply the result determined in STEP THREE  
 27 by the school corporation's percentage or the charter school's  
 28 (other than a virtual charter school) percentage determined  
 29 under STEP FOUR.

30 **If the above appropriations are insufficient to make the full**  
 31 **distribution under this provision, the amount each school**  
 32 **corporation and charter school (other than a virtual charter**  
 33 **school) receives shall be proportionately reduced. The special**  
 34 **distributions may be made only after review by the state budget**  
 35 **committee and approval by the budget agency."**

36 Page 81, delete lines 46 through 49.

37 Page 82, delete lines 1 through 4.

38 Page 86, between lines 44 and 45, begin a new line and insert:

39 **"Augmentation allowed."**

40 Page 99, line 46, delete "IC 2-5-32.5" and insert "IC 2-5-34".

41 Page 99, line 48, delete "32.5." and insert "34."

42 Page 100, line 3, delete "The" and insert "**(a) Except as provided**  
 43 **in this chapter, the"**.

44 Page 100, between lines 4 and 5, begin a new paragraph and insert:

45 **"(b) The committee consists of nine (9) members, who shall be**  
 46 **appointed as follows:**

47 **(1) Two (2) members of the senate, appointed by the president**

- 1           **pro tempore of the senate.**
- 2           **(2) Two (2) members of the senate, appointed by the minority**
- 3           **leader of the senate.**
- 4           **(3) Two (2) members of the house of representatives,**
- 5           **appointed by the speaker of the house of representatives.**
- 6           **(4) Two (2) members of the house of representatives,**
- 7           **appointed by the minority leader of the house of**
- 8           **representatives.**
- 9           **(5) One (1) member of the general assembly, appointed by the**
- 10           **chairman of the legislative council.**
- 11           **(c) The member appointed under subsection (b)(5) shall serve as**
- 12           **chairman of the committee."**
- 13           Page 122, line 48, after "fund" delete ";" and insert ", **as described**
- 14           **in IC 20-46-7-15;**".
- 15           Page 126, line 3, delete "one hundred twenty percent (120%)." and
- 16           insert "**twenty percent (20%)**".
- 17           Page 126, line 10, delete "If a" and insert "A".
- 18           Page 126, line 11, delete "has the authority to impose property taxes,
- 19           the qualified entity".
- 20           Page 126, line 13, delete "increase its property tax levy by an
- 21           amount" and insert "**pledge sufficient property taxes, user fees, hook**
- 22           **up fees, connection fees, or any other available local revenues or**
- 23           **any combination of those revenues that will be**".
- 24           Page 127, reset in roman lines 36 through 39.
- 25           Page 127, delete lines 40 through 44.
- 26           Page 131, between lines 25 and 26, begin a new paragraph and
- 27           insert:
- 28           "SECTION 75. IC 6-1.1-18.5-13.7 IS ADDED TO THE INDIANA
- 29           CODE AS A NEW SECTION TO READ AS FOLLOWS
- 30           [EFFECTIVE UPON PASSAGE]: **Sec. 13.7. Notwithstanding any**
- 31           **other provision of this chapter, Fairfield Township in Tippecanoe**
- 32           **County may request that the department of local government**
- 33           **finance make an adjustment to the township's maximum**
- 34           **permissible property tax levy. The request by the township under**
- 35           **this SECTION must be filed before September 1, 2011.**
- 36           **(b) The amount of the requested adjustment may not exceed one**
- 37           **hundred thirty thousand dollars (\$130,000) for each year.**
- 38           **(c) If the township makes a request for an adjustment in an**
- 39           **amount not exceeding the limit prescribed by subsection (b), the**
- 40           **department of local government finance shall make the adjustment**
- 41           **each year (beginning with property taxes first due and payable in**
- 42           **2012) to the township's maximum permissible ad valorem property**
- 43           **tax levy for the number of years requested by the township (but not**
- 44           **to exceed a total of four (4) years).**
- 45           **(d) This section expires July 1, 2016."**
- 46           Page 134, line 13, delete "(c)" and insert "**(b)**".

