Journal of the House

State of Indiana

114th General Assembly — First Regular Session

Nineteenth Meeting Day — **Tuesday Afternoon** — **February 15, 2005**

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Gary A. Colby, First Baptist Church, Mexico, Indiana, the guest of Representative William C. Friend.

The Pledge of Allegiance to the Flag was led by Representative Friend.

The Speaker ordered the roll of the House to be called:

T. Adams
Aguilera
Alderman
Austin
Avery
Ayres
Bardon
Bauer
Becker
Behning
Bischoff
Borders
Borror
Bottorff
Bright
C. Brown
T. Brown
Buck
Budak
Buell
Burton
Cheney
Cherry
Cochran
Crawford
Crooks
Davis
Day
Denbo ⏏
Dickinson
Dobis
Dodge
Duncan
Dvorak
Espich
Foley
Friend
Frizzell
Fry
GiaQuinta
Goodin
Grubb
Gutwein
E. Harris
T. Harris
Heim
Hinkle
Hoffman
Hoy
Kersey
Klinker
Koch
Kromkowski
Kuzman
L. Lawson
Lehe
Leonard
J. Lutz
Mahern
Mays
McClain
Messer
Micon
Moses
Murphy
Neese
Noe
Orentlicher
Oxley
Pelath
Pflum
Pierce
Pond
Porter
Reske
Richardson
Ripley
Robertson
Ruppel
Saunders ⏏
J. Smith
V. Smith
Stevenson
Stilwell
Stutzman
Summers
Thomas
Thompson
Tincher
Torr
Turner
Ulmer
VanHaaften
Walorski
Welch
Whetstone
Wolkins
Woodruff
Yount
Mr. Speaker

Roll Call 114: 98 present; 2 excused. The Speaker announced a quorum in attendance. [*NOTE*: ⏏ *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 94, 266, 499, 564, and 611 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 12 and 14 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 17, 2005 at 1:30 p.m.

FRIEND

Motion prevailed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Act 1022 on February 14.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1001, 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 state and local administration and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2005]

(a) The following definitions apply throughout this act:
(1) "Augmentation allowed" means the governor and the budget agency are authorized to add to an appropriation in this act from revenues accruing to the fund from which the appropriation was made.
(2) "Biennium" means the period beginning July 1, 2005, and ending June 30, 2007.
Appropriations appearing in the biennial column for construction or other permanent improvements do not revert under IC 4-13-2-19 and may be allotted.
(3) "Deficiency appropriation" or "special claim" means an appropriation available during the 2004-2005 fiscal year.
(4) "Equipment" includes machinery, implements, tools, furniture, furnishings, vehicles, and other articles that have a calculable period of service that exceeds twelve (12) calendar months.
(5) "Fee replacement" includes repayment on indebtedness resulting from financing the cost of planning, purchasing, rehabilitation, construction, repair, leasing, lease-purchasing, or

otherwise acquiring land, buildings, facilities, and equipment to be used for academic and instructional purposes.
(6) "Other operating expense" includes payments for "services other than personal", "services by contract", "supplies, materials, and parts", "grants, subsidies, refunds, and awards", "in-state travel", "out-of-state travel", and "equipment".
(7) "Pension fund contributions" means the state of Indiana's contributions to a specific retirement fund.
(8) "Personal services" includes payments for salaries and wages to officers and employees of the state (either regular or temporary), payments for compensation awards, and the employer's share of Social Security, health insurance, life insurance, dental insurance, vision insurance, deferred compensation - state match, leave conversion, disability and retirement fund contributions.
(9) "SSBG" means the Social Services Block Grant. This was formerly referred to as "Title XX".
(10) "State agency" means:
(A) each office, officer, board, commission, department, division, bureau, committee, fund, agency, authority, council, or other instrumentality of the state;
(B) each hospital, penal institution, and other institutional enterprise of the state;
(C) the judicial department of the state; and
(D) the legislative department of the state.
However, this term does not include cities, towns, townships, school cities, school townships, school districts, other municipal corporations or political subdivisions of the state, or universities and colleges supported in whole or in part by state funds.
(11) "Total operating expense" includes payments for both "personal services" and "other operating expense".
(b) The state board of finance may authorize advances to boards or persons having control of the funds of any institution or department of the state of a sum of money out of any appropriation available at such time for the purpose of establishing working capital to provide for payment of expenses in the case of emergency when immediate payment is necessary or expedient. Advance payments shall be made by warrant by the auditor of state, and properly itemized and receipted bills or invoices shall be filed by the board or persons receiving the advance payments.
(c) All money appropriated by this act shall be considered either a direct appropriation or an appropriation from a rotary or revolving fund.
(1) Direct appropriations are subject to withdrawal from the state treasury and for expenditure for such purposes, at such time, and in such manner as may be prescribed by law. Direct appropriations are not subject to return and rewithdrawal from the state treasury, except for the correction of an error which may have occurred in any transaction or for reimbursement of expenditures which have occurred in the same fiscal year.
(2) A rotary or revolving fund is any designated part of a fund that is set apart as working capital in a manner prescribed by law and devoted to a specific purpose or purposes. The fund consists of earnings and income only from certain sources or a combination thereof. The money in the fund shall be used for the purpose designated by law as working capital. The fund at any time consists of the original appropriation thereto, if any, all receipts accrued to the fund, and all money withdrawn from the fund and invested or to be invested. The fund shall be kept intact by separate entries in the auditor of state's office, and no part thereof shall be used for any purpose other than the lawful purpose of the fund or revert to any other fund at any time.
However, any unencumbered excess above any prescribed amount shall be transferred to the state general fund at the close of each fiscal year unless otherwise specified in the Indiana Code.

SECTION 2. [EFFECTIVE JULY 1, 2005]

For the conduct of state government, its offices, funds, boards, commissions, departments, societies, associations, services, agencies, and undertakings, and for other appropriations not otherwise provided by statute, the following sums in SECTIONS 3 through 10 are appropriated for the periods of time designated from the general fund of the state of Indiana or other specifically designated funds.

In this act, whenever there is no specific fund or account designated, the appropriation is from the general fund.

SECTION 3. [EFFECTIVE JULY 1, 2005]

GENERAL GOVERNMENT

A. LEGISLATIVE

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR THE GENERAL ASSEMBLY			
LEGISLATORS' SALARIES - HOUSE			
Total Operating Expense	5,013,333	5,014,333	
HOUSE EXPENSES			
Total Operating Expense	7,803,042	7,806,100	
LEGISLATORS' SALARIES - SENATE			
Total Operating Expense	1,140,203	1,140,703	
SENATE EXPENSES			
Total Operating Expense	6,923,331	6,929,700	

Included in the above appropriations for house and senate expenses are funds for a legislative business per diem allowance, meals and other usual and customary expenses associated with legislative affairs. Except as provided below, this allowance is to be paid to each member of the general assembly for every day, including Sundays, during which the general assembly is convened in regular or special session, commencing with the day the session is officially convened and concluding with the day the session is adjourned sine die. However, after five (5) consecutive days of recess, the legislative business per diem allowance is to be made on an individual voucher basis until the recess concludes.

Members of the general assembly are entitled, when authorized by the speaker of the house or the president pro tempore of the senate, to the legislative business per diem allowance for each and every day engaged in official business.

The legislative business per diem allowance that each member of the general assembly is entitled to receive equals the maximum daily amount allowable to employees of the executive branch of the federal government for subsistence expenses while away from home in travel status in the Indianapolis area. The legislative business per diem changes each time there is a change in that maximum daily amount.

In addition to the legislative business per diem allowance, each member of the general assembly shall receive the mileage allowance in an amount equal to the standard mileage rates for personally owned transportation equipment established by the federal Internal Revenue Service for each mile necessarily traveled from the member's usual place of residence to the state capitol. However, if the member traveled by a means other than by motor vehicle, and the member's usual place of residence is more than one hundred (100) miles from the state capitol, the member is entitled to reimbursement in an amount equal to the lowest air travel cost incurred in traveling from the usual place of residence to the state capitol. During the period the general assembly is convened in regular or special session, the mileage allowance shall be limited to one (1) round trip each week per member.

Any member of the general assembly who is appointed, either by

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

the governor, speaker of the house, president or president pro tempore of the senate, house or senate minority floor leader, or Indiana legislative council to serve on any research, study, or survey committee or commission, or who attends any meetings authorized or convened under the auspices of the Indiana legislative council, including pre-session conferences and federal-state relations conferences, is entitled, when authorized by the legislative council, to receive the legislative business per diem allowance for each day in actual attendance and is also entitled to a mileage allowance, at the rate specified above, for each mile necessarily traveled from the member's usual place of residence to the state capitol, or other in-state site of the committee, commission, or conference. The per diem allowance and the mileage allowance permitted under this paragraph shall be paid from the legislative council appropriation for legislator and lay member travel unless the member is attending an out-of-state meeting, as authorized by the speaker of the house of representatives or the president pro tempore of the senate, in which case the member is entitled to receive:
(1) the legislative business per diem allowance for each day the member is engaged in approved out-of-state travel; and
(2) reimbursement for traveling expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the legislative council.

Notwithstanding the provisions of this or any other statute, the legislative council may adopt, by resolution, travel policies and procedures that apply only to members of the general assembly or to the staffs of the house of representatives, senate, and legislative services agency, or both members and staffs. The legislative council may apply these travel policies and procedures to lay members serving on research, study, or survey committees or commissions that are under the jurisdiction of the legislative council. Notwithstanding any other law, rule, or policy, the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency do not apply to members of the general assembly, to the staffs of the house of representatives, senate, or legislative services agency, or to lay members serving on research, study, or survey committees or commissions under the jurisdiction of the legislative council (if the legislative council applies its travel policies and procedures to lay members under the authority of this SECTION), except that, until the legislative council adopts travel policies and procedures, the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency apply to members of the general assembly, to the staffs of the house of representatives, senate, and legislative services agency, and to lay members serving on research, study, or survey committees or commissions under the jurisdiction of the legislative council. The executive director of the legislative services agency is responsible for the administration of travel policies and procedures adopted by the legislative council. The auditor of state shall approve and process claims for reimbursement of travel related expenses under this paragraph based upon the written affirmation of the speaker of the house of representatives, the president pro tempore of the senate, or the executive director of the legislative services agency that those claims comply with the travel policies and procedures adopted by the legislative council. If the funds appropriated for the house and senate expenses and legislative salaries are insufficient to pay all the necessary expenses incurred, including the cost of printing the journals of the house and senate, there is appropriated such further sums as may be necessary to pay such expenses.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
LEGISLATORS' SUBSISTENCE			
LEGISLATORS' EXPENSES - HOUSE			
Total Operating Expense	2,015,396	2,015,396	
LEGISLATORS' EXPENSES - SENATE			
Total Operating Expense	1,046,728	1,046,728	

Each member of the general assembly is entitled to a subsistence allowance of forty percent (40%) of the maximum daily amount allowable to employees of the executive branch of the federal government for subsistence expenses while away from home in travel status in the Indianapolis area:
(1) each day that the general assembly is not convened in regular or special session; and
(2) each day after the first session day held in November and before the first session day held in January.

However, the subsistence allowance under subdivision (2) may not be paid with respect to any day after the first session day held in November and before the first session day held in January with respect to which all members of the general assembly are entitled to a legislative business per diem.

The subsistence allowance is payable from the appropriations for legislators' subsistence.

The officers of the senate are entitled to the following amounts annually in addition to the subsistence allowance: president pro tempore, $6,500; assistant president pro tempore, $2,500; majority floor leader emeritus, $1,500; majority floor leader, $5,000; assistant majority floor leader, $1,000; majority caucus chair, $5,000; assistant majority caucus chair, $1,000; appropriations committee chair, $4,500; tax and fiscal policy committee chair, $4,500; appropriations committee ranking majority member, $1,500; tax and fiscal policy committee ranking majority member, $1,500; majority whip, $3,500; assistant majority whip, $1,000; minority floor leader, $5,500; minority leader pro tempore, $1,000; minority caucus chair, $4,500; minority assistant floor leader, $4,500; appropriations committee ranking minority member, $2,000; tax and fiscal policy committee ranking minority member, $2,000; minority whip, $2,500; assistant minority whip, $500; and assistant minority caucus chair, $500.

Officers of the house of representatives are entitled to the following amounts annually in addition to the subsistence allowance: speaker of the house, $6,500; speaker pro tempore, $5,000; deputy speaker pro tempore, $1,500; majority leader, $5,000; majority caucus chair, $5,000; assistant majority caucus chair, $1,000; ways and means committee chair, $5,000; ways and means committee ranking majority member, $3,000; speaker pro tempore emeritus, $1,500; budget subcommittee chair, $3,000; majority whip, $3,500; assistant majority whip, $1,000; assistant majority leader, $1,000; minority leader, $5,500; minority caucus chair, $4,500; ways and means committee ranking minority member, $3,500; minority whip, $2,500; assistant minority leader, $4,500; second assistant minority leader, $1,500; and deputy assistant minority leader, $1,000.

If the funds appropriated for legislators' subsistence are insufficient to pay all the subsistence incurred, there are hereby appropriated such further sums as may be necessary to pay such subsistence.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE SERVICES AGENCY			
Total Operating Expense	8,475,000	8,880,000	
LEGISLATOR AND LAY MEMBER TRAVEL			
Total Operating Expense	570,000	570,000	

If the funds above appropriated for the legislative council and the legislative services agency and legislator and lay member travel are insufficient to pay all the necessary expenses incurred,

there are hereby appropriated such further sums as may be necessary to pay those expenses.

Any person other than a member of the general assembly who is appointed by the governor, speaker of the house, president or president pro tempore of the senate, house or senate minority floor leader, or legislative council to serve on any research, study, or survey committee or commission is entitled, when authorized by the legislative council, to a per diem instead of subsistence of $75 per day during the 2005-2007 biennium. In addition to the per diem, such a person is entitled to mileage reimbursement, at the rate specified for members of the general assembly, for each mile necessarily traveled from the person's usual place of residence to the state capitol or other in-state site of the committee, commission, or conference. However, reimbursement for any out-of-state travel expenses claimed by lay members serving on research, study, or survey committees or commissions under the jurisdiction of the legislative council shall be based on SECTION 14 of this act, until the legislative council applies those travel policies and procedures that govern legislators and their staffs to such lay members as authorized elsewhere in this SECTION. The allowance and reimbursement permitted in this paragraph shall be paid from the legislative council appropriations for legislative and lay member travel unless otherwise provided for by a specific appropriation.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
LEGISLATIVE COUNCIL CONTINGENCY FUND			
Total Operating Expense			223,614

Disbursements from the fund may be made only for purposes approved by the chairman and vice chairman of the legislative council.

The legislative services agency shall charge the following fees, unless the legislative council sets these or other fees at different rates:

Annual subscription to the session document service for sessions ending in odd-numbered years: $900

Annual subscription to the session document service for sessions ending in even-numbered years: $500

Per page charge for copies of legislative documents: $0.15

Annual charge for interim calendar: $10

Daily charge for the journal of either house: $2

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
PRINTING AND DISTRIBUTION			
Total Operating Expense	750,000	840,000	

The above funds are appropriated for the printing and distribution of documents published by the legislative council. These documents include journals, bills, resolutions, enrolled documents, the acts of the first and second regular sessions of the 114th general assembly, the supplements to the Indiana Code for fiscal years 2005-2006 and 2006-2007, and the publication of the Indiana Administrative Code and the Indiana Register. Upon completion of the distribution of the Acts and the supplements to the Indiana Code, as provided in IC 2-6-1.5, remaining copies may be sold at a price or prices periodically determined by the legislative council. If the above appropriations for the printing and distribution of documents published by the legislative council are insufficient to pay all of the necessary expenses incurred, there are hereby appropriated such sums as may be necessary to pay such expenses.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
COUNCIL OF STATE GOVERNMENTS ANNUAL DUES			
Other Operating Expense	130,084	134,637	
NATIONAL CONFERENCE OF STATE LEGISLATURES ANNUAL DUES			
Other Operating Expense	155,109	161,313	
NATIONAL CONFERENCE OF INSURANCE LEGISLATORS ANNUAL DUES			
Other Operating Expense	10,000	10,000	
FOR THE INDIANA LOBBY REGISTRATION COMMISSION			
Total Operating Expense	218,285	218,395	
FOR THE PUBLIC EMPLOYEES' RETIREMENT FUND			
LEGISLATORS' RETIREMENT FUND			
Total Operating Expense	100,000	100,000	

B. JUDICIAL

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR THE SUPREME COURT			
Personal Services	5,807,737	5,918,803	
Other Operating Expense	1,531,450	1,531,450	

The above appropriation for the supreme court personal services includes the subsistence allowance as provided by IC 33-38-5-8.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
LOCAL JUDGES' SALARIES			
Personal Services	43,013,592	43,020,198	
Other Operating Expense	39,000	39,000	
COUNTY PROSECUTORS' SALARIES			
Personal Services	18,768,629	18,783,088	
Other Operating Expense	31,000	31,000	

The above appropriations for county prosecutors' salaries represent the amounts authorized by IC 33-39-6-5 and that are to be paid from the state general fund.

