

| | |
|---------|----------|
| Adopted | Rejected |
|---------|----------|

COMMITTEE REPORT

| | |
|------|----|
| YES: | 11 |
| NO: | 1 |

MR. SPEAKER:

*Your Committee on Utilities and Energy, to which was referred Senate Bill 235, 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:*

- 1 Page 2, line 17, delete "Advertised programming" and insert
- 2 "**Programming**".
- 3 Page 3, after line 16, begin a new paragraph and insert:
- 4 "SECTION 2. IC 8-1-34-30 IS ADDED TO THE INDIANA CODE
- 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 6 1, 2013]: **Sec. 30. (a) For purposes of this section, "designated**
- 7 **employee" means an employee of a holder to whom the holder**
- 8 **designates or will designate direct marketing authority.**
- 9 **(b) For purposes of this section, "direct marketing authority"**
- 10 **means the authority granted by the commission to a holder to**
- 11 **market any service or product offered by the holder directly to all**
- 12 **households in a service area served by the holder.**
- 13 **(c) A holder may apply to the commission, in the manner and**
- 14 **form prescribed by the commission, for direct marketing**
- 15 **authority. An application must include the following information**
- 16 **with respect to each designated employee of the holder:**

- 1 **(1) Name.**
- 2 **(2) Home address.**
- 3 **(3) Driver's license or identification card number.**
- 4 **(4) A certification described in subsection (d).**
- 5 **(d) In an application under subsection (c), a holder shall certify**
- 6 **to the commission that each designated employee satisfies the**
- 7 **following requirements:**
- 8 **(1) The employee is at least eighteen (18) years of age.**
- 9 **(2) The employee has a high school diploma or the equivalent**
- 10 **of a high school diploma.**
- 11 **(3) The employee has not been convicted of a felony within the**
- 12 **seven (7) years preceding the date of the application.**
- 13 **(4) The employee has not been convicted of:**
- 14 **(A) a misdemeanor involving fraud, deceit, or dishonesty;**
- 15 **(B) battery as a misdemeanor; or**
- 16 **(C) two (2) or more misdemeanors involving the illegal use**
- 17 **of alcohol or the illegal sale, use, or possession of a**
- 18 **controlled substance;**
- 19 **within the five (5) years preceding the date of the application.**
- 20 **(5) The employee is not:**
- 21 **(A) the subject of an arrest warrant; or**
- 22 **(B) a fugitive from justice.**
- 23 **(6) The employee has a valid driver's license with valid**
- 24 **driving privileges.**
- 25 **(e) A holder may comply with subsection (d) by submitting to**
- 26 **the commission a document signed by the holder in which the**
- 27 **holder:**
- 28 **(1) identifies each designated employee by name, home**
- 29 **address, and driver's license or identification card number;**
- 30 **(2) certifies that each designated employee has been the**
- 31 **subject of a national criminal history background check; and**
- 32 **(3) affirms that each designated employee satisfies the**
- 33 **requirements under subsection (d).**
- 34 **(f) Not more than fifteen (15) days after the commission receives**
- 35 **an application under subsection (c), the commission shall**
- 36 **determine whether the application is complete and properly**
- 37 **verified. If the commission determines that the application is**
- 38 **incomplete or not properly verified, the commission shall notify the**

1 applicant holder of the deficiency and allow the holder to resubmit
2 the application after correcting the deficiency. If the commission
3 determines that the application is complete and properly verified,
4 the commission shall issue an order granting the holder direct
5 marketing authority. The order must contain the following:

6 (1) The name of the holder.

7 (2) The names of designated employees of the holder.

8 (3) A grant of direct marketing authority to the holder and
9 designated employees of the holder.

10 (4) The date on which the order takes effect.

11 (g) A holder that has direct marketing authority shall notify the
12 commission in a timely manner of any changes to the holder's list
13 of designated employees. A designated employee may exercise
14 direct marketing authority immediately upon the holder's
15 submission of the designated employee, including all information
16 required under subsection (d), to the commission. A holder shall
17 maintain liability insurance and indemnification coverage as
18 required by the commission.

19 (h) A holder that has direct marketing authority is not required
20 to comply with any local ordinances or regulations concerning
21 direct marketing authority that exceed the requirements of this
22 section."

(Reference is to SB 235 as printed January 25, 2013.)

and when so amended that said bill do pass.

Representative Koch