



February 5, 2013

HOUSE BILL No. 1458

DIGEST OF HB 1458 (Updated February 5, 2013 11:09 am - DI 109)

Citations Affected: IC 10-20.

Synopsis: Department of toxicology fees. Permits the department of toxicology (department) to continue to collect fees in the amount that was being charged as of January 1, 2013. Requires the department to publish the January 1, 2013, fee schedule. Allows the department to adopt a rule to change the amount of a fee. Requires the department to notify each agency that has paid a fee to the department in the previous 12 months, and any other person that makes a request to be on the notification list, of the proposed new fee amount. Requires the notice to change the amount of the fee to be published. Legalizes and validates the fees that have been charged by the department since July 1, 2011. Establishes the breath test training and certification fund for deposit of the fees. Provides that the fund may be used by the department to pay for operating the department, replacing equipment, and conducting research.

Effective: Upon passage.

Leonard, Zent, Gutwein, Moseley

January 22, 2013, read first time and referred to Committee on Veterans Affairs and Public Safety.
February 5, 2013, amended, reported — Do Pass.

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February 5, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1458

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

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

1 SECTION 1. IC 10-20-2-8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 8. (a) The department may charge a fee for**
4 **the following:**
5 (1) **Certifying and recertifying individuals who operate breath**
6 **testing equipment.**
7 (2) **Maintaining and calibrating breath testing equipment,**
8 **including offsetting the costs of replacing equipment and**
9 **instruments used at the state and local levels for breath**
10 **testing.**
11 (3) **Providing training services.**
12 **The amount of the fee is the amount that was being charged as of**
13 **January 1, 2013.**
14 (b) **The department may change the amount of a fee being**
15 **charged under subsection (a) by adopting a rule under IC 4-22-2.**
16 **In addition, at least six (6) months before a rule changing the**
17 **amount of a fee may take effect, the department shall provide to:**

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1 (1) each agency that has paid a fee to the department in the
2 previous twelve (12) months; and

3 (2) any other person that makes a request to be on the
4 notification list;

5 a notice of the fee amount the department is proposing. The notice
6 must be published on the department's Internet web site and
7 published in the Indiana Register. The notice required by
8 subdivisions (1) and (2) may be provided by an electronic mail
9 message that includes a direct link to the notice on the
10 department's Internet web site.

11 (c) The fees that have been charged and collected by the
12 department since July 1, 2011, for the items listed in subsection
13 (a)(1) through (a)(3) are legalized and validated. The department
14 may continue to charge a fee for the items listed in subsection (a)(1)
15 through (a)(3) in the fee amount that was being charged by the
16 department as of January 1, 2013, without the adoption of a rule.
17 Before July 1, 2013, the department shall publish a schedule listing
18 the current fee amounts being charged for the items listed in
19 subsection (a)(1) through (a)(3) on the department's Internet web
20 site and in the Indiana Register, with a reference to this section's
21 legalization and validation of these fee amounts.

22 (d) Fees collected under this section shall be deposited in the
23 breath test training and certification fund established by section 9
24 of this chapter. In addition, money from fees collected by the state
25 department of toxicology established under IC 21-45-3 (now
26 repealed) and from fees collected by the department since July 1,
27 2011, shall be transferred to the fund.

28 SECTION 2. IC 10-20-2-9, IS ADDED TO THE INDIANA CODE
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
30 UPON PASSAGE]: Sec. 9. (a) The breath test training and
31 certification fund is established as a dedicated fund for the purpose
32 of providing money for operating the department, replacing
33 equipment and instruments, and conducting research. The fund
34 shall be administered by the department.

35 (b) The expenses of administering the fund shall be paid from
36 money in the fund. The fund consists of the following:

37 (1) Fees collected by the department under section 8 of this
38 chapter.

39 (2) Money donated to the department and designated for use
40 under this chapter.

41 (3) Grants made to the department and designated for use
42 under this chapter.

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1 **(c) The treasurer of state shall invest the money in the fund not**
2 **currently needed to meet the obligations of the fund in the same**
3 **manner as other public funds may be invested. Interest that**
4 **accrues from investments shall be deposited in the fund.**

5 **(d) Money in the fund at the end of a state fiscal year does not**
6 **revert to the state general fund.**

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

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1458, 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:

Delete the title and insert the following:

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

Page 1, line 3, delete "adopt rules" and insert: **charge a fee for the following:**

- (1) Certifying and recertifying individuals who operate breath testing equipment.**
- (2) Maintaining and calibrating breath testing equipment, including offsetting the costs of replacing equipment and instruments used at the state and local levels for breath testing.**
- (3) Providing training services.**

The amount of the fee is the amount that was being charged as of January 1, 2013.

(b) The department may change the amount of a fee being charged under subsection (a) by adopting a rule under IC 4-22-2. In addition, at least six (6) months before a rule changing the amount of a fee may take effect, the department shall provide to:

- (1) each agency that has paid a fee to the department in the previous twelve (12) months; and**
- (2) any other person that makes a request to be on the notification list;**

a notice of the fee amount the department is proposing. The notice must be published on the department's Internet web site and published in the Indiana Register. The notice required by subdivisions (1) and (2) may be provided by an electronic mail message that includes a direct link to the notice on the department's Internet web site.

(c) The fees that have been charged and collected by the department since July 1, 2011, for the items listed in subsection (a)(1) through (a)(3) are legalized and validated. The department may continue to charge a fee for the items listed in subsection (a)(1) through (a)(3) in the fee amount that was being charged by the department as of January 1, 2013, without the adoption of a rule. Before July 1, 2013, the department shall publish a schedule listing the current fee amounts being charged for the items listed in subsection (a)(1) through (a)(3) on the department's Internet web



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site and in the Indiana Register, with a reference to this section's legalization and validation of these fee amounts.

(d) Fees collected under this section shall be deposited in the breath test training and certification fund established by section 9 of this chapter. In addition, money from fees collected by the state department of toxicology established under IC 21-45-3 (now repealed) and from fees collected by the department since July 1, 2011, shall be transferred to the fund.

SECTION 2. IC 10-20-2-9, IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The breath test training and certification fund is established as a dedicated fund for the purpose of providing money for operating the department, replacing equipment and instruments, and conducting research. The fund shall be administered by the department.

(b) The expenses of administering the fund shall be paid from money in the fund. The fund consists of the following:

- (1) Fees collected by the department under section 8 of this chapter.
- (2) Money donated to the department and designated for use under this chapter.
- (3) Grants made to the department and designated for use under this chapter.

(c) 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 investments shall be deposited in the fund.

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

Page 1, delete lines 4 through 17.

Page 2, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1458 as introduced.)

FRYE R, Chair

Committee Vote: yeas 12, nays 0.

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