In addition to the appropriations for local judges' salaries and for county prosecutors' salaries, there are hereby appropriated for personal services the amounts that the state is required to pay for salary changes or for additional courts created by the 114th general assembly.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
TRIAL COURT OPERATIONS			
Total Operating Expense	353,500	353,500	
INDIANA CONFERENCE FOR LEGAL EDUCATION OPPORTUNITY			
Total Operating Expense	625,000	625,000	

The above funds are appropriated to the division of state court administration in compliance with the provisions of IC 33-24-13-7.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
PUBLIC DEFENDER COMMISSION			
Public Defense Fund			
Total Operating Expense	4,600,000	4,600,000	
Augmentation allowed.			

The above appropriation is made in addition to the distribution authorized by IC 33-37-7-9(c) for the purpose of reimbursing counties for indigent defense services provided to a defendant. The division of state court administration of the supreme court of Indiana shall provide staff support to the commission and shall administer the fund. The administrative costs may come from the fund.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
GUARDIAN AD LITEM			
Total Operating Expense	802,325	804,133	

The division of state court administration shall use the foregoing appropriation to administer an office of guardian ad litem and court appointed special advocate services and to provide matching funds to counties that are required to implement, in courts with juvenile jurisdiction, a guardian ad litem and court appointed special advocate program for children who are alleged to be victims of child abuse or neglect under IC 31-33 and to administer the program. A county may use these matching funds to supplement amounts collected as fees under IC 31-40-3 to be used for the operation of guardian ad litem and court appointed special advocate programs. The county fiscal body shall appropriate adequate funds for the county to be eligible for these matching funds.

CIVIL LEGAL AID			
Total Operating Expense	1,000,000	1,000,000	

The above funds are appropriated to the division of state court administration in compliance with the provisions of IC 33-24-12-7.

SPECIAL JUDGES - COUNTY COURTS			
Personal Services	15,000	15,000	
Other Operating Expense	119,000	119,000	

If the funds appropriated above for special judges of county courts are insufficient to pay all of the necessary expenses that the state is required to pay under IC 34-35-1-4, there are hereby appropriated such further sums as may be necessary to pay these expenses.

COMMISSION ON RACE AND GENDER FAIRNESS			
Total Operating Expense	260,996	260,996	
FOR THE CLERK OF THE SUPREME AND APPELLATE COURTS			
Personal Services	752,945	753,505	
Other Operating Expense	185,070	185,070	
FOR THE COURT OF APPEALS			
Personal Services	7,564,555	7,645,870	
Other Operating Expense	1,183,820	1,183,220	

The above appropriations for the court of appeals personal services includes the subsistence allowance provided by IC 33-38-5-8.

FOR THE TAX COURT			
Personal Services	469,342	476,583	
Other Operating Expense	123,272	123,272	
FOR THE JUDICIAL CENTER			
Personal Services	1,230,853	1,260,061	
Other Operating Expense	766,692	766,692	

The above appropriations for the judicial center include the appropriations for the judicial conference.

DRUG AND ALCOHOL PROGRAMS FUND			
Total Operating Expense	299,010	299,010	

The above funds are appropriated under IC 33-37-7-9 for the purpose of administering, certifying, and supporting alcohol and drug services programs under IC 12-23-14. However, if the receipts are less than the appropriation, the center may not spend more than is collected.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION			
Total Operating Expense	54,492	55,944	

Augmentation allowed from fee increases enacted in the 2003 general assembly under IC 11-13-4.5-4.

FOR THE PUBLIC DEFENDER			
Personal Services	5,242,831	5,385,118	
Other Operating Expense	985,133	985,133	
FOR THE PUBLIC DEFENDER COUNCIL			
Personal Services	801,743	802,348	
Other Operating Expense	318,009	318,009	
FOR THE PROSECUTING ATTORNEYS' COUNCIL			
Personal Services	533,169	533,549	
Other Operating Expense	574,489	574,489	
DRUG PROSECUTION			
Drug Prosecution Fund (IC 33-39-8-6)			
Total Operating Expense	103,436	103,436	

Augmentation allowed.

FOR THE PUBLIC EMPLOYEES' RETIREMENT FUND			
JUDGES' RETIREMENT FUND			
Other Operating Expense	8,800,000	9,500,000	
PROSECUTORS' RETIREMENT FUND			
Other Operating Expense	170,000	190,000	

C. EXECUTIVE

FOR THE GOVERNOR'S OFFICE			
Personal Services	2,160,617	2,162,265	
Other Operating Expense	125,904	125,904	
GOVERNOR'S RESIDENCE			
Total Operating Expense	179,657	179,761	
GOVERNOR'S CONTINGENCY FUND			
Total Operating Expense			163,488

Direct disbursements from the above contingency fund are not subject to the provisions of IC 5-22.

MISCELLANEOUS EXPENSES			
Total Operating Expense	9,822	9,822	
GOVERNOR'S FELLOWSHIP PROGRAM			
Total Operating Expense	355,466	355,711	
FOR THE WASHINGTON LIAISON OFFICE			
Total Operating Expense	195,000	195,000	
FOR THE LIEUTENANT GOVERNOR			
Personal Services	1,512,143	1,512,689	
Other Operating Expense	692,133	692,133	
CONTINGENCY FUND			
Total Operating Expense			37,240

Direct disbursements from the above contingency fund are not subject to the provisions of IC 5-22.

FOR THE SECRETARY OF STATE			
ADMINISTRATION			
Personal Services	378,199	378,488	
Other Operating Expense	23,429	23,429	
BUSINESS SERVICES			
Personal Services	853,317	853,897	
Other Operating Expense	136,976	136,976	
SECURITIES DIVISION			
Personal Services	774,806	775,356	
Other Operating Expense	97,061	95,694	

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR THE ATTORNEY GENERAL			
ATTORNEY GENERAL			
From the General Fund	12,662,763	12,662,764	
From the Motor Vehicle Odometer Fund (IC 9-29-1-5)	89,211	89,211	
Augmentation allowed.			
From the Medicaid Fraud Control Unit Fund	576,065	585,123	
Augmentation allowed.			
From the Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)	250,000	250,000	
Augmentation allowed.			
From the Abandoned Property Fund (IC 32-34-1-33)	171,570	171,570	
Augmentation allowed.			

The amounts specified from the General Fund, Motor Vehicle Odometer Fund, Medicaid Fraud Control Unit Fund, Tobacco Master Settlement Agreement Fund, and Abandoned Property Fund are for the following purposes:

Personal Services	12,578,568	12,587,627
Other Operating Expense	1,171,041	1,171,041

HOMEOWNER PROTECTION UNIT (IC 4-6-12-9)		
Total Operating Expense	300,000	300,000
MEDICAID FRAUD UNIT		
Total Operating Expense	829,356	829,789

The above appropriations to the Medicaid fraud unit are the state's matching share of the state Medicaid fraud control unit under IC 4-6-10 as prescribed by 42 U.S.C. 1396b(q). Augmentation allowed from collections.

UNCLAIMED PROPERTY		
Abandoned Property Fund (IC 32-34-1-33)		
Personal Services	1,080,199	1,080,926
Other Operating Expense	3,439,706	3,439,706
Augmentation allowed.		

D. FINANCIAL MANAGEMENT

FOR THE AUDITOR OF STATE		
Personal Services	4,484,169	4,487,428
Other Operating Expense	1,423,832	1,388,632
GOVERNORS' AND GOVERNORS' SURVIVING SPOUSES' PENSIONS		
Total Operating Expense	125,000	125,000

The above appropriations for governors' and governors' surviving spouses' pensions are made under IC 4-3-3.

FOR THE STATE BOARD OF ACCOUNTS		
Personal Services	19,507,669	19,522,499
Other Operating Expense	1,348,860	1,348,860
FOR THE STATE BUDGET COMMITTEE		
Total Operating Expense	60,000	60,000

Notwithstanding IC 4-12-1-11(b), the salary per diem of the legislative members of the budget committee is an amount equal to one hundred fifty percent (150%) of the legislative business per diem allowance. If the above appropriations are insufficient to carry out the necessary operations of the budget committee, there are hereby appropriated such further sums as may be necessary.

FOR THE OFFICE OF MANAGEMENT AND BUDGET		
Personal Services	794,755	795,682
Other Operating Expense	212,176	212,176
FOR THE STATE BUDGET AGENCY		
Personal Services	2,773,434	2,776,490
Other Operating Expense	393,882	393,882
BUILD INDIANA FUND ADMINISTRATION		
Build Indiana Fund (IC 4-30-17)		
Other Operating Expense	66,014	66,014
Augmentation allowed.		
DEPARTMENTAL AND INSTITUTIONAL EMERGENCY CONTINGENCY FUND		
Total Operating Expense		9,600,000

The foregoing departmental and institutional emergency contingency fund appropriation is subject to allotment to departments, institutions, and all state agencies by the budget agency with the approval of the governor. These allocations may be made upon written request of proper officials, showing that contingencies exist that require additional funds for meeting necessary expenses. The budget committee shall be advised of each transfer request and allotment. With the approval of the governor and budget agency, the expenses of conducting an audit of a state agency for the following purposes may be paid from the departmental and institutional emergency contingency fund:

(1) To determine whether the state agency is managing and using its resources (including personnel, property, and office space) economically and efficiently.

(2) To determine whether there are any inefficiencies or uneconomical practices in the state agency's operations, and, if so, their causes.

(3) To determine whether the state agency has complied with laws and rules concerning matters of economy and efficiency.

PERSONAL SERVICES/FRINGE BENEFITS CONTINGENCY FUND		
Total Operating Expense		89,000,000

The foregoing personal services/fringe benefits contingency fund appropriation is subject to allotment to departments, institutions, and all state agencies by the budget agency with the approval of the governor.

The foregoing personal services/fringe benefits contingency fund appropriation may only be used for salary increases, fringe benefit increases, and for an employee leave conversion program for state employees in the 2005-2007 biennium and may not be used for any other purpose. The foregoing personal services/fringe benefits contingency fund appropriation does not revert at the end of the biennium but remains in the personal services/fringe benefits contingency fund.

COMPREHENSIVE HEALTH INSURANCE ASSOCIATION STATE SHARE		
Total Operating Expense	25,100,000	25,100,000
SCHOOL AND LIBRARY INTERNET CONNECTION		
Build Indiana Fund (IC 4-30-17)		
Other Operating Expense		7,000,000

Of the foregoing appropriations $2,300,000 each year shall be for schools under IC 4-34-3-4 and $1,200,000 each year shall be used for libraries under IC 4-34-3-2.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
INSPIRE (IC 4-34-3-2)			
Build Indiana Fund (IC 4-30-17)			
Other Operating Expense			**2,500,000**
FOR THE TREASURER OF STATE			
Personal Services	**827,187**	**827,811**	
Other Operating Expense	**42,350**	**42,350**	

The treasurer of state, the board for depositories, the Indiana commission for higher education, and the state student assistance commission shall cooperate and provide to the Indiana education savings authority the following:
(1) Clerical and professional staff and related support.
(2) Office space and services.
(3) Reasonable financial support for the development of rules, policies, programs, and guidelines, including authority operations and travel.

E. TAX ADMINISTRATION

FOR THE DEPARTMENT OF REVENUE		
COLLECTION AND ADMINISTRATION		
General Fund	**50,713,568**	**48,553,653**
Motor Carrier Regulation Fund (IC 8-2.1-23)	**770,021**	**770,021**
Charity Gaming Enforcement Fund (IC 4-33-10)	**988,951**	**988,951**
Motor Vehicle Highway Account (IC 8-14-1)	**2,374,180**	**2,374,180**

Augmentation allowed from the Motor Carrier Regulation Fund, Charity Gaming Enforcement Fund, and the Motor Vehicle Highway Account.

The amounts specified from the General Fund, Motor Carrier Regulation Fund, Charity Gaming Enforcement Fund, and the Motor Vehicle Highway Account are for the following purposes:

Personal Services	**40,414,374**	**40,442,835**
Other Operating Expense	**14,432,346**	**12,243,970**

With the approval of the governor and the budget agency, the department shall annually reimburse the state general fund for expenses incurred in support of the collection of dedicated fund revenue according to the department's cost allocation plan.

With the approval of the governor and the budget agency, the foregoing sums for the department of state revenue may be augmented to an amount not exceeding in total, together with the above specific amounts, one and one-tenth percent (1.1%) of the amount of money collected by the department of state revenue from taxes and fees.

OUTSIDE COLLECTIONS		
Total Operating Expense	**3,144,000**	**3,144,000**

With the approval of the governor and the budget agency, the foregoing sums for the department of state revenue's outside collections may be augmented to an amount not exceeding in total, together with the above specific amounts, one and one-tenth percent (1.1%) of the amount of money collected by the department from taxes and fees.

MOTOR CARRIER REGULATION		
Motor Carrier Regulation Fund (IC 8-2.1-23)		
Personal Services	**1,519,316**	**1,519,920**
Other Operating Expense	**3,796,100**	**3,796,100**

Augmentation allowed from the Motor Carrier Regulation Fund.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
MOTOR FUEL TAX DIVISION			
Motor Vehicle Highway Account (IC 8-14-1)			
Personal Services	**8,643,079**	**8,649,105**	
Other Operating Expense	**1,062,900**	**1,062,900**	

Augmentation allowed from the Motor Vehicle Highway Account.

In addition to the foregoing appropriations, there is hereby appropriated to the department of revenue motor fuel tax division an amount sufficient to pay claims for refunds on license-fee-exempt motor vehicle fuel as provided by law. The sums above appropriated from the motor vehicle highway account for the operation of the motor fuel tax division, together with all refunds for license-fee-exempt motor vehicle fuel, shall be paid from the receipts of those license fees before they are distributed as provided by IC 6-6-1.1.

FOR THE INDIANA GAMING COMMISSION		
State Gaming Fund (IC 4-33-13-3)		
Personal Services	**2,134,159**	**2,135,732**
Other Operating Expense	**689,500**	**689,500**
INVESTIGATION		
State Gaming Fund (IC 4-33-13-3)		
Personal Services	**875,000**	**875,000**
Other Operating Expense	**454,450**	**454,450**

The foregoing appropriations to the Indiana gaming commission are made from revenues accruing to the state gaming fund under IC 4-33-13-3 before any distribution is made under IC 4-33-13-5.
Augmentation allowed.

The foregoing appropriations to the Indiana gaming commission are made instead of the appropriation made in IC 4-33-13-4.

The commission may employ or contract for inspectors and agents required under IC 4-33-4-3.5. The licensed owners shall, in the manner prescribed by the rules of the commission, reimburse the commission for the salaries and other expenses of the inspectors and agents who are required to be present during the time gambling operations are conducted on a riverboat.

FOR THE INDIANA HORSE RACING COMMISSION		
Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)		
Personal Services	**2,136,556**	**2,137,198**
Other Operating Expense	**712,358**	**712,358**

Augmentation allowed.

STANDARDBRED ADVISORY BOARD		
Standardbred Horse Fund (IC 15-5-5.5-9.5)		
Total Operating Expense	**193,500**	**193,500**

Augmentation allowed.

FOR THE DEPARTMENT OF LOCAL GOVERNMENT FINANCE		
Personal Services	**3,772,110**	**3,775,044**
Other Operating Expense	**578,210**	**578,210**

From the above appropriations for the department of local government finance, travel subsistence and mileage allowances may be paid for members of the local government tax control board created by IC 6-1.1-18.5-11 and the state school property tax control board created by IC 6-1.1-19-4.1, under state travel regulations.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR THE INDIANA BOARD OF TAX REVIEW			
Personal Services	1,318,469	1,319,521	
Other Operating Expense	115,090	115,090	
Augmentation allowed from fee increases enacted by P.L.245-2003.			
F. ADMINISTRATION			
FOR THE DEPARTMENT OF ADMINISTRATION			
Personal Services	13,583,850	13,593,433	
Other Operating Expense	7,635,798	7,635,798	
FOR THE STATE PERSONNEL DEPARTMENT			
Personal Services	3,853,235	3,855,976	
Other Operating Expense	436,818	436,818	
STATE EMPLOYEES' APPEALS COMMISSION			
Personal Services	134,738	134,830	
Other Operating Expense	13,257	13,257	
FOR THE OFFICE OF TECHNOLOGY			
INFORMATION TECHNOLOGY OVERSIGHT COMMISSION			
Personal Services	536,185	536,617	
Other Operating Expense	115,559	115,559	
DIVISION OF INFORMATION TECHNOLOGY			
Pay Phone Fund			
Total Operating Expense	3,090,000	3,090,000	
Augmentation allowed.			