- 1 Page 172, between lines 5 and 6, begin a new paragraph and insert:  
 2 "SECTION 114. IC 12-12.7-2-17.5 IS ADDED TO THE INDIANA  
 3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 4 [EFFECTIVE JULY 1, 2011]: **Sec. 17.5. (a) Subject to subsection (b),**  
 5 **the agency may do any of the following for any amount owed under**  
 6 **section 17 of this chapter by a person if the amount owed is more**  
 7 **than sixty (60) days past due:**  
 8 (1) **Set off under IC 6-8.1-9.7 on any state tax refund owed to**  
 9 **the person against the delinquent debt.**  
 10 (2) **Terminate services provided to an individual under the**  
 11 **program for failure to pay the cost participation set forth in**  
 12 **section 17 of this chapter.**  
 13 (b) **The agency may not terminate services under subsection**  
 14 **(a)(2) until the agency has provided the family with written notice:**  
 15 (1) **stating:**  
 16 (A) **the amount of money owed by the family that is past**  
 17 **due for services provided; and**  
 18 (B) **the amount of payment necessary in order to prevent**  
 19 **termination of services; and**  
 20 (2) **advising the family to contact the agency:**  
 21 (A) **for assistance; or**  
 22 (B) **to negotiate an alternative payment arrangement or to**  
 23 **recalculate the amount of payment owed."**
- 24 Page 177, line 9, delete "collecting a hospital assessment from" and  
 25 insert "**assessing a hospital fee authorized by HEA 1001-2011.**".  
 26 Page 177, delete line 10.  
 27 Page 178, line 35, delete "collecting a hospital assessment from"  
 28 and insert "**assessing a hospital fee authorized by HEA 1001-2011.**".  
 29 Page 178, delete line 36.  
 30 Page 180, line 12, delete "collecting a hospital assessment from"  
 31 and insert "**assessing a hospital fee authorized by HEA 1001-2011.**".  
 32 Page 180, delete line 13.  
 33 Page 183, line 5, delete "collecting a hospital assessment from" and  
 34 insert "**assessing a hospital fee authorized by HEA 1001-2011.**".  
 35 Page 183, delete line 6.  
 36 Page 183, line 49, delete "collecting a hospital assessment from"  
 37 and insert "**assessing a hospital fee authorized by HEA 1001-2011.**".  
 38 Page 184, delete line 1.  
 39 Page 185, line 26, delete "collecting a hospital assessment from"  
 40 and insert "**assessing a hospital fee authorized by HEA 1001-2011.**".  
 41 Page 185, delete line 27.  
 42 Page 187, line 20, delete "collecting a hospital" and insert  
 43 "**assessing a hospital fee authorized by HEA 1001-2011.**".  
 44 Page 187, line 21, delete "assessment from a hospital."  
 45 Page 187, line 34, delete "collecting a hospital" and insert  
 46 "**assessing a hospital fee authorized by HEA 1001-2011.**".

- 1 Page 187, line 35, delete "assessment from a hospital."  
 2 Page 187, line 46, delete "collecting a hospital assessment from a  
 3 hospital." and insert **"assessing a hospital fee authorized by HEA  
 4 1001-2011."**  
 5 Page 187, line 49, delete "collecting a hospital assessment from a  
 6 hospital." and insert **"assessing a hospital fee authorized by HEA  
 7 1001-2011."**  
 8 Page 188, line 27, delete "collecting a hospital assessment from a  
 9 hospital." and insert **"assessing a hospital fee authorized by HEA  
 10 1001-2011."**  
 11 Page 189, line 9, delete "collecting a hospital" and insert **"assessing  
 12 a hospital fee authorized by HEA 1001-2011."**  
 13 Page 189, line 10, delete "assessment from a hospital."  
 14 Page 189, line 44, delete "collecting a hospital assessment from a  
 15 hospital." and insert **"assessing a hospital fee authorized by HEA  
 16 1001-2011."**  
 17 Page 192, line 7, delete "collecting a hospital" and insert **"assessing  
 18 a hospital fee authorized by HEA 1001-2011."**  
 19 Page 192, delete line 8.  
 20 Page 192, line 9, delete "collecting a hospital" and insert **"assessing  
 21 a hospital fee authorized by HEA 1001-2011."**  
 22 Page 192, line 10, delete "assessment from a hospital."  
 23 Page 193, line 3, delete "collecting a hospital assessment from a  
 24 hospital." and insert **"assessing a hospital fee authorized by HEA  
 25 1001-2011."**  
 26 Page 193, delete lines 29 through 49.  
 27 Delete pages 194 through 195.  
 28 Page 196, delete lines 1 through 38, begin a new paragraph and  
 29 insert:  
 30 "SECTION 137. IC 12-15-35.5-3, AS AMENDED BY P.L.1-2009,  
 31 SECTION 104, IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Except as provided in  
 33 subsection (b), the office may establish prior authorization  
 34 requirements for drugs covered under a program described in section  
 35 1 of this chapter.  
 36 (b) **With the exception of prior authorization for "brand  
 37 medically necessary" of a brand name drug with a generic  
 38 equivalent in accordance with IC 16-42-22-10**, the office may not  
 39 require prior authorization for the following single source or brand  
 40 name multisource drugs:  
 41 (1) A drug that is classified as an antianxiety, antidepressant, or  
 42 antipsychotic central nervous system drug in the most recent  
 43 publication of Drug Facts and Comparisons (published by the  
 44 Facts and Comparisons Division of J.B. Lippincott Company).  
 45 (2) A drug that, according to:  
 46 (A) the American Psychiatric Press Textbook of

