

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Appropriations, to which was referred Senate Bill No. 368, 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, line 3, delete "adopt rules" and insert "**charge a fee for the**
2 **following:**
3 **(1) Certifying and recertifying individuals who operate breath**
4 **testing equipment.**
5 **(2) Maintaining and calibrating breath testing equipment,**
6 **including offsetting the costs of replacing equipment and**
7 **instruments used at the state and local levels for breath**
8 **testing.**
9 **(3) Providing training services.**
10 **The amount of the fee is the amount that was being charged as of**
11 **January 1, 2013.**
12 **(b) The department may change the amount of a fee being**
13 **charged under subsection (a) by adopting a rule under IC 4-22-2.**
14 **In addition, at least six (6) months before a rule changing the**
15 **amount of the fee may take effect, the department shall provide to:**
16 **(1) each agency that has paid a fee to the department in the**
17 **previous twelve (12) months; and**
18 **(2) any other person that makes a request to be on the**
19 **notification list;**
20 **a notice of the fee amount the department is proposing. The notice**
21 **must be published on the department's Internet web site and**

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

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

16 Page 1, delete lines 4 through 10.

17 Page 1, line 11, delete "(b)" and insert "(d)".

18 Page 1, line 12, delete "." and insert "established by section 9 of
 19 this chapter. In addition, money from fees collected by the state
 20 department of toxicology established under IC 21-45-3 (now
 21 repealed) and from fees collected by the department since July 1,
 22 2011, shall be transferred to the fund."

23 Page 1, delete lines 13 through 17, begin a new paragraph and
 24 insert:

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

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

34 (1) Fees collected by the department under section 8 of this
 35 chapter.

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

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

40 (c) The treasurer of state shall invest the money in the fund not
 41 currently needed to meet the obligations of the fund in the same
 42 manner as other public funds may be invested. Interest that

- 1 **accrues from investments shall be deposited in the fund.**
- 2 **(d) Money in the fund at the end of a state fiscal year does not**
- 3 **revert to the state general fund."**
- 4 Page 2, delete lines 1 through 3.
 (Reference is to SB 368 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 12, Nays 0.

Senator Kenley, Chairperson