The pay phone fund is established for the procurement of hardware, software, and related equipment and services needed to expand and enhance the state campus backbone and other central information technology initiatives. Such procurements may include, but are not limited to, wiring and rewiring of state offices, Internet services, video conferencing, telecommunications, application software and related services. The fund consists of the net proceeds received from contracts with companies providing phone services at state institutions and other state properties. The fund shall be administered by the office of technology (OoT). Money in the fund may be spent by the office in compliance with a plan approved by the budget agency. Any money remaining in the fund at the end of any fiscal year does not revert to the general fund or any other fund but remains in the pay phone fund.

FOR THE COMMISSION ON PUBLIC RECORDS			
Personal Services	1,328,319	1,329,301	
Other Operating Expense	156,364	156,364	
FOR THE OFFICE OF THE PUBLIC ACCESS COUNSELOR			
Personal Services	148,323	148,436	
Other Operating Expense	5,134	5,134	
G. OTHER			
FOR THE COMMISSION ON UNIFORM STATE LAWS			
Total Operating Expense	43,584	43,584	
FOR THE OFFICE OF INSPECTOR GENERAL			
Personal Services	411,530	411,830	
Other Operating Expense	74,739	74,739	
FOR THE STATE ETHICS COMMISSION			
Personal Services	260,816	261,006	
Other Operating Expense	2,596	2,596	
FOR THE SECRETARY OF STATE			
ELECTION DIVISION			
Personal Services	652,669	653,145	
Other Operating Expense	202,907	202,907	
ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS (HAVA TITLE II)			
Total Operating Expense	688,880	0	
SECTION 4. [EFFECTIVE JULY 1, 2005]			
PUBLIC SAFETY			
A. CORRECTION			
FOR THE DEPARTMENT OF CORRECTION			
CENTRAL OFFICE			
Personal Services	8,365,099	8,371,234	
Other Operating Expense	2,392,191	2,392,191	
ESCAPEE COUNSEL AND TRIAL EXPENSE			
Other Operating Expense	198,000	198,000	
COUNTY JAIL MISDEMEANANT HOUSING			
Total Operating Expense	4,281,101	4,281,101	
ADULT CONTRACT BEDS			
Total Operating Expense	10,235,735	10,235,735	
STAFF DEVELOPMENT AND TRAINING			
Personal Services	1,404,251	1,405,258	
Other Operating Expense	448,388	448,388	
PAROLE DIVISION			
Personal Services	5,749,346	5,753,450	
Other Operating Expense	804,943	804,943	
PAROLE BOARD			
Personal Services	552,124	552,544	
Other Operating Expense	35,590	35,590	
INFORMATION MANAGEMENT SERVICES			
Personal Services	2,364,202	2,366,020	
Other Operating Expense	1,922,620	1,922,620	
JUVENILE TRANSITION			
Personal Services	1,181,277	1,182,115	
Other Operating Expense	4,051,694	4,051,694	
COMMUNITY CORRECTIONS PROGRAMS			
Total Operating Expense			55,763,764

The above appropriation for community corrections programs is not subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose by the state board of finance notwithstanding IC 4-9.1-1-7 and IC 4-13-2-23 or by the budget agency notwithstanding IC 4-12-1-12, or any other law.

DRUG PREVENTION AND OFFENDER TRANSITION			
Total Operating Expense	988,293	988,487	

The above appropriation shall be used for minimum security release programs, transition programs, mentoring programs and supervision and assistance to adult and juvenile offenders to assure the successful integration of the offender into the community without incidents of recidivism.

CENTRAL EMERGENCY RESPONSE			
Personal Services	1,179,746	1,180,570	
Other Operating Expense	455,738	455,738	
MEDICAL SERVICES			
Other Operating Expense	27,260,811	27,260,811	
DRUG ABUSE PREVENTION			
Drug Abuse Fund (IC 11-8-2-11)			
Personal Services	40,716	40,742	
Other Operating Expense	113,000	113,000	
Augmentation allowed.			

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
COUNTY JAIL MAINTENANCE CONTINGENCY FUND			
Other Operating Expense	17,281,044	17,281,044	

Disbursements from the fund shall be made for the purpose of reimbursing sheriffs for the cost of incarcerating in county jails persons convicted of felonies to the extent that such persons are incarcerated for more than five (5) days after the day of sentencing, at the rate of $35 per day. In addition to the per diem, the state shall reimburse the sheriffs for any expenses incurred in providing medical care to the convicted persons. However, if the sheriff or county receives money with respect to a convicted person (from a source other than the county), the per diem or medical expense reimbursement with respect to the convicted person shall be reduced by the amount received. A sheriff shall not be required to comply with IC 35-38-3-4(a) or transport convicted persons within five (5) days after the day of sentencing if the department of correction does not have the capacity to receive the convicted person.

Augmentation allowed.

MEDICAL SERVICE PAYMENTS			
Total Operating Expense	25,000,000	25,000,000	

These appropriations for medical service payments are made to pay for medical services for committed individuals, patients and students of institutions under the jurisdiction of the department of correction, the state department of health, the division of mental health, the school for the blind, the school for the deaf, or the division of disability, aging and rehabilitative services if the services are provided outside these institutions. These appropriations may not be used for payments for medical services that are covered by IC 12-16 unless these services have been approved under IC 12-16. These appropriations shall not be used for payment for medical services which are payable from an appropriation in this act for the state department of health, the division of mental health, the school for the blind, the school for the deaf, the division of disability, aging and rehabilitative services, or the department of correction, or that are reimbursable from funds for medical assistance under IC 12-15. If these appropriations are insufficient to make these medical service payments, there is hereby appropriated such further sums as may be necessary.

Direct disbursements from the above contingency fund are not subject to the provisions of IC 4-13-2.

FOR THE DEPARTMENT OF ADMINISTRATION			
DEPARTMENT OF CORRECTION			
OMBUDSMAN BUREAU			
Personal Services	135,966	136,067	
Other Operating Expense	13,124	13,124	
FOR THE DEPARTMENT OF CORRECTION			
INDIANA STATE PRISON			
Personal Services	28,327,153	28,345,171	
Other Operating Expense	5,819,137	5,819,137	
VOCATIONAL TRAINING PROGRAM			
Total Operating Expense	257,291	257,291	
PENDLETON CORRECTIONAL FACILITY			
Personal Services	28,133,124	28,152,801	
Other Operating Expense	6,931,289	6,931,289	
CORRECTIONAL INDUSTRIAL FACILITY			
Personal Services	19,842,899	19,856,310	
Other Operating Expense	4,035,819	4,035,819	
INDIANA WOMEN'S PRISON			
Personal Services	11,666,382	11,673,614	
Other Operating Expense	1,928,211	1,928,211	
PUTNAMVILLE CORRECTIONAL FACILITY			
Personal Services	28,542,062	28,561,207	
Other Operating Expense	5,595,717	5,595,717	
WABASH VALLEY CORRECTIONAL FACILITY			
Personal Services	38,442,605	38,467,484	
Other Operating Expense	7,469,855	7,469,855	
PLAINFIELD JUVENILE CORRECTIONAL FACILITY			
Personal Services	13,401,073	13,410,386	
Other Operating Expense	2,386,012	2,386,012	
INDIANAPOLIS JUVENILE CORRECTIONAL FACILITY			
Personal Services	14,618,497	14,626,547	
Other Operating Expense	1,711,469	1,711,469	
BRANCHVILLE CORRECTIONAL FACILITY			
Personal Services	17,856,336	17,868,319	
Other Operating Expense	2,945,374	2,945,374	
WESTVILLE CORRECTIONAL FACILITY			
Personal Services	42,249,577	42,278,476	
Other Operating Expense	7,690,288	7,690,288	
WESTVILLE MAXIMUM CONTROL FACILITY			
Personal Services	5,428,434	5,432,101	
Other Operating Expense	582,757	582,757	
ROCKVILLE CORRECTIONAL FACILITY FOR WOMEN			
Personal Services	15,746,198	15,757,032	
Other Operating Expense	2,712,522	2,712,522	
PLAINFIELD CORRECTIONAL FACILITY			
Personal Services	25,173,242	25,190,068	
Other Operating Expense	5,464,545	5,464,545	
RECEPTION AND DIAGNOSTIC CENTER			
Personal Services	11,780,995	11,789,124	
Other Operating Expense	1,217,704	1,217,704	
MIAMI CORRECTIONAL FACILITY			
Personal Services	28,785,622	28,804,798	
Other Operating Expense	4,617,107	4,617,107	
NEW CASTLE CORRECTIONAL FACILITY			
Personal Services	12,203,968	12,212,345	
Other Operating Expense	2,779,105	2,779,105	
SOCIAL SERVICES BLOCK GRANT			
General Fund			
Total Operating Expense	9,948,380	9,955,962	
Work Release - Study Release Special Revenue Fund (IC 11-10-8-6.5)			
Total Operating Expense	466,014	466,014	
Augmentation allowed from Work Release - Study Release Special Revenue Fund and Social Services Block Grant.			
HENRYVILLE CORRECTIONAL FACILITY			
Personal Services	2,018,547	2,019,927	
Other Operating Expense	379,381	379,381	
CHAIN O' LAKES CORRECTIONAL FACILITY			
Personal Services	1,819,881	1,820,956	
Other Operating Expense	380,606	380,606	
MEDARYVILLE CORRECTIONAL FACILITY			
Personal Services	1,899,480	1,900,654	
Other Operating Expense	330,727	330,727	
ATTERBURY CORRECTIONAL FACILITY			
Personal Services	2,048,622	2,049,962	
Other Operating Expense	350,351	350,351	
MADISON CORRECTIONAL FACILITY			
Personal Services	3,114,891	3,116,892	
Other Operating Expense	468,019	468,019	
EDINBURGH CORRECTIONAL FACILITY			
Personal Services	2,849,220	2,851,122	
Other Operating Expense	363,155	363,155	
LAKESIDE CORRECTIONAL FACILITY			
Personal Services	4,904,199	4,907,478	
Other Operating Expense	732,602	732,602	

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FORT WAYNE JUVENILE CORRECTIONAL FACILITY			
Personal Services	1,425,664	1,426,588	
Other Operating Expense	436,233	436,233	
SOUTH BEND JUVENILE CORRECTIONAL FACILITY			
Personal Services	4,343,067	4,345,596	
Other Operating Expense	2,886,037	2,886,037	
LOGANSPORT INTAKE/ DIAGNOSTIC FACILITY			
Personal Services	2,868,870	2,870,666	
Other Operating Expense	536,690	536,690	
NORTH CENTRAL JUVENILE CORRECTIONAL FACILITY			
Personal Services	8,296,951	8,301,236	
Other Operating Expense	1,294,293	1,294,293	
CAMP SUMMIT			
Personal Services	2,545,249	2,546,766	
Other Operating Expense	362,040	362,040	
PENDLETON JUVENILE CORRECTIONAL FACILITY			
Personal Services	14,161,982	14,170,029	
Other Operating Expense	2,530,172	2,530,172	

B. LAW ENFORCEMENT

FOR THE INDIANA STATE POLICE AND MOTOR CARRIER INSPECTION			
From the General Fund	40,416,979	40,426,519	
From the Motor Vehicle Highway Account (IC 8-14-1)	70,416,982	70,426,522	
From the Motor Carrier Regulation Fund (IC 8-2.1-23)	4,025,699	4,026,788	

Augmentation allowed from the general fund, the motor vehicle highway account, and the motor carrier regulation fund.

The amounts specified from the General Fund, the Motor Vehicle Highway Account, and the Motor Carrier Regulation Fund are for the following purposes:

Personal Services	104,557,210	104,577,379
Other Operating Expense	10,302,450	10,302,450

The above appropriations for personal services and other operating expense include funds to continue the state police minority recruiting program. In addition to any funds that may be expended for accident reporting from the "accident report account" under IC 9-29-11-1, there are included in the appropriations for Indiana state police and motor carrier inspection such additional funds as necessary for administering accident reporting as required under IC 9-26-3.

The foregoing appropriations for the Indiana state police and motor carrier inspection include funds for the police security detail to be provided to the Indiana state fair board. However, any amount expended to provide security for the Indiana state fair board may be reimbursed by the Indiana state fair board to such fund from which the expenditure was made, in accordance with reimbursement schedules recommended by the budget committee.
Augmentation allowed.

ODOMETER FRAUD INVESTIGATION		
From the Motor Vehicle Odometer Fund (IC 9-29-1-5)		
Total Operating Expense	95,841	95,841

Augmentation allowed.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
STATE POLICE TRAINING			
From the State Police Training Fund (IC 5-2-8-5)			
Total Operating Expense	303,722	303,722	

Augmentation allowed.

FORENSIC AND HEALTH SCIENCES LABORATORIES			
From the Motor Vehicle Highway Account (IC 8-14-1)			
Personal Services	2,683,888	2,685,880	
Other Operating Expense	1,602,961	1,602,961	

Augmentation allowed.

ENFORCEMENT AID			
From the General Fund			
Total Operating Expense	79,747	79,747	

Augmentation allowed.

From the Motor Vehicle Highway Account (IC 8-14-1)			
Total Operating Expense	79,748	79,748	

Augmentation allowed.

The above appropriations for enforcement aid are to meet unforeseen emergencies of a confidential nature. They are to be expended under the direction of the superintendent and to be accounted for solely on the superintendent's authority.

PENSION FUND			
From the General Fund			
Total Operating Expense	3,800,302	6,087,313	
From the Motor Vehicle Highway Account (IC 8-14-1)			
Total Operating Expense	3,800,306	6,087,318	

The above appropriations shall be paid into the state police pension fund provided for in IC 10-12-2 in twelve (12) equal installments on or before July 30 and on or before the 30th of each succeeding month thereafter.

BENEFIT FUND			
From the General Fund			
Total Operating Expense	1,513,750	1,513,750	

Augmentation allowed.

From the Motor Vehicle Highway Account (IC 8-14-1)			
Total Operating Expense	1,513,750	1,513,750	

Augmentation allowed.

All benefits that accrue to members shall be paid by warrant drawn on the treasurer of state by the auditor of state on the basis of claims filed and approved by the trustees of the state police pension and benefit funds created by IC 10-12-2.

SUPPLEMENTAL PENSION			
General Fund			
Total Operating Expense	1,437,500	1,437,500	

Augmentation allowed.

Motor Vehicle Highway Account (IC 8-14-1)			
Total Operating Expense	1,437,500	1,437,500	

Augmentation allowed.