- 1 Psychopharmacy;  
 2 (B) Current Clinical Strategies for Psychiatry;  
 3 (C) Drug Facts and Comparisons; or  
 4 (D) a publication with a focus and content similar to the  
 5 publications described in clauses (A) through (C);  
 6 is a cross-indicated drug for a central nervous system drug  
 7 classification described in subdivision (1).  
 8 (3) A drug that is:  
 9 (A) classified in a central nervous system drug category or  
 10 classification (according to Drug Facts and Comparisons) that  
 11 is created after March 12, 2002; and  
 12 (B) prescribed for the treatment of a mental illness (as defined  
 13 in the most recent publication of the American Psychiatric  
 14 Association's Diagnostic and Statistical Manual of Mental  
 15 Disorders).  
 16 (c) Except as provided under section 7 of this chapter, a recipient  
 17 enrolled in a program described in section 1 of this chapter shall have  
 18 unrestricted access to a drug described in subsection (b)."  
 19 Page 198, line 32, delete "shall" and insert "**may**".  
 20 Page 227, line 11, after "transfer" insert "**the lesser of the amount**  
 21 **of credits granted under IC 6-1.1-20.6 against the school**  
 22 **corporation's combined levy for all the school corporation's funds**  
 23 **or**".  
 24 Page 229, delete lines 46 through 49, begin a new paragraph and  
 25 insert:  
 26 "SECTION 215. IC 21-33-3-3, AS AMENDED BY P.L.31-2010,  
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 UPON PASSAGE]: Sec. 3. (a) The commission for higher education  
 29 shall complete a review of a project approved or authorized by the  
 30 general assembly.  
 31 (b) **This subsection does not apply to a project approved or**  
 32 **authorized by the general assembly for which a state appropriation**  
 33 **will be used. The commission for higher education shall complete**  
 34 **the review required under subsection (a)** within ninety (90) days  
 35 after the project is submitted for review. If the review is not completed  
 36 within ninety (90) days, the budget agency or the budget committee  
 37 may proceed without the commission's review."  
 38 Page 230, delete lines 1 through 3.  
 39 Page 230, delete lines 10 through 20.  
 40 Page 238, delete lines 7 through 17.  
 41 Page 255, line 14, delete "For the purposes described in this  
 42 SECTION." and insert "**The fee may be used only for the purposes**  
 43 **described in subsections (h)(1), (k), (m)(2), and (p).**".  
 44 Page 255, line 22, delete "fee described in this SECTION" and  
 45 insert "**fee, the programs described in subsection (f) shall be**  
 46 **reconciled and terminated, and the operation of subsection (m)**

- 1 **shall end".**
- 2 Page 255, line 25, delete "the program referred to" and insert "**any**
- 3 **of the programs described".**
- 4 Page 255, line 46, delete "amendments or waivers" and insert
- 5 "**amendments, waivers, or revisions".**
- 6 Page 256, line 26, delete "." and insert "**and the programs**
- 7 **described in subsection (f) shall end".**
- 8 Page 256, line 28, delete "the portion of".
- 9 Page 256, line 44, delete "at the time the fee becomes effective." and
- 10 insert "**upon the implementation of the fee".**
- 11 Page 257, line 6, after "appropriated for" insert "**or transferred to".**
- 12 Page 257, line 7, delete "previous years or".
- 13 Page 257, line 8, delete "are allocated for use" and insert "**shall be**
- 14 **used".**
- 15 Page 257, line 8, delete "purposes" and insert "**payments".**
- 16 Page 257, line 9, delete "(h)" and insert "**(f)".**
- 17 Page 257, line 9, delete "Any money remaining" and insert "**Any**
- 18 **hospital care for the indigent funds".**
- 19 Page 257, line 9, delete "purposes" and insert "**the payments".**
- 20 Page 257, line 10, delete "(h)" and insert "**(f)".**
- 21 Page 257, line 11, delete "distributed to the hospitals on a pro rata
- 22 basis based upon the fees paid by each hospital." and insert "**used for**
- 23 **the state share dollars of the payments in IC 12-15-20-2(8)(G)(ii)**
- 24 **through IC 12-15-20-2(8)(G)(x)".**
- 25 Page 257, line 25, delete "disease," and insert "**disease or other**
- 26 **mental health facilities,".**
- 27 Page 257, line 37, after "shall" insert "**annually".**
- 28 Page 257, line 38, delete "in total".
- 29 Page 258, line 15, delete "made under this SECTION" and insert
- 30 "**for the programs described in subsection (f)".**
- 31 Page 259, delete line 39.
- 32 Page 261, line 38, delete "division of state court administration" and

- 1 insert "**Indiana criminal justice institute**".
- 2 Page 263, line 19, delete "(1)" and insert "**(3)**".
- 3 Page 263, line 20, delete "(2)" and insert "**(4)**".
- 4 Renumber all SECTIONS consecutively.  
(Reference is to EHB 1001 as printed April 19, 2011.)

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Senator KENLEY