If the above appropriations for supplemental pension for any one (1) year are greater than the amount actually required under the provisions of IC 10-12-5, then the excess shall be returned proportionately to the funds from which the appropriations were made. If the amount actually required

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
under IC 10-12-5 is greater than the above appropriations, then, with the approval of the governor and the budget agency, those sums may be augmented from the general fund and the motor vehicle highway account.			
ACCIDENT REPORTING			
Accident Report Account (IC 9-29-11-1)			
Total Operating Expense	91,140	91,140	
Augmentation allowed.			
DRUG INTERDICTION			
Drug Interdiction Fund (IC 10-11-7)			
Total Operating Expense	273,420	273,420	
Augmentation allowed.			
FOR THE ADJUTANT GENERAL			
Personal Services	9,659,149	7,946,862	
Other Operating Expense	3,595,193	2,790,351	
NAVAL FORCES			
Personal Services	149,991	150,089	
Other Operating Expense	68,983	68,983	
DISABLED SOLDIERS' PENSION			
Other Operating Expense	16,507	16,507	
GOVERNOR'S CIVIL AND MILITARY CONTINGENCY FUND			
Total Operating Expense			707,340
The above appropriations for the adjutant general governor's civil and military contingency fund are made under IC 10-16-11-1.			
FOR THE CRIMINAL JUSTICE INSTITUTE			
ADMINISTRATIVE MATCH			
Total Operating Expense	440,467	440,467	
DRUG ENFORCEMENT MATCH			
Total Operating Expense	2,096,955	2,096,955	
VICTIM AND WITNESS ASSISTANCE FUND			
Victim and Witness Assistance Fund (IC 5-2-6-14)			
Total Operating Expense	591,132	591,132	
Augmentation allowed.			
ALCOHOL AND DRUG COUNTERMEASURES			
Alcohol and Drug Countermeasures Fund (IC 9-27-2-11)			
Total Operating Expense	516,558	516,558	
Augmentation allowed.			
STATE DRUG FREE COMMUNITIES FUND			
State Drug Free Communities Fund (IC 5-2-10-2)			
Total Operating Expense	501,099	501,099	
Augmentation allowed.			
INDIANA SAFE SCHOOLS			
General Fund			
Total Operating Expense	1,660,300	1,660,300	
Indiana Safe Schools Fund (IC 5-2-10.1-2)			
Total Operating Expense	406,700	406,700	
Augmentation allowed from Indiana Safe Schools Fund.			
Of the above appropriations for the Indiana safe schools program, $1,317,000 is appropriated annually to provide grants to school corporations for school safe haven programs, emergency preparedness programs, and school safety programs, and $750,000 is appropriated annually for use in providing training to school safety specialists.			
OFFICE OF TRAFFIC SAFETY			
Motor Vehicle Highway Account (IC 8-14-1)			
Personal Services	457,669	457,777	
Other Operating Expense	11,093,645	11,093,645	
Augmentation allowed.			
The above appropriation for the office of traffic safety is from the motor vehicle highway account and may be used to fund traffic safety projects that are included in a current highway safety plan approved by the governor and the budget agency. The department shall apply to the national highway traffic safety administration for reimbursement of all eligible project costs. Any federal reimbursement received by the department for the highway safety plan shall be deposited into the motor vehicle highway account.			
PROJECT IMPACT			
Total Operating Expense	196,000	196,000	
VICTIMS OF VIOLENT CRIME ADMINISTRATION			
Violent Crime Victims Compensation Fund (IC 5-2-6.1-40)			
Personal Services	185,665	185,720	
Other Operating Expense	2,548,565	2,548,565	
Augmentation allowed.			
FOR THE CORONERS' TRAINING BOARD			
Coroners' Training and Continuing Education Fund (IC 4-23-6.5-8)			
Personal Services	30,000	30,000	
Other Operating Expense	485,429	485,429	
Augmentation allowed.			
FOR THE INDIANA DEPARTMENT OF GAMING RESEARCH			
Personal Services	157,519	157,632	
Other Operating Expense	88,658	88,658	
Augmentation allowed from fees accruing under IC 4-33-18-8.			
FOR THE LAW ENFORCEMENT TRAINING ACADEMY			
From the General Fund	1,622,820	1,624,857	
From the Law Enforcement Academy Training Fund (IC 5-2-1-13(b))	2,803,013	2,803,013	
Augmentation allowed from Law Enforcement Academy Training Fund.			
The amounts specified from the General Fund and the Law Enforcement Academy Training Fund are for the following purposes:			
Personal Services	3,083,774	3,085,811	
Other Operating Expense	1,342,059	1,342,059	
C. REGULATORY AND LICENSING			
FOR THE BUREAU OF MOTOR VEHICLES			
Motor Vehicle Highway Account (IC 8-14-1)			
Personal Services	20,056,862	20,047,781	
Other Operating Expense	16,589,473	16,589,473	
Augmentation allowed.			
LICENSE PLATES			
Motor Vehicle Highway Account (IC 8-14-1)			
Total Operating Expense	5,390,000	5,390,000	
Augmentation allowed.			
DEALER INVESTIGATOR EXPENSES			
Motor Vehicle Odometer Fund (IC 9-29-1-5)			
Total Operating Expense	263,228	263,228	
Augmentation allowed.			
FINANCIAL RESPONSIBILITY COMPLIANCE VERIFICATION			
Financial Responsibility Compliance Verification Fund (IC 9-25-9-7)			
Total Operating Expense	7,777,970	7,778,371	

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
Augmentation allowed.			
ABANDONED VEHICLES			
Abandoned Vehicle Fund (IC 9-22-1-28)			
Total Operating Expense	36,260	36,260	
Augmentation allowed.			
STATE MOTOR VEHICLE TECHNOLOGY			
State Motor Vehicle Technology Fund (IC 9-29-16-1)			
Total Operating Expense	5,098,968	5,098,968	
Augmentation allowed.			
FOR THE DEPARTMENT OF LABOR			
Personal Services	1,019,407	1,020,143	
Other Operating Expense	114,673	114,673	
INDUSTRIAL HYGIENE			
Personal Services	1,246,719	1,247,594	
Other Operating Expense	117,031	117,031	
BUREAU OF MINES AND MINING			
Personal Services	109,621	109,697	
Other Operating Expense	19,104	19,104	
M.I.S. RESEARCH AND STATISTICS			
Personal Services	237,799	237,963	
Other Operating Expense	20,299	20,299	

The above funds are appropriated to occupational safety and health, industrial hygiene, and to management information services research and statistics to provide the total program cost of the Indiana occupational safety and health plan as approved by the United States Department of Labor. Inasmuch as the state is eligible to receive from the federal government partial reimbursement of the state's total Indiana occupational safety and health plan program cost, it is the intention of the general assembly that the department of labor make application to the federal government for the federal share of the total program cost. Federal funds received shall be considered a reimbursement of state expenditures and as such shall be deposited into the state general fund.

OCCUPATIONAL SAFETY AND HEALTH			
Personal Services	2,314,796	2,316,387	
Other Operating Expense	198,885	198,885	
EMPLOYMENT OF YOUTH			
Fund for Employment of Youth (IC 20-8.1-4-31)			
Total Operating Expense	75,443	75,473	
Augmentation allowed.			
BUREAU OF SAFETY EDUCATION AND TRAINING			
Special Fund for Safety and Health Consultation Services (IC 22-8-1.1-48)			
Personal Services	893,884	894,498	
Other Operating Expense	189,792	189,792	
Augmentation allowed.			

Federal cost reimbursements for expenses attributable to the Bureau of Safety Education and Training appropriations shall be deposited into the special fund for safety and health consultation services.

FOR THE INSURANCE DEPARTMENT			
From the General Fund	3,428,470	3,431,292	
From the Department of Insurance Fund (IC 27-1-3-28)	2,363,439	2,363,439	
Augmentation allowed from the Department of Insurance Fund.			

The amounts specified from the General Fund and the Department of Insurance Fund are for the following purposes:

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
Personal Services	4,734,217	4,737,039	
Other Operating Expense	1,057,692	1,057,692	
BAIL BOND DIVISION			
Bail Bond Enforcement and Administration Fund (IC 27-10-5-1)			
Personal Services	108,119	108,188	
Other Operating Expense	14,660	14,660	
Augmentation allowed.			
PATIENTS' COMPENSATION AUTHORITY			
Patients' Compensation Fund (IC 34-18-6-1)			
Personal Services	620,860	621,057	
Other Operating Expense	68,525	68,525	
Augmentation allowed.			
POLITICAL SUBDIVISION RISK MANAGEMENT			
Political Subdivision Risk Management Fund (IC 27-1-29-10)			
Personal Services	221,502	221,569	
Other Operating Expense	52,525	52,525	
Augmentation allowed.			
MINE SUBSIDENCE INSURANCE			
Mine Subsidence Insurance Fund (IC 27-7-9-7)			
Personal Services	118,535	118,622	
Other Operating Expense	201,765	201,765	
Augmentation allowed.			
FOR THE ALCOHOL AND TOBACCO COMMISSION			
From the Enforcement and Administration Fund (IC 7.1-4-10-1)			
Personal Services	4,963,688	4,513,135	
Other Operating Expense	887,278	887,278	
Augmentation allowed.			
EXCISE OFFICER TRAINING FUND (IC 5-2-8-8)			
Total Operating Expense	6,860	6,860	
Augmentation allowed from the Alcoholic Beverage Enforcement Officer Training Fund.			
FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS			
Financial Institutions Fund (IC 28-11-2-9)			
Personal Services	5,884,768	5,889,224	
Other Operating Expense	1,530,776	1,531,496	
Augmentation allowed.			
FOR THE PROFESSIONAL LICENSING AGENCY			
Personal Services	1,549,955	1,550,974	
Other Operating Expense	670,289	670,289	
EMBALMERS' AND FUNERAL DIRECTORS' EDUCATION (IC 25-15-9-13)			
Funeral Services Education Fund (IC 25-15-9-13)			
Total Operating Expense	4,900	4,900	
Augmentation allowed.			
FOR THE HEALTH PROFESSIONS BUREAU			
Personal Services	2,757,852	2,759,741	
Other Operating Expense	830,242	830,242	
FOR THE DEPARTMENT OF FIRE AND BUILDING SERVICES			
Fire and Building Services Fund (IC 22-12-6-1)			

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
Personal Services	8,541,057	8,546,829	
Other Operating Expense	1,345,487	1,345,487	
Augmentation allowed.			
FOR THE PUBLIC SAFETY TRAINING INSTITUTE			
Fire and Building Services Fund (IC 22-12-6-1)			
Personal Services	1,063,716	1,064,361	
Other Operating Expense	305,978	305,978	
Augmentation allowed.			
FOR THE CIVIL RIGHTS COMMISSION			
Personal Services	2,097,270	2,098,776	
Other Operating Expense	266,515	266,515	

It is the intention of the general assembly that the civil rights commission shall apply to the federal government for funding based upon the processing of employment and housing discrimination complaints by the civil rights commission. Such federal funds received by the state shall be considered as a reimbursement of state expenditures and shall be deposited into the state general fund.

FOR THE UTILITY CONSUMER COUNSELOR			
Public Utility Fund (IC 8-1-6-1)			
Personal Services	3,800,352	3,803,139	
Other Operating Expense	455,065	455,065	
Augmentation allowed.			
EXPERT WITNESS FEES AND AUDIT			
Public Utility Fund (IC 8-1-6-1)			
Total Operating Expense			1,550,000
Augmentation allowed.			
FOR THE UTILITY REGULATORY COMMISSION			
Public Utility Fund (IC 8-1-6-1)			
Personal Services	5,239,324	5,243,244	
Other Operating Expense	1,966,515	1,966,515	
Augmentation allowed.			
FOR THE WORKERS' COMPENSATION BOARD			
Personal Services	1,800,788	1,802,034	
Other Operating Expense	89,869	89,869	
FOR THE STATE BOARD OF ANIMAL HEALTH			
Personal Services	3,172,896	3,175,065	
Other Operating Expense	680,927	680,927	
INDEMNITY FUND			
Total Operating Expense			49,430
Augmentation allowed.			
MEAT & POULTRY INSPECTION			
Total Operating Expense	1,781,628	1,782,624	
FOR THE EMERGENCY MANAGEMENT AGENCY			
Personal Services	1,558,682	1,559,945	
Other Operating Expense	154,602	154,602	
EMERGENCY MANAGEMENT AGENCY CONTINGENCY FUND			
Total Operating Expense	242,500	242,500	

The above appropriations for the emergency management agency contingency fund are made to the contingency fund under IC 10-14-3-28. The above appropriations shall be in addition to any unexpended balances in the fund as of June 30, 2005.

DIRECTION CONTROL AND WARNING			
Total Operating Expense	30,182	30,182	
INDIVIDUAL AND FAMILY ASSISTANCE			
Total Operating Expense	1	1	
Augmentation allowed.			
PUBLIC ASSISTANCE			
Total Operating Expense	1	1	
Augmentation allowed.			

The above appropriations for the emergency management agency represent the total program cost for civil defense and for emergency medical services for each fiscal year. It is the intent of the general assembly that the emergency management agency apply to the Federal Emergency Management Agency for all federal reimbursement funds for which Indiana is eligible. All funds received shall be deposited into the state general fund.

SECTION 5. [EFFECTIVE JULY 1, 2005]

CONSERVATION AND ENVIRONMENT

A. NATURAL RESOURCES

FOR THE DEPARTMENT OF NATURAL RESOURCES - ADMINISTRATION			
Personal Services	4,864,533	4,868,008	
Other Operating Expense	728,150	728,150	
ENTOMOLOGY AND PLANT PATHOLOGY DIVISION			
Personal Services	760,732	761,281	
Other Operating Expense	161,937	161,937	
ENTOMOLOGY AND PLANT PATHOLOGY FUND (IC 14-24-10-3)			
Total Operating Expense			23,359
Augmentation allowed.			
ENGINEERING DIVISION			
Personal Services	1,588,440	1,589,599	
Other Operating Expense	71,351	71,351	
STATE MUSEUM			
Personal Services	5,498,536	5,502,194	
Other Operating Expense	2,031,841	2,031,841	
HISTORIC PRESERVATION DIVISION			
Personal Services	937,701	938,370	
Other Operating Expense	41,125	41,125	
STATE HISTORIC SITES			
Personal Services	2,139,718	2,140,920	
Other Operating Expense	381,787	381,787	

From the above appropriations, $75,000 in each state fiscal year shall be used for the Grissom Museum.

WABASH RIVER HERITAGE CORRIDOR			
Total Operating Expense	97,849	97,849	
OUTDOOR RECREATION DIVISION			
Personal Services	850,544	851,170	
Other Operating Expense	44,019	44,019	
NATURE PRESERVES DIVISION			
Personal Services	908,197	908,859	
Other Operating Expense	52,164	52,164	
DEPARTMENT OF NATURAL RESOURCES FINANCIAL MANAGEMENT			
Personal Services	148,372	148,483	
Other Operating Expense	41,718	41,718	
WATER DIVISION			
Personal Services	4,938,614	4,942,191	
Other Operating Expense	663,935	663,935	

All revenues accruing from state and local units of government and from private utilities and industrial concerns as a result of water resources study projects, and as a result of topographic and other mapping projects, shall be deposited into the state

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

general fund, and such receipts are hereby appropriated, in addition to the foregoing amounts, for water resources studies.

GREAT LAKES COMMISSION		
Other Operating Expense	61,000	61,000
DEER RESEARCH AND MANAGEMENT		
Deer Research and Management Fund (IC 14-22-5-2)		
Total Operating Expense	174,000	174,000
Augmentation allowed.		
OIL AND GAS DIVISION		
From the General Fund	1,207,046	1,207,388
From the Oil and Gas Fund (IC 6-8-1-27)	139,750	140,176
Augmentation allowed from Oil and Gas Fund.		

The amounts specified from the General Fund and the Oil and Gas Fund are for the following purposes:

Personal Services	1,066,435	1,067,203
Other Operating Expense	280,361	280,361

STATE PARKS AND RESERVOIRS		
From the General Fund	10,161,162	10,168,398
From the State Parks and Reservoirs Special Revenue Fund (IC 14-19-8-2)	21,136,316	21,160,811
Augmentation allowed from State Parks and Reservoirs Special Revenue Fund.		

The amounts specified from the General Fund and the State Parks and Reservoirs Special Revenue Fund are for the following purposes:

Personal Services	24,409,278	24,441,009
Other Operating Expense	6,888,200	6,888,200

SNOWMOBILE/OFFROAD VEHICLE LICENSING FUND		
Snowmobile/Offroad Licensing Fund (IC 14-16-1-30)		
Total Operating Expense	139,908	139,908
Augmentation allowed.		
LAW ENFORCEMENT DIVISION		
From the General Fund	9,207,707	9,208,185
From the Fish and Wildlife Fund (IC 14-22-3-2)	11,060,370	11,061,123
Augmentation allowed from the Fish and Wildlife Fund.		

The amounts specified from the General Fund and the Fish and Wildlife Fund are for the following purposes:

Personal Services	17,010,154	17,011,385
Other Operating Expense	3,257,923	3,257,923

FISH AND WILDLIFE DIVISION		
Fish and Wildlife Fund (IC 14-22-3-2)		
Personal Services	13,271,453	13,279,686
Other Operating Expense	4,056,937	4,056,937
Augmentation allowed.		
FORESTRY DIVISION		
From the General Fund	1,406,350	1,406,609
From the State Forestry Fund (IC 14-23-3-2)	7,948,375	7,952,921
Augmentation allowed from the State Forestry Fund.		

The amounts specified from the General Fund and the State Forestry Fund are for the following purposes:

Personal Services	7,850,802	7,855,607
Other Operating Expense	1,503,923	1,503,923

All money expended by the division of forestry of the department of natural resources for the detention and suppression of forest, grassland, and wasteland fires shall be through the enforcement division of the department, and the employment with such money of all personnel, with the exception of emergency labor, shall be in accordance with IC 14-9-8.

RECLAMATION DIVISION		
From the General Fund	36,857	36,857
From the Natural Resources Reclamation Division Fund (IC 14-34-14-2)	5,228,074	5,231,437
Augmentation allowed from the Natural Resources Reclamation Division Fund.		

The amounts specified from the General Fund and the Natural Resources Reclamation Division Fund are for the following purposes:

Personal Services	4,585,013	4,588,376
Other Operating Expense	679,918	679,918

In addition to any of the foregoing appropriations for the department of natural resources, any federal funds received by the state of Indiana for support of approved outdoor recreation projects for planning, acquisition, and development under the provisions of the federal Land and Water Conservation Fund Act, P.L.88-578, are appropriated for the uses and purposes for which the funds were paid to the state, and shall be distributed by the department of natural resources to state agencies and other governmental units in accordance with the provisions under which the funds were received.

SOIL CONSERVATION DIVISION - T BY 2000		
Cigarette Tax Fund (IC 6-7-1-29.1)		
Personal Services	4,557,340	4,560,521
Other Operating Expense	1,439,838	1,439,838
Augmentation allowed.		
LAKE AND RIVER ENHANCEMENT		
Lake and River Enhancement Fund (IC 6-6-11-12.5)		
Total Operating Expense		4,685,811
Augmentation allowed.		
CONSERVATION OFFICERS' MARINE ENFORCEMENT FUND		
Lake and River Enhancement Fund (IC 6-6-11-12.5)		
Total Operating Expense	182,759	182,759
Augmentation allowed.		
HERITAGE TRUST		
Total Operating Expense	1	1

B. OTHER NATURAL RESOURCES

FOR THE WORLD WAR MEMORIAL COMMISSION		
Personal Services	1,025,997	1,026,680
Other Operating Expense	143,509	143,509

All revenues received as rent for space in the buildings located at 777 North Meridian Street and 700 North Pennsylvania Street, in the city of Indianapolis, that exceed the costs of operation and maintenance of the space rented, shall be paid into the general fund. The American Legion shall provide for the complete maintenance of the interior of these buildings.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR THE WHITE RIVER PARK COMMISSION			
Total Operating Expense	1,309,965	1,309,965	
FOR THE ST. JOSEPH RIVER BASIN COMMISSION			
Total Operating Expense	70,029	70,029	
C. ENVIRONMENTAL MANAGEMENT			
FOR THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT			
ADMINISTRATION			
From the General Fund	4,302,355	4,386,235	
From the State Solid Waste Management Fund (IC 13-20-22-2)	128,388	128,465	
From the Waste Tire Management Fund (IC 13-20-13-8)	60,182	60,218	
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	742,243	742,684	
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	862,606	863,148	
From the Environmental Management Special Fund (IC 13-14-12-1)	216,654	216,782	
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	316,957	317,145	
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	56,167	56,201	
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	1,628,925	1,629,890	
Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund.			

The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund are for the following purposes:

Personal Services	6,113,111	6,117,395
Other Operating Expense	2,201,366	2,283,373

LABORATORY CONTRACTS		
General Fund	708,362	777,825
Environmental Management Special Fund (IC 13-14-12-1)	425,999	425,999
Hazardous Substances Response Trust Fund (IC 13-25-4-1)	1,277,997	1,277,997
Augmentation allowed from the Environmental Management Special Fund and the Hazardous Substances Response Trust Fund.		

The amounts specified from the General Fund, Environmental Management Special Fund, and the Hazardous Substance Response Trust Fund are for the following purpose:

Total Operating Expense	2,412,358	2,481,821
NORTHWEST REGIONAL OFFICE		
From the General Fund	523,982	524,332
From the State Solid Waste Management Fund (IC 13-20-22-2)	31,639	31,659
From the Waste Tire Management Fund (IC 13-20-13-8)	8,925	8,931
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	283,124	283,308
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	135,480	135,571
From the Environmental Management Special Fund (IC 13-14-12-1)	64,089	64,130
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	48,677	48,709
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	8,113	8,118
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	231,202	231,349
Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund.		

The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund are for the following purposes:

Personal Services	1,206,917	1,207,793
Other Operating Expense	128,314	128,314

NORTHERN REGIONAL OFFICE		
From the General Fund	374,610	374,843
From the State Solid Waste Management Fund (IC 13-20-22-2)	46,856	46,883
From the Waste Tire Management Fund (IC 13-20-13-8)	5,679	5,682
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	276,161	276,325
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	123,527	123,626
From the Environmental Management Special Fund (IC 13-14-12-1)	66,732	66,772
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	39,048	39,071

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	4,970	4,973	
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	146,951	147,035	

Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund.

The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund are for the following purposes:

Personal Services	932,226	932,902	
Other Operating Expense	152,308	152,308	

SOUTHWEST REGIONAL OFFICE

From the General Fund	387,639	387,863	
From the State Solid Waste Management Fund (IC 13-20-22-2)	97,931	97,987	
From the Waste Tire Management Fund (IC 13-20-13-8)	6,045	6,048	
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	146,896	146,981	
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	86,445	86,497	
From the Environmental Management Special Fund (IC 13-14-12-1)	52,594	52,624	
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	55,010	55,042	
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	5,440	5,443	
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	154,150	154,239	

Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund.

The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund are for the following purposes:

Personal Services	793,774	794,348	
Other Operating Expense	198,376	198,376	

LEGAL AFFAIRS

From the General Fund	779,039	779,561	
From the State Solid Waste Management Fund (IC 13-20-22-2)	40,958	40,983	
From the Waste Tire Management Fund (IC 13-20-13-8)	4,428	4,431	
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	242,425	242,573	
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	180,435	180,553	
From the Environmental Management Special Fund (IC 13-14-12-1)	61,990	62,027	
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	91,877	91,932	
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	16,604	16,614	
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	468,246	468,528	

Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund.

The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund are for the following purposes:

Personal Services	1,762,962	1,764,162	
Other Operating Expense	123,040	123,040	

ENFORCEMENT

From the General Fund	1,056,384	1,057,122	
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	733,137	733,746	
From the Environmental Management Special Fund (IC 13-14-12-1)	80,186	80,253	
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	3,273	3,276	
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	1,636	1,637	

Augmentation allowed from the Title V Operating Permit Program Trust Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, and the Underground Petroleum Storage Tank Excess Liability Trust Fund.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

The amounts specified from the General Fund, Title V Operating Permit ProgramTrust Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund are for the following purposes:

Personal Services	1,794,769	1,796,187
Other Operating Expense	79,847	79,847

INVESTIGATIONS

From the General Fund	191,601	191,702
From the State Solid Waste Management Fund (IC 13-20-22-2)	6,819	6,822
From the Waste Tire Management Fund (IC 13-20-13-8)	4,636	4,638
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	44,721	44,744
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	55,627	55,657
From the Environmental Management Special Fund (IC 13-14-12-1)	13,089	13,096
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	22,632	22,643
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	4,362	4,364
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	120,799	120,862

Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund.

The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund are for the following purposes:

Personal Services	333,715	333,957
Other Operating Expense	130,571	130,571

PLANNING AND ASSESSMENT

From the General Fund	444,517	444,834
From the State Solid Waste Management Fund (IC 13-20-22-2)	8,389	8,395
From the Waste Tire Management Fund (IC 13-20-13-8)	5,705	5,709
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	55,033	55,071
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	68,454	68,505
From the Environmental Management Special Fund (IC 13-14-12-1)	16,107	16,118
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	27,852	27,872
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	5,370	5,374
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	148,654	148,757

Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund.

The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund are for the following purposes:

Personal Services	763,868	764,422
Other Operating Expense	16,213	16,213

MEDIA AND COMMUNICATIONS

From the General Fund	418,483	418,762
From the State Solid Waste Management Fund (IC 13-20-22-2)	10,533	10,539
From the Waste Tire Management Fund (IC 13-20-13-8)	7,161	7,165
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	69,097	69,142
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	85,949	86,008
From the Environmental Management Special Fund (IC 13-14-12-1)	20,224	20,237
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	34,970	34,992
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	6,741	6,745
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	186,648	186,769

Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund.

The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund are for the following purposes:

Personal Services	795,024	795,577
Other Operating Expense	44,782	44,782

PUBLIC POLICY AND PLANNING

From the General Fund	161,608	161,718
From the State Solid Waste Management Fund (IC 13-20-22-2)	5,908	5,912
From the Waste Tire Management Fund (IC 13-20-13-8)	4,019	4,021
From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)	38,752	38,777
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	48,207	48,240
From the Environmental Management Special Fund (IC 13-14-12-1)	11,342	11,349
From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)	19,613	19,625
From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)	3,780	3,782
From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)	104,682	104,752

Augmentation allowed from the State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund.

The amounts specified from the General Fund, State Solid Waste Management Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Underground Petroleum Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess Liability Fund are for the following purposes:

Personal Services	353,663	353,928
Other Operating Expense	44,248	44,248

OHIO RIVER VALLEY WATER SANITATION COMMISSION

Environmental Management Special Fund (IC 13-14-12-1)		
Total Operating Expense	242,900	242,900

Augmentation allowed.

OFFICE OF ENVIRONMENTAL RESPONSE

Personal Services	1,948,562	1,949,976
Other Operating Expense	575,485	575,485

POLLUTION PREVENTION AND TECHNICAL ASSISTANCE

Personal Services	1,045,497	1,046,263
Other Operating Expense	249,790	249,790

PCB INSPECTIONS

Environmental Management Permit Operation Fund (IC 13-15-11-1)		
Total Operating Expense	40,001	40,001

Augmentation allowed.

U.S. GEOLOGICAL SURVEY CONTRACTS

Environmental Management Special Fund (IC 13-14-12-1)		
Total Operating Expense	62,890	62,890

Augmentation allowed.

STATE SOLID WASTE GRANTS MANAGEMENT

State Solid Waste Management Fund (IC 13-20-22-2)		
Personal Services	232,830	232,997
Other Operating Expense	1,372,630	1,372,630

Augmentation allowed.

VOLUNTARY CLEAN-UP PROGRAM

Voluntary Remediation Fund (IC 13-25-5-21)		
Personal Services	326,625	326,858
Other Operating Expense	551,500	551,500

Augmentation allowed.

TITLE V AIR PERMIT PROGRAM

Title V Operating Permit Program Trust Fund (IC 13-17-8-1)		
Personal Services	6,131,432	6,135,885
Other Operating Expense	4,374,989	4,374,989

Augmentation allowed.

WATER MANAGEMENT PERMITTING

From the General Fund	1,919,924	1,921,119
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	4,205,935	4,208,554

Augmentation allowed from the Environmental Management Permit Operation Fund.

The amounts specified from the General Fund and the Environmental Management Permit Operation Fund are for the following purposes:

Personal Services	5,331,613	5,335,427
Other Operating Expense	794,246	794,246

SOLID WASTE MANAGEMENT PERMITTING

From the General Fund	2,007,190	2,008,514
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	3,102,309	3,104,355

Augmentation allowed from the Environmental Management Permit Operation Fund.

The amounts specified from the General Fund and the Environmental Management Permit Operation Fund are for the following purposes:

Personal Services	4,714,580	4,717,950
Other Operating Expense	394,919	394,919

HAZARDOUS WASTE MANAGEMENT PERMITTING

From the General Fund	2,492,889	2,494,350
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	2,978,130	2,979,879

Augmentation allowed from the Environmental Management Permit Operation Fund.

The amounts specified from the General Fund and the Environmental Management Permit Operation Fund are for the following purposes:

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
Personal Services	4,445,660	4,448,870	
Other Operating Expense	1,025,359	1,025,359	
SAFE DRINKING WATER PROGRAM			
From the General Fund	571,429	571,807	
From the Environmental Management Permit Operation Fund (IC 13-15-11-1)	2,094,366	2,894,837	
Augmentation allowed from the Environmental Management Permit Operation Fund.			

The amounts specified from the General Fund and the Environmental Management Permit Operation Fund are for the following purposes:

Personal Services	1,075,952	1,077,970	
Other Operating Expense	1,589,843	2,388,674	
WATERSHED MANAGEMENT			
Environmental Management Special Fund (IC 13-14-12-1)			
Total Operating Expense	24,037	24,037	
Augmentation allowed.			
CLEAN VESSEL PUMPOUT			
Environmental Management Special Fund (IC 13-14-12-1)			
Total Operating Expense	58,475	58,475	
Augmentation allowed.			
GROUNDWATER PROGRAM			
Total Operating Expense	287,001	287,126	
UNDERGROUND STORAGE TANK PROGRAM			
Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
Total Operating Expense	137,215	137,277	
Augmentation allowed.			
AIR MANAGEMENT OPERATING			
From the General Fund	886,788	887,229	
From the Environmental Management Special Fund (IC 13-14-12-1)	1,698,889	1,699,738	
Augmentation allowed from the Environmental Management Special Fund.			

The amounts specified from the General Fund and the Environmental Management Special Fund are for the following purposes:

Personal Services	1,776,421	1,777,711	
Other Operating Expense	809,256	809,256	
WATER MANAGEMENT NON-PERMITTING			
Personal Services	3,137,463	3,139,726	
Other Operating Expense	391,681	490,466	
GREAT LAKES INITIATIVE			
Environmental Management Special Fund (IC 13-14-12-1)			
Total Operating Expense	96,160	96,160	
Augmentation allowed.			
OUTREACH OPERATOR TRAINING			
Total Operating Expense	41,306	41,306	
LEAKING UNDERGROUND STORAGE TANKS			
Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
Personal Services	124,465	124,555	
Other Operating Expense	44,109	44,109	
Augmentation allowed.			
CORE SUPERFUND			
Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
Total Operating Expense	127,435	127,467	
Augmentation allowed.			
AUTO EMISSIONS TESTING PROGRAM			
Personal Services	153,161	153,270	
Other Operating Expense	7,592,411	7,344,013	
HAZARDOUS WASTE SITE - STATE CLEAN-UP			
Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
Personal Services	914,494	915,153	
Other Operating Expense	1,323,811	1,323,811	
Augmentation allowed.			
HAZARDOUS WASTE SITES - NATURAL RESOURCE DAMAGES			
Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
Personal Services	174,348	174,474	
Other Operating Expense	680,991	680,991	
Augmentation allowed.			
SUPERFUND MATCH			
Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
Total Operating Expense	354,985	354,985	
Augmentation allowed.			
HOUSEHOLD HAZARDOUS WASTE			
Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
Personal Services	39,934	39,960	
Other Operating Expense	443,816	443,816	
Augmentation allowed.			
ASBESTOS TRUST - OPERATING			
Asbestos Trust Fund (IC 13-17-6-3)			
Personal Services	358,456	358,709	
Other Operating Expense	150,384	150,384	
Augmentation allowed.			
UNDERGROUND PETROLEUM STORAGE TANK - OPERATING			
Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)			
Personal Services	201,977	202,035	
Other Operating Expense	28,128,801	28,128,801	
Augmentation allowed.			
WASTE TIRE MANAGEMENT			
Waste Tire Management Fund (IC 13-20-13-8)			
Total Operating Expense	1,054,000	1,054,000	
Augmentation allowed.			
VOLUNTARY COMPLIANCE			
Environmental Management Special Fund (IC 13-14-12-1)			
Personal Services	140,598	140,696	
Other Operating Expense	217,737	217,737	
Augmentation allowed.			
ENVIRONMENTAL MANAGEMENT SPECIAL FUND - OPERATING			
Environmental Management Special Fund (IC 13-14-12-1)			
Total Operating Expense	1,100,000	1,100,000	
Augmentation allowed.			
SMALL TOWN COMPLIANCE			
Environmental Management Special Fund (IC 13-14-12-1)			
Total Operating Expense	60,000	60,000	
Augmentation allowed.			
WETLANDS PROTECTION			
Environmental Management Special Fund (IC 13-14-12-1)			
Total Operating Expense	50,401	50,401	
Augmentation allowed.			

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
MERCURY REDUCTION OUTREACH GRANT			
Total Operating Expense	87,590	87,590	
PETROLEUM TRUST - OPERATING			
Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
Personal Services	242,896	243,081	
Other Operating Expense	462,885	462,885	
Augmentation allowed.			
LEAD BASED PAINT ACTIVITIES PROGRAM			
Lead Trust Fund (IC 13-17-14-6)			
Total Operating Expense	21,638	21,646	
Augmentation allowed.			

Notwithstanding any other law, with the approval of the Governor and the budget agency, the above appropriations for hazardous waste management - permitting, wetlands protection, watershed management, groundwater program, underground storage tanks, air management operating, asbestos trust operating, lead based paint activities program, water management non-permitting, pollution prevention incentives for states, safe drinking water program, and any other appropriation eligible to be included in a performance partnership grant may be used to fund activities incorporated into a performance partnership grant between the United States Environmental Protection Agency and the department of environmental management.

FOR THE OFFICE OF ENVIRONMENTAL ADJUDICATION			
Environmental Management Special Fund (IC 13-14-12-1)			
Personal Services	232,179	232,335	
Other Operating Expense	82,114	82,114	
Augmentation allowed.			
FOR THE STATE BUDGET AGENCY			
CLEAN MANUFACTURING TECHNOLOGY BOARD			
Total Operating Expense	475,000	475,000	

The above appropriation may be used for grants and pilot projects under IC 13-27.5-1, IC 13-27-2-10, IC 13-27-2-11, or another law only as money to match on a dollar for dollar basis money from private sources, excluding federal, state, local governmental funds and money contributed by a public university or college.

SECTION 6. [EFFECTIVE JULY 1, 2005]

ECONOMIC DEVELOPMENT

A. AGRICULTURE

FOR THE DEPARTMENT OF AGRICULTURE			
Personal Services	1,437,305	1,438,352	
Other Operating Expense	239,431	239,431	
VALUE ADDED RESEARCH PROGRAM			
General Fund			
Total Operating Expense	250,000	250,000	
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	600,000	600,000	
LAND RESOURCES COUNCIL			
Total Operating Expense			306,062
FOR THE LIEUTENANT GOVERNOR			
RURAL DEVELOPMENT ADMINISTRATION			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	2,400,000	2,400,000	

Notwithstanding IC 4-4-9.3, the above appropriations include funds for the farm counseling program.

RURAL DEVELOPMENT COUNCIL			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	1,203,480	1,203,483	

B. COMMERCE

FOR THE LIEUTENANT GOVERNOR			
COMMUNITY DEVELOPMENT ADMINISTRATION			
Personal Services	843,296	843,296	
Other Operating Expense	265,906	265,906	
OFFICE OF TOURISM			
Total Operating Expense	4,212,235	4,212,235	
INDIANA INDIVIDUAL DEVELOPMENT ACCOUNTS			
Total Operating Expense	1,350,000	1,350,000	

The department shall collect and report to the family and social services administration (FSSA) all data required for FSSA to meet the data collection and reporting requirements in 45 CFR Part 265.

Family and social services administration, division of family and children shall apply all qualifying expenditures for individual development accounts deposits toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.).

RECYCLING PROMOTION AND ASSISTANCE PROGRAM			
Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)			
Total Operating Expense	1,500,000	1,500,000	
Augmentation allowed.			
RECYCLING OPERATING			
Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)			
Personal Services	56,700	56,741	
Other Operating Expense	172,930	172,930	
Augmentation allowed.			
STATE ENERGY PROGRAM			
Total Operating Expense	97,880	97,880	
FOR THE INDIANA ECONOMIC DEVELOPMENT CORPORATION			
ADMINISTRATIVE AND FINANCIAL SERVICES			
From the General Fund	7,405,445	7,411,292	
From the Skills 2016 Fund (IC 22-4-24.5-1)	185,630	185,630	
From the Industrial Development Grant Fund	52,139	52,139	

The amounts specified from the General Fund, Skills 2016 Fund, and Industrial Development Grant Fund are for the following purposes:

Personal Services	6,015,642	6,021,489	
Other Operating Expense	1,627,572	1,627,572	
INTERNATIONAL TRADE			
Total Operating Expense	1,394,676	1,394,676	
ENTERPRISE ZONE PROGRAM			
Indiana Enterprise Zone Fund (IC 4-4-6.1-2.3)			
Total Operating Expense	260,024	260,065	

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
Augmentation allowed.			
LOCAL ECONOMIC DEVELOPMENT ORGANIZATION/REGIONAL ECONOMIC DEVELOPMENT ORGANIZATION (LEDO/REDO) MATCHING GRANT PROGRAM			
Total Operating Expense			1,900,000
SKILLS 2016			
Total Operating Expense			23,150,038
BUSINESS PROMOTION PROGRAM			
Total Operating Expense			2,271,508
TRADE PROMOTION PROGRAM			
Total Operating Expense	200,000	200,000	
ECONOMIC DEVELOPMENT GRANT AND LOAN PROGRAM			
Total Operating Expense			1,200,000
INDUSTRIAL DEVELOPMENT GRANT PROGRAM			
Total Operating Expense			6,500,000
ECONOMIC DEVELOPMENT COUNCIL			
Total Operating Expense	303,041	303,041	
21ST CENTURY RESEARCH & TECHNOLOGY FUND			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	37,500,000	37,500,000	
TECHNOLOGY DEVELOPMENT GRANT PROGRAM			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	4,500,000	4,500,000	
INDIANA DEVELOPMENT FINANCE AUTHORITY (IDFA)			
CAPITAL ACCESS PROGRAM			
Total Operating Expense			1,242,500
ENVIRONMENTAL REMEDIATION REVOLVING LOAN PROGRAM			
Total Operating Expense			5,000,000
PROJECT GUARANTY PROGRAM			
Total Operating Expense			1,800,000
BUSINESS DEVELOPMENT LOAN PROGRAM			
Total Operating Expense			2,000,000

C. COMMUNITY SERVICES

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR THE GOVERNOR'S COMMISSION ON COMMUNITY SERVICE AND VOLUNTEERISM			
Personal Services	263,974	264,340	
Other Operating Expense	76,869	76,869	

D. EMPLOYMENT SERVICES

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR THE DEPARTMENT OF WORKFORCE DEVELOPMENT			
ADMINISTRATION			
Total Operating Expense	1,148,027	1,148,027	
WOMEN'S COMMISSION			
Personal Services	113,666	113,746	
Other Operating Expense	5,153	5,153	
COMMISSION ON HISPANIC/LATINO AFFAIRS			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	124,188	124,235	

The above appropriations are in addition to any funding for the commission derived from funds appropriated to the department of workforce development.

E. OTHER ECONOMIC DEVELOPMENT

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR THE STATE BUDGET AGENCY			
I-LIGHT FIBER OPTIC SYSTEM			
Total Operating Expense	2,500,000	2,500,000	

SECTION 7. [EFFECTIVE JULY 1, 2005]

TRANSPORTATION

FOR THE DEPARTMENT OF TRANSPORTATION

For the conduct and operation of the department of transportation, the following sums are appropriated for the periods designated, from the state general fund, the public mass transportation fund, the industrial rail service fund, the state highway fund, the motor vehicle highway account, the distressed road fund, the state highway road construction and improvement fund, the motor carrier regulation fund, and the crossroads 2000 fund.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
PLANNING AND ADMINISTRATION			
From the State Highway Fund (IC 8-23-9-54)	509,370	509,666	
From the Public Mass Transportation Fund (IC 8-23-3-8)	207,623	207,744	
From the Industrial Rail Service Fund (IC 8-3-1.7-2)	30,760	30,778	
Augmentation allowed from the Public Mass Transportation Fund, Industrial Rail Service Fund, and State Highway Fund.			

The amounts specified from the Public Mass Transportation Fund, Industrial Rail Service Fund, and State Highway Fund are for the following purposes:

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
Personal Services	583,247	583,587	
Other Operating Expense	164,506	164,601	

The above appropriations may be used to match federal funds available for planning and administration of transportation in Indiana.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
INTERMODAL OPERATING			
From the State Highway Fund (IC 8-23-9-54)	533,581	533,915	
From the Public Mass Transportation Fund (IC 8-23-3-8)	370,542	370,770	
From the Industrial Rail Service Fund (IC 8-3-1.7-2)	370,542	370,770	
Augmentation allowed from the State Highway Fund, Public Mass Transportation Fund and Industrial Rail Service Fund.			

The amounts specified from the State Highway Fund, the Public Mass Transportation Fund, and the Industrial Rail Service Fund are for the following purposes:

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
Personal Services	1,096,212	1,096,891	
Other Operating Expense	178,453	178,564	

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
INTERMODAL GRANT PROGRAM			
Department of Transportation Administration Fund			
Total Operating Expense	42,000	42,000	
Public Mass Transportation Fund (IC 8-23-3-8)			
Total Operating Expense	37,500	37,500	
Augmentation allowed from Public Mass Transportation Fund.			

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
RAILROAD GRADE CROSSING IMPROVEMENT			
Total Operating Expense	465,000	465,000	
HIGH SPEED RAIL			
Industrial Rail Service Fund			
Matching Funds			40,000
Augmentation allowed.			
PUBLIC MASS TRANSPORTATION			
Public Mass Transportation Fund (IC 8-23-3-8)			
Total Operating Expense	31,009,377	31,628,396	
Augmentation allowed.			

The appropriations are to be used solely for the promotion and development of public transportation. The department of transportation shall allocate funds based on a formula approved by the commissioner of the department of transportation.

The department of transportation may distribute public mass transportation funds to an eligible grantee that provides public transportation in Indiana.

The state funds can be used to match federal funds available under the Federal Transit Act (49 U.S.C. 1601, et seq.), or local funds from a requesting grantee.

Before funds may be disbursed to a grantee, the grantee must submit its request for financial assistance to the department of transportation for approval. Allocations must be approved by the governor and the budget agency after review by the budget committee and shall be made on a reimbursement basis. Only applications for capital and operating assistance may be approved. Only those grantees that have met the reporting requirements under IC 8-23-3 are eligible for assistance under this appropriation.

HIGHWAY OPERATING		
State Highway Fund (IC 8-23-9-54)		
Personal Services	203,986,295	204,125,958
Other Operating Expense	39,930,685	39,929,737
HIGHWAY BUILDINGS AND GROUNDS		
State Highway Fund (IC 8-23-9-54)		
Total Operating Expense		18,650,766

The above appropriations for highway buildings and grounds may be used for land acquisition, site development, construction and equipping of new highway facilities and for maintenance, repair, and rehabilitation of existing state highway facilities.

HIGHWAY VEHICLE AND ROAD MAINTENANCE EQUIPMENT		
State Highway Fund (IC 8-23-9-54)		
Other Operating Expense	18,820,600	18,820,600

The above appropriations for highway operating and highway vehicle and road maintenance equipment may be used for personal services, equipment, and other operating expense, including the cost of transportation for the governor.

HIGHWAY MAINTENANCE WORK PROGRAM		
State Highway Fund (IC 8-23-9-54)		
Other Operating Expense	74,000,000	74,000,000

The above appropriations for the highway maintenance work program may be used for:
(1) materials for patching roadways and shoulders;
(2) repairing and painting bridges;
(3) installing signs and signals and painting roadways for traffic control;
(4) mowing, herbicide application, and brush control;
(5) drainage control;
(6) maintenance of rest areas, public roads on properties of the department of natural resources, and driveways on the premises of all state facilities;
(7) materials for snow and ice removal;
(8) utility costs for roadway lighting; and
(9) other special maintenance and support activities consistent with the highway maintenance work program.

HIGHWAY CAPITAL IMPROVEMENTS		
State Highway Fund (IC 8-23-9-54)		
Right-of-Way Expense	20,000,000	20,000,000
Formal Contracts Expense	144,906,699	146,232,472
Consulting Services Expense	31,129,405	31,890,000
Institutional Road Construction	5,000,000	5,000,000

The above appropriations for the capital improvements program may be used for:
(1) bridge rehabilitation and replacement;
(2) road construction, reconstruction, or replacement;
(3) construction, reconstruction, or replacement of travel lanes, intersections, grade separations, rest parks, and weigh stations;
(4) relocation and modernization of existing roads;
(5) resurfacing;
(6) erosion and slide control;
(7) construction and improvement of railroad grade crossings, including the use of the appropriations to match federal funds for projects;
(8) small structure replacements;
(9) safety and spot improvements; and
(10) right-of-way, relocation, and engineering and consulting expenses associated with any of the above types of projects.

The foregoing appropriations for highway operating, highway vehicles and road maintenance equipment, highway buildings and grounds, the highway planning and research program, the highway maintenance work program, and highway capital improvements are appropriated from estimated revenues which include the following:
(1) Funds distributed to the state highway fund from the motor vehicle highway account under IC 8-14-1-3(4).
(2) Funds distributed to the state highway fund from the highway, road, and street fund under IC 8-14-2-3.
(3) All fees and miscellaneous revenues deposited in or accruing to the state highway fund under IC 8-23-9-54.
(4) Any unencumbered funds carried forward in the state highway fund from any previous fiscal year.
(5) All other funds appropriated or made available to the department by the general assembly.

If funds from sources set out above for the department exceed appropriations from those sources to the department, the excess amount is hereby appropriated to be used at the discretion of the department with approval of the governor and the budget agency for the conduct and operation of the department.

If there is a change in a statute reducing or increasing revenue for department use, the budget agency shall notify the auditor of state to adjust the above appropriations to reflect the estimated increase or decrease. Upon the request of the department, the budget agency, with the approval of the governor, may allot any increase in appropriations to the department.

If the department of transportation finds that an emergency

exists or that an appropriation will be insufficient to cover expenses incurred in the normal operation of the department, the budget agency may, upon request of the department, and with the approval of the governor, transfer funds from revenue sources set out above from one (1) appropriation to the deficient appropriation. No appropriation from the state highway fund may be used to fund any toll road or toll bridge project except as specifically provided for under IC 8-15-2-20.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
HIGHWAY PLANNING AND RESEARCH PROGRAM			
State Highway Fund (IC 8-23-9-54)			
Total Operating Expense	3,500,000	3,500,000	
STATE HIGHWAY ROAD CONSTRUCTION AND IMPROVEMENT PROGRAM			
State Highway Road Construction Improvement Fund (IC 8-14-10-5)			
Lease Rental Payments Expense	65,875,392	66,534,146	
Augmentation allowed.			

The above appropriations for the state highway road construction and improvement program are appropriated from the state highway road construction and improvement fund provided in IC 8-14-10-5 and may include any unencumbered funds carried forward from any previous fiscal year. The funds may be used for:
(1) road and bridge construction, reconstruction, or replacement;
(2) construction, reconstruction, or replacement of travel lanes, intersections, grade separations;
(3) relocation and modernization of existing roads;
(4) right-of-way, relocation, and engineering and consulting expenses associated with any of the above types of projects; and
(5) payment of rentals and leases relating to projects under IC 8-14.5.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
CROSSROADS 2000 PROGRAM			
Crossroads 2000 Fund (IC 8-14-10-9)			
Formal Contracts Expense	13,093,301	437,179	
Lease Rental Payment Expense	37,200,000	37,200,000	
Augmentation allowed.			
FEDERAL APPORTIONMENT			
Right-of-Way Expense	50,000,000	50,000,000	
Formal Contracts Expense	297,000,000	327,240,000	
Consulting Engineers Expense	71,000,000	80,760,000	
Highway Planning and Research	13,000,000	13,000,000	
Local Government Revolving Acct.	140,000,000	140,000,000	

The department may establish an account to be known as the "local government revolving account". The account is to be used to administer the federal-local highway construction program. All contracts issued and all funds received for federal-local projects under this program shall be entered into this account.

If the federal apportionments for the fiscal years covered by this act exceed the above estimated appropriations for the department or for local governments, the excess federal apportionment is hereby appropriated for use by the department with the approval of the governor and the budget agency.

The department shall bill, in a timely manner, the federal government for all department payments that are eligible for total or partial reimbursement.

The department may let contracts and enter into agreements for construction and preliminary engineering during each year of the 2005-2007 biennium that obligate not more than one-third (1/3) of the amount of state funds estimated by the department to be available for appropriation in the following year for formal contracts and consulting engineers for the capital improvements program.

Under IC 8-23-5-7(a), the department, with the approval of the governor, may construct and maintain roadside parks and highways where highways will connect any state highway now existing, or hereafter constructed, with any state park, state forest preserve, state game preserve, or the grounds of any state institution. There is appropriated to the department of transportation an amount sufficient to carry out the provisions of this paragraph. Under IC 8-23-5-7(d), such appropriations shall be made from the motor vehicle highway account before distribution to local units of government.

LOCAL TECHNICAL ASSISTANCE AND RESEARCH

Under IC 8-14-1-3(6), there is appropriated to the department of transportation an amount sufficient for:
(1) the program of technical assistance under IC 8-23-2-5(6); and
(2) the research and highway extension program conducted for local government under IC 8-17-7-4.

The department shall develop an annual program of work for research and extension in cooperation with those units being served, listing the types of research and educational programs to be undertaken. The commissioner of the department of transportation may make a grant under this appropriation to the institution or agency selected to conduct the annual work program. Under IC 8-14-1-3(6), appropriations for the program of technical assistance and for the program of research and extension shall be taken from the local share of the motor vehicle highway account.

Under IC 8-14-1-3(7) there is hereby appropriated such sums as are necessary to maintain a sufficient working balance in accounts established to match federal and local money for highway projects. These funds are appropriated from the following sources in the proportion specified:
(1) one-half (½) from the forty-seven percent (47%) set aside of the motor vehicle highway account under IC 8-14-1-3(7); and
(2) for counties and for those cities and towns with a population greater than five thousand (5,000), one-half (½) from the distressed road fund under IC 8-14-8-2.

SECTION 8. [EFFECTIVE JULY 1, 2005]

FAMILY AND SOCIAL SERVICES, HEALTH, AND VETERANS' AFFAIRS

A. FAMILY AND SOCIAL SERVICES

FOR THE STATE BUDGET AGENCY FSSA/DEPARTMENT OF HEALTH INSTITUTIONAL CONTINGENCY FUND			
Total Operating Expense			2,000,000

The above institutional contingency fund shall be allotted upon the recommendation of the budget agency with approval of the governor. This appropriation may be used to supplement individual hospital, state developmental center, and special institutions budgets.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
INDIANA PRESCRIPTION DRUG PROGRAM			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	8,000,000	8,000,139	

With the approval of the governor and the budget agency, the above appropriations for the Indiana prescription drug program may be augmented by leveraging for each fiscal year federal Medicaid dollars.

FOR THE FAMILY AND SOCIAL SERVICES ADMINISTRATION			
CHILDREN'S HEALTH INSURANCE PROGRAM			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	26,503,056	26,503,095	
FAMILY AND SOCIAL SERVICES ADMINISTRATION			
Total Operating Expense	13,946,018	13,953,693	
COMMISSION FOR THE STATUS OF BLACK MALES			
Total Operating Expense	131,628	131,711	
OFFICE OF MEDICAID POLICY AND PLANNING - ADMINISTRATION			
Total Operating Expense	5,458,790	5,462,653	
MEDICAID ADMINISTRATION			
Total Operating Expense	49,500,000	49,500,000	
MEDICAID - CURRENT OBLIGATIONS			
General Fund			
Total Operating Expense	1,370,500,000	1,411,600,000	
Hospital Care for the Indigent Fund (IC 12-16-14-6)			
Total Operating Expense	43,000,000	43,000,000	
Augmentation allowed.			

The foregoing appropriations for Medicaid current obligations and for Medicaid administration are for the purpose of enabling the office of Medicaid policy and planning to carry out all services as provided in IC 12-8-6. In addition to the above appropriations, all money received from the federal government and paid into the state treasury as a grant or allowance is appropriated and shall be expended by the office of Medicaid policy and planning for the respective purposes for which the money was allocated and paid to this state. Subject to the provisions of P.L.46-1995, if the sums herein appropriated for Medicaid current obligations and for Medicaid administration are insufficient to enable the office of Medicaid policy and planning to meet its obligations, then there is appropriated from the state general fund such further sums as may be necessary for that purpose, subject to the approval of the governor and the budget agency.

Subject to the approval of the governor and the budget agency, the foregoing appropriations for Medicaid - Current Obligations may be augmented or reduced based on revenues accruing to the hospital care for the indigent fund.

MEDICAID DISABILITY ELIGIBILITY EXAMS			
Total Operating Expense	3,195,000	3,195,000	
MENTAL HEALTH ADMINISTRATION			
Other Operating Expense	2,365,294	2,365,294	
SERIOUSLY EMOTIONALLY DISTURBED			
Total Operating Expense	16,469,493	16,469,493	
SERIOUSLY MENTALLY ILL			
General Fund			
Total Operating Expense	93,862,579	93,862,579	
Mental Health Centers Fund (IC 6-7-1)			
Total Operating Expense	4,445,000	4,445,000	
Augmentation allowed.			

The comprehensive community mental health centers shall submit their proposed annual budgets (including income and operating statements) to the budget agency on or before August 1 of each year. All federal funds shall be applied in augmentation of the foregoing funds rather than in place of any part of the funds.

The above appropriations for comprehensive community mental health services include the intragovernmental transfers necessary to provide the nonfederal share of reimbursement under the Medicaid rehabilitation option.

GAMBLERS' ASSISTANCE			
Gamblers' Assistance Fund (IC 4-33-12-6)			
Total Operating Expense	4,250,000	4,250,000	
SUBSTANCE ABUSE TREATMENT			
Total Operating Expense	5,006,000	5,006,000	
QUALITY ASSURANCE/RESEARCH			
Total Operating Expense	884,304	884,304	
PREVENTION			
Gamblers' Assistance Fund (IC 4-33-12-6)			
Total Operating Expense	2,946,936	2,946,936	
Augmentation allowed.			
METHADONE DIVERSION CONTROL OVERSIGHT (MDCO) PROGRAM			
MDCO Fund (IC 12-23-18)			
Total Operating Expense	26,269	26,269	
Augmentation allowed.			
DMHA YOUTH TOBACCO REDUCTION SUPPORT PROGRAM			
Gamblers' Assistance Fund (IC 4-33-12-6)			
Total Operating Expense	54,000	54,000	
Augmentation allowed.			
EVANSVILLE STATE HOSPITAL			
General Fund	22,395,551	22,407,654	
Mental Health Fund (IC 12-24-14-4)	1,235,014	1,235,682	
Augmentation allowed.			

The amounts specified from the general fund and the mental health fund are for the following purposes:

Personal Services	18,516,201	18,528,972
Other Operating Expense	5,114,364	5,114,364

LARUE CARTER MEMORIAL HOSPITAL			
General Fund	18,887,386	18,895,892	
Mental Health Fund (IC 12-24-14-4)	443,622	443,822	
Augmentation allowed.			

The amounts specified from the general fund and the mental health fund are for the following purposes:

Personal Services	12,562,778	12,571,484
Other Operating Expense	6,768,230	6,768,230

LOGANSPORT STATE HOSPITAL			
General Fund	38,746,342	38,765,733	
Mental Health Fund (IC 12-24-14-4)	1,764,662	1,765,546	
Augmentation allowed.			

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
The amounts specified from the general fund and the mental health fund are for the following purposes:			
Personal Services	29,854,331	29,874,606	
Other Operating Expense	10,656,673	10,656,673	
FARM REVENUE			
Total Operating Expense	53,857	53,857	
MADISON STATE HOSPITAL			
General Fund	20,947,363	20,959,654	
Mental Health Fund (IC 12-24-14-4)	811,461	811,937	
Augmentation allowed.			
The amounts specified from the general fund and the mental health fund are for the following purposes:			
Personal Services	18,439,326	18,452,093	
Other Operating Expense	3,319,498	3,319,498	
RICHMOND STATE HOSPITAL			
General Fund	30,590,520	30,605,663	
Mental Health Fund (IC 12-24-14-4)	876,500	876,934	
Augmentation allowed.			
The amounts specified from the general fund and the mental health fund are for the following purposes:			
Personal Services	25,548,982	25,564,559	
Other Operating Expense	5,918,038	5,918,038	
PATIENT PAYROLL			
Total Operating Expense	316,800	316,800	

The foregoing appropriations for the mental health institutions are for the operations of Evansville Psychiatric Treatment Center for Children, Evansville State Hospital, Larue D. Carter Memorial Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital.

Sixty-six percent (66%) of the revenue accruing to the state mental health institutions under IC 12-15 shall be deposited in the mental health fund established by IC 12-24-14, and thirty-four percent (34%) of the revenue accruing to the institutions, under IC 12-15, shall be deposited in the state general fund.

In addition to the above appropriations each institution may qualify for an additional appropriation, or allotment, subject to approval of the governor and the budget agency, from the mental health fund of up to twenty percent (20%), but not to exceed $50,000 in each fiscal year, of the amount by which actual net collections exceed an amount specified in writing by the division of mental health before July 1 of each year beginning July 1, 2005.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
DIVISION OF FAMILY RESOURCES ADMINISTRATION			
Personal Services	5,546,004	5,551,722	
Other Operating Expense	934,602	934,602	
CENTRAL REIMBURSEMENT OFFICE PROGRAM ADMINISTRATION			
Total Operating Expense	6,399,705	6,399,705	
CHILD CARE LICENSING FUND			
Child Care Fund			
Total Operating Expense	100,000	100,000	
Augmentation allowed.			
ELECTRONIC BENEFIT TRANSFER PROGRAM			
Total Operating Expense	1,800,766	1,800,766	

The foregoing appropriations for the division of family resources Title IV-D of the federal Social Security Act are made under, and not in addition to, IC 12-17-2-31.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
STATE WELFARE - COUNTY ADMINISTRATION			
Total Operating Expense	62,326,010	62,326,010	
INDIANA CLIENT ELIGIBILITY SYSTEM (ICES)			
Total Operating Expense	7,007,662	7,007,662	
IMPACT PROGRAM			
Total Operating Expense	2,449,580	2,449,683	
TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)			
Total Operating Expense	40,457,943	40,457,943	
IMPACT - TANF			
Total Operating Expense	5,768,527	5,768,672	
CHILD CARE & DEVELOPMENT FUND			
Total Operating Expense	35,056,200	35,056,200	

The foregoing appropriations for information systems/technology, education and training, temporary assistance to needy families (TANF), and child care services are for the purpose of enabling the division of family resources to carry out all services as provided in IC 12-14. In addition to the above appropriations, all money received from the federal government and paid into the state treasury as a grant or allowance is appropriated and shall be expended by the division of family resources for the respective purposes for which such money was allocated and paid to this state.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
DOMESTIC VIOLENCE PREVENTION AND TREATMENT			
General Fund			
Total Operating Expense	1,000,000	1,000,000	
Domestic Violence Prevention and Treatment Fund (IC 12-18-4)			
Total Operating Expense	1,000,000	1,000,000	
Augmentation allowed.			
STEP AHEAD			
Total Operating Expense	1,789,082	1,789,312	
FOOD ASSISTANCE PROGRAM			
Total Operating Expense	145,506	145,506	
HEALTHY FAMILIES INDIANA			
Total Operating Expense	6,223,086	6,223,086	
YOUTH SERVICE BUREAU			
Total Operating Expense	1,250,000	1,250,000	

The director of the division of family resources shall establish standards for youth service bureaus. Any youth service bureau that is not an agency of a unit of local government or is not registered with the Indiana secretary of state as a nonprofit corporation shall not be funded. The division of family resources shall fund all youth service bureaus that meet the standards as established June 30, 1983. However, a grant may not be made without approval by the budget agency after review by the budget committee.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
PROJECT SAFEPLACE			
Total Operating Expense	125,000	125,000	
SCHOOL AGE CHILD CARE PROJECT FUND			
Total Operating Expense	550,000	550,000	
SOCIAL SERVICES BLOCK GRANT (SSBG)			
Total Operating Expense	20,863,880	20,864,042	

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

The funds appropriated above to the social services block grant are allocated in the following manner during the biennium:

Division of Disability, Aging, and Rehabilitative Services	1,030,877	1,030,877
Division of Family Resources	12,725,150	12,725,150
Department of Child Services	5,515,999	5,516,161
Department of Health	296,504	296,504
Department of Correction	1,295,350	1,295,350

DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES ADMINISTRATION

General Fund		
Total Operating Expense	3,080	3,455
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
Total Operating Expense	3,012,462	3,012,462

The above appropriations for the division of disability, aging, and rehabilitative services administration are for administrative expenses. Any federal fund reimbursements received for such purposes are to be deposited in the state general fund.

ROOM AND BOARD ASSISTANCE (R-CAP)		
Total Operating Expense	11,421,472	11,421,472
C.H.O.I.C.E. IN-HOME SERVICES		
Total Operating Expense	49,765,643	49,765,897

The foregoing appropriations for C.H.O.I.C.E. In-Home Services include intragovernmental transfers to provide the nonfederal share of the Medicaid aged and disabled waiver. In addition to the Medicaid aged and disabled waivers provided under intragovernmental transfers, additional funds may be used each year for Medicaid aged and disabled waivers. The family and social services administration shall cause the utilization of co-payments for C.H.O.I.C.E. In-Home Services that is proportional to an individual's income.

If the appropriations for C.H.O.I.C.E. In-Home Services are insufficient to provide services to all eligible persons, the division of disability, aging, and rehabilitative services may give priority for services to persons who are unable to perform three (3) or more activities of daily living (as defined in IC 12-10-10-1.5). The division of disability, aging, and rehabilitative services may discontinue conducting assessments for individuals applying for services under the C.H.O.I.C.E. In-Home Services program if a waiting list for such services exists.

The division of disability, aging, and rehabilitative services shall conduct an annual evaluation of the cost effectiveness of providing home care. Before January of each year, the division shall submit a report to the budget committee, the budget agency, and the legislative council that covers all aspects of the division's evaluation and such other information pertaining thereto as may be requested by the budget committee, the budget agency, or the legislative council, including the following:
(1) the number and demographic characteristics of the recipients of home care during the preceding fiscal year;
(2) the total cost and per recipient cost of providing home care services during the preceding fiscal year;
(3) the number of recipients of home care services who would have been placed in long term care facilities had they not received home care services; and
(4) the total cost savings during the preceding fiscal year realized by the state due to recipients of home care services (including Medicaid) being diverted from long term care facilities.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

The division shall obtain from providers of services data on their costs and expenditures regarding implementation of the program and report the findings to the budget committee, the budget agency, and the legislative council.

OLDER HOOSIERS ACT		
Total Operating Expense	1,842,109	1,842,109
ADULT PROTECTIVE SERVICES		
Total Operating Expense	2,021,540	2,021,540
ADULT GUARDIANSHIP SERVICES		
Total Operating Expense	491,863	491,892
TITLE V EMPLOYMENT GRANT (OLDER WORKERS)		
Total Operating Expense	6,436	6,436
TITLE III ADMINISTRATION GRANT		
Total Operating Expense	307,282	307,446
OMBUDSMAN		
Total Operating Expense	305,226	305,226
VOCATIONAL REHABILITATION SERVICES		
Personal Services	3,440,619	3,443,026
Other Operating Expense	14,133,156	14,133,156
AID TO INDEPENDENT LIVING		
Total Operating Expense	22,008	22,008
ATTAIN PROJECT		
Total Operating Expense	353,748	353,748
OFFICE OF DEAF AND HEARING IMPAIRED		
Personal Services	285,036	285,235
Other Operating Expense	211,396	211,396
BLIND VENDING OPERATIONS		
Total Operating Expense	129,879	129,905
DEVELOPMENTAL DISABILITY RESIDENTIAL FACILITIES COUNCIL		
Personal Services	2,970	2,970
Other Operating Expense	13,168	13,168
OFFICE OF SERVICES FOR THE BLIND AND VISUALLY IMPAIRED		
Personal Services	255,036	255,036
Other Operating Expense	73,907	73,907
EMPLOYEE TRAINING		
Total Operating Expense	6,112	6,112
MEDICAID WAIVER		
Total Operating Expense	316,333	316,390
OBRA/PASSARR		
Total Operating Expense	90,212	90,268
BUREAU OF QUALITY IMPROVEMENT SERVICES - BQIS		
Total Operating Expense	1,919,027	1,919,027
DAY SERVICES - DEVELOPMENTALLY DISABLED		
Other Operating Expense	22,976,381	22,976,381
DIAGNOSIS AND EVALUATION		
Other Operating Expense	930,788	930,788
SUPPORTED EMPLOYMENT		
Other Operating Expense	3,117,498	3,117,498
EPILEPSY PROGRAM		
Other Operating Expense	460,954	460,954
FAMILY SUBSIDY PROGRAM		
Other Operating Expense	1,004,700	1,004,700
RESIDENTIAL SERVICES - CASE MANAGEMENT		
General Fund		
Total Operating Expense	4,436,985	4,436,985
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
Total Operating Expense	2,050,626	2,050,626
Augmentation allowed.		
RESIDENTIAL SERVICES FOR DEVELOPMENTALLY DISABLED PERSONS		
General Fund		
Total Operating Expense	91,749,831	107,967,677

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	22,300,000	22,300,000	
Augmentation allowed.			

The above appropriations for client services include the intragovernmental transfers necessary to provide the nonfederal share of reimbursement under the Medicaid program for day services provided to residents of group homes and nursing facilities.

In the development of new community residential settings for persons with developmental disabilities, the division of disability, aging, and rehabilitative services must give priority to the appropriate placement of such persons who are eligible for Medicaid and currently residing in intermediate care or skilled nursing facilities and, to the extent permitted by law, such persons who reside with aged parents or guardians or families in crisis.

FORT WAYNE STATE DEVELOPMENTAL CENTER		
General Fund	359,900	359,900
Mental Health Fund (IC 12-24-14-4)	1,838,145	1,839,050
Augmentation allowed.		

The amounts specified from the general fund and the mental health fund are for the following purposes:

Personal Services	1,625,184	1,626,089
Other Operating Expense	572,861	572,861

Sixty-six percent (66%) of the revenue accruing to the above named state developmental centers under IC 12-15 shall be deposited in the mental health fund established under IC 12-24-14, and thirty-four percent (34%) of the revenue accruing to the above named institutions under IC 12-15 shall be deposited in the state general fund.

In addition to the above appropriations, each institution may qualify for an additional appropriation, or allotment, subject to approval of the governor and the budget agency, from the mental health fund of up to twenty percent (20%) but not to exceed $50,000, of the amount in which actual net collections exceed an amount specified in writing by the division of disability, aging, and rehabilitative services before July 1 of each year beginning July 1, 2005.

FOR THE DEPARTMENT OF CHILD SERVICES

DEPARTMENT OF CHILD SERVICES - ADMINISTRATION		
Personal Services	43,544,968	51,464,968
Other Operating Expense	6,450,032	6,450,032
CHILD WELFARE SERVICES STATE GRANTS		
General Fund		
Total Operating Expense	10,698,884	10,698,884
Excise and Financial Institution Taxes		
Total Operating Expense	6,275,000	6,275,000
Augmentation allowed.		
TITLE IV-D OF THE FEDERAL SOCIAL SECURITY ACT (STATE MATCH)		
Total Operating Expense	3,969,158	3,971,838

The foregoing appropriations for the department of child services Title IV-D of the federal Social Security Act are made under, and not in addition to, IC 12-17-2-31.

TITLE IV-B CHILD WELFARE ADMINISTRATION		
Total Operating Expense	484,286	484,560
CHILD WELFARE TRAINING		
Total Operating Expense	1,106,281	1,106,281
SPECIAL NEEDS ADOPTION II		
Personal Services	231,108	231,271
Other Operating Expense	445,797	445,797
Augmentation allowed.		
ADOPTION ASSISTANCE		
Total Operating Expense	7,954,083	7,954,083

The foregoing appropriations for Title IV-B child welfare and adoption assistance represent the maximum state match for Title IV-B, and Title IV-E.

NON-RECURRING ADOPTION ASSISTANCE		
Total Operating Expense	625,000	625,000
INDIANA SUPPORT ENFORCEMENT TRACKING (ISETS)		
Total Operating Expense	4,067,520	4,067,718
CHILD PROTECTION AUTOMATION PROJECT (ICWIS)		
Total Operating Expense	5,260,522	5,260,550

B. PUBLIC HEALTH

FOR THE STATE DEPARTMENT OF HEALTH		
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
Personal Services	22,131,052	22,146,865
Other Operating Expense	5,194,560	5,194,560

All receipts to the state department of health from licenses or permit fees shall be deposited in the state general fund. Augmentation allowed in amounts not to exceed additional revenue from penalties or fees enacted or implemented for collection by the state department of health after January 1, 2003.

CANCER REGISTRY		
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
Total Operating Expense	253,651	253,803
MINORITY HEALTH INITIATIVE		
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
Total Operating Expense	2,091,224	2,091,224

The foregoing appropriations shall be allocated to the Indiana Minority Health Coalition to work with the state department on the implementation of IC 16-46-11.

SICKLE CELL		
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
Total Operating Expense	232,500	232,500
AID TO COUNTY TUBERCULOSIS HOSPITALS		
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
Other Operating Expense	107,397	107,397

These funds shall be used for eligible expenses according to IC 16-21-7-3 for tuberculosis patients for whom there are no other sources of reimbursement, including patient resources, health insurance, medical assistance payments, and hospital care for the indigent.

MEDICARE-MEDICAID CERTIFICATION		
Total Operating Expense	6,132,535	6,136,279

Personal services augmentation allowed in amounts not to exceed additional revenue from health facilities license fee

increases or from health care providers (as defined in IC 16-18-2-163) fee increases enacted after January 1, 2003, or adopted by the Executive Board of the Indiana State Department of Health pursuant to IC 16-19-3.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
AIDS EDUCATION			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Personal Services	421,851	422,146	
Other Operating Expense	277,953	277,953	
HIV/AIDS SERVICES			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	2,325,004	2,325,004	
TEST FOR DRUG AFFLICTED BABIES			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	62,496	62,496	

The above appropriations for drug afflicted babies shall be used for the following purposes:

(1) All newborn infants shall be tested for the presence of a controlled substance in the infant's meconium if they meet the criteria established by the state department of health. These criteria will, at a minimum, include all newborns, if at birth:
(A) the infant's weight is less than two thousand five hundred (2,500) grams;
(B) the infant's head is smaller than the third percentile for the infant's gestational age; and
(C) there is no medical explanation for the conditions described in clauses (A) and (B).
(2) If a meconium test determines the presence of a controlled substance in the infant's meconium, the infant may be declared a child in need of services as provided in IC 31-34-1-10 through IC 31-34-1-13. However, the child's mother may not be prosecuted in connection with the results of the test.
(3) The state department of health shall provide forms on which the results of a meconium test performed on an infant under subdivision (1) must be reported to the state department of health by physicians and hospitals.
(4) The state department of health shall, at least semi-annually:
(A) ascertain the extent of testing under this chapter; and
(B) report its findings under subdivision (1) to:
(i) all hospitals;
(ii) physicians who specialize in obstetrics and gynecology or work with infants and young children; and
(iii) any other group interested in child welfare that requests a copy of the report from the state department of health.
(5) The state department of health shall designate at least one (1) laboratory to perform the meconium test required under subdivisions (1) through (8). The designated laboratories shall perform a meconium test on each infant described in subdivision (1) to detect the presence of a controlled substance.
(6) Subdivisions (1) through (7) do not prevent other facilities from conducting tests on infants to detect the presence of a controlled substance.
(7) Each hospital and physician shall:
(A) take or cause to be taken a meconium sample from every infant born under the hospital's and physician's care who meets the description under subdivision (1); and
(B) transport or cause to be transported each meconium sample described in clause (A) to a laboratory designated under subdivision (5) to test for the presence of a controlled substance as required under subdivisions (1) through (7).
(8) The state department of health shall establish guidelines to carry out this program, including guidance to physicians, medical schools, and birthing centers as to the following:
(A) Proper and timely sample collection and transportation under subdivision (7) of this appropriation.
(B) Quality testing procedures at the laboratories designated under subdivision (5) of this appropriation.
(C) Uniform reporting procedures.
(D) Appropriate diagnosis and management of affected newborns and counseling and support programs for newborns' families.
(9) A medically appropriate discharge of an infant may not be delayed due to the results of the test described in subdivision (1) or due to the pendency of the results of the test described in subdivision (1).

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
STATE CHRONIC DISEASES			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Personal Services	100,449	100,519	
Other Operating Expense	444,398	444,398	

At least $82,560 of the above appropriations shall be for grants to community groups and organizations as provided in IC 16-46-7-8.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
WOMEN, INFANTS, AND CHILDREN SUPPLEMENT			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	176,700	176,700	
MATERNAL AND CHILD HEALTH SUPPLEMENT			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	176,700	176,70	

Notwithstanding IC 6-7-1-30.2, the above appropriations for the women, infants, and children supplement and maternal and child health supplement are the total appropriations provided for this purpose.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
CANCER EDUCATION AND DIAGNOSIS - BREAST CANCER			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	93,000	93,000	
CANCER EDUCATION AND DIAGNOSIS - PROSTATE CANCER			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	93,000	93,000	
ADOPTION HISTORY			
Adoption History Fund (IC 31-19-18-6)			
Total Operating Expense	187,354	187,472	
Augmentation allowed.			
CHILDREN WITH SPECIAL HEALTH CARE NEEDS			
Total Operating Expense	5,808,756	5,809,042	
NEWBORN SCREENING PROGRAM			
Newborn Screening Fund (IC 16-41-17-11)			
Personal Services	406,346	406,607	
Other Operating Expense	817,780	817,780	
Augmentation allowed.			
INDIANA HEALTH CARE PROFESSIONAL RECRUITMENT AND RETENTION			
Indiana Medical and Nursing Grant Fund (IC 16-46-5-8)			
Total Operating Expense	137,201	137,201	
Augmentation allowed.			
RADON GAS TRUST FUND			
Radon Gas Trust Fund (IC 16-41-38-8)			
Total Operating Expense	14,701	14,701	
Augmentation allowed.			

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
BIRTH PROBLEMS REGISTRY			
Birth Problems Registry Fund (IC 16-38-4-17)			
Personal Services	31,356	31,375	
Other Operating Expense	12,070	12,070	
Augmentation allowed.			
MOTOR FUEL INSPECTION PROGRAM			
Motor Fuel Inspection Fund (IC 16-44-3-10)			
Total Operating Expense	82,448	82,471	
Augmentation allowed.			
PROJECT RESPECT			
Total Operating Expense	596,280	596,280	
DONATED DENTAL SERVICES			
Total Operating Expense	46,500	46,500	

The above appropriation shall be used by the Indiana foundation for dentistry for the handicapped.

OFFICE OF WOMEN'S HEALTH			
Total Operating Expense	159,599	159,599	
SILVERCREST CHILDREN'S DEVELOPMENT CENTER			
Personal Services	7,769,136	7,774,637	
Other Operating Expense	627,805	627,805	
SOLDIERS' AND SAILORS' CHILDREN'S HOME			
Personal Services	9,556,682	9,563,296	
Other Operating Expense	1,377,441	1,377,441	
INDIANA VETERANS' HOME			
From the General Fund	12,530,104	12,542,859	
From the Comfort - Welfare Fund	11,936,223	11,936,223	

The amounts specified from the General Fund and the Comfort-Welfare Fund are for the following purposes:

Personal Services	20,124,846	20,137,601	
Other Operating Expense	4,341,481	4,341,481	

Subject to approval of the budget agency, any revenue accruing to the Silvercrest Children's Development Center and Soldiers' and Sailors' Children's Home from the receipt of Medicaid reimbursement may be used to augment the above appropriations. Any revenues not used for augmentation shall be deposited in the state general fund.

MINORITY EPIDEMIOLOGY			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	500,000	500,000	
COMMUNITY HEALTH CENTERS			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	15,003,071	15,003,197	
TOBACCO HEALTH PROGRAMS			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	2,461,400	2,461,400	
PRENATAL SUBSTANCE USE & PREVENTION			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	150,000	150,000	
LOCAL HEALTH MAINTENANCE FUND			
Local Maintenance Fund (IC 16-46-10-1)			
Total Operating Expense	2,460,000	2,460,000	
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	1,400,000	1,400,000	

The above appropriations for the local health maintenance fund from the tobacco master settlement agreement fund is in lieu of the appropriation provided for this purpose in IC 6-7-1-30.5 or any other law. Of the above appropriations for the local health maintenance fund, $60,000 each year shall be used to provide additional funding to adjust funding through the formula in IC 16-46-10 to reflect population increases in various counties.

LOCAL HEALTH DEPARTMENT ACCOUNT			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	3,000,000	3,000,000	

The foregoing appropriations for the local health department account are statutory distributions pursuant to IC 4-12-7.

FOR THE TOBACCO USE PREVENTION AND CESSATION BOARD			
TOBACCO USE PREVENTION AND CESSATION PROGRAM			
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)			
Total Operating Expense	10,858,441	10,859,308	
FOR THE INDIANA SCHOOL FOR THE BLIND			
Personal Services	10,285,542	10,288,991	
Other Operating Expense	828,069	828,069	
FOR THE INDIANA SCHOOL FOR THE DEAF			
Personal Services	16,774,951	16,781,064	
Other Operating Expense	2,106,845	2,106,845	

C. VETERANS' AFFAIRS

FOR THE INDIANA DEPARTMENT OF VETERANS' AFFAIRS			
Personal Services	659,214	659,679	
Other Operating Expense	204,667	204,667	

The foregoing appropriations for the Indiana department of veterans' affairs include operating funds for the veterans' cemetery. Notwithstanding IC 10-17-1-6, staff employed for the operation and maintenance of the veterans' cemetery shall be selected as are all other state employees.

DISABLED AMERICAN VETERANS OF WORLD WARS			
Total Operating Expense	40,000	40,000	
AMERICAN VETERANS OF WORLD WAR II, KOREA, AND VIETNAM			
Total Operating Expense	30,000	30,000	
VETERANS OF FOREIGN WARS			
Total Operating Expense	30,000	30,000	
VIETNAM VETERANS OF AMERICA			
Total Operating Expense			20,000

SECTION 9. [EFFECTIVE JULY 1, 2005]

EDUCATION

A. HIGHER EDUCATION

FOR INDIANA UNIVERSITY BLOOMINGTON CAMPUS			
Total Operating Expense	195,251,210	195,251,210	
Fee Replacement	19,061,205	21,963,824	

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR INDIANA UNIVERSITY REGIONAL CAMPUSES			
EAST			
Total Operating Expense	7,820,575	7,820,575	
Fee Replacement	1,923,721	2,021,910	
KOKOMO			
Total Operating Expense	10,258,818	10,258,818	
Fee Replacement	2,301,636	2,419,116	
NORTHWEST			
Total Operating Expense	17,541,419	17,541,419	
Fee Replacement	4,064,192	4,271,634	
SOUTH BEND			
Total Operating Expense	23,078,419	23,078,419	
Fee Replacement	5,611,429	5,897,844	
SOUTHEAST			
Total Operating Expense	20,259,903	20,259,903	
Fee Replacement	4,938,091	5,190,138	
TOTAL APPROPRIATION - INDIANA UNIVERSITY REGIONAL CAMPUSES	97,798,203	98,759,776	
FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT INDIANAPOLIS (IUPUI)			
HEALTH DIVISIONS			
Total Operating Expense	89,040,286	89,040,286	
Fee Replacement	3,246,609	3,250,567	
FOR INDIANA UNIVERSITY - REGIONAL MEDICAL CENTERS			
EVANSVILLE REGIONAL MEDICAL CENTER			
Total Operating Expense	1,501,752	1,501,752	
FORT WAYNE REGIONAL MEDICAL CENTER			
Total Operating Expense	1,381,517	1,381,517	
NORTHWEST REGIONAL MEDICAL CENTER			
Total Operating Expense	1,962,634	1,962,634	
LAFAYETTE REGIONAL MEDICAL CENTER			
Total Operating Expense	1,751,927	1,751,927	
MUNCIE REGIONAL MEDICAL CENTER			
Total Operating Expense	1,575,268	1,575,268	
SOUTH BEND REGIONAL MEDICAL CENTER			
Total Operating Expense	1,460,873	1,460,873	
TERRE HAUTE REGIONAL MEDICAL CENTER			
Total Operating Expense	1,741,676	1,741,676	

The Indiana University school of medicine shall submit to the Indiana commission for higher education before May 15 of each year an accountability report containing data on the number of medical school graduates who entered primary care physician residencies in Indiana from the school's most recent graduating class.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT INDIANAPOLIS (IUPUI)			
GENERAL ACADEMIC DIVISIONS			
Total Operating Expense	91,391,396	91,391,396	
Fee Replacement	16,414,606	16,434,615	
TOTAL APPROPRIATIONS - IUPUI	211,468,544	211,492,511	

Transfers of allocations between campuses to correct for errors in allocation among the campuses of Indiana University can be made by the institution with the approval of the commission for higher education and the budget agency. Indiana University shall maintain current operations at all statewide medical education sites.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR INDIANA UNIVERSITY			
ABILENE NETWORK OPERATIONS CENTER			
Total Operating Expense	817,502	817,502	
SPINAL CORD AND HEAD INJURY RESEARCH CENTER			
Total Operating Expense	514,726	514,726	
OPTOMETRY BOARD EDUCATION FUND			
Total Operating Expense	29,000	1,500	
STATE DEPARTMENT OF TOXICOLOGY			
Total Operating Expense	644,058	644,058	
INSTITUTE FOR THE STUDY OF DEVELOPMENTAL DISABILITIES			
Total Operating Expense	2,432,526	2,432,526	
GEOLOGICAL SURVEY			
Total Operating Expense	3,046,002	3,046,002	
INDUSTRIAL RESEARCH LIAISON PROGRAM			
Total Operating Expense	249,964	249,964	
LOCAL GOVERNMENT ADVISORY COMMISSION			
Total Operating Expense	55,518	55,518	
FOR PURDUE UNIVERSITY			
WEST LAFAYETTE			
Total Operating Expense	240,172,228	240,172,228	
Fee Replacement	17,606,980	18,650,141	
FOR PURDUE UNIVERSITY - REGIONAL CAMPUSES			
CALUMET			
Total Operating Expense	26,680,810	26,680,810	
Fee Replacement	1,930,940	1,941,138	
NORTH CENTRAL			
Total Operating Expense	10,789,624	10,789,624	
TOTAL APPROPRIATION - PURDUE UNIVERSITY REGIONAL CAMPUSES	39,401,374	39,411,572	
FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT FORT WAYNE (IUPUFW)			
Total Operating Expense	36,950,335	36,950,335	
Fee Replacement	3,334,353	3,240,770	

Transfers of allocations between campuses to correct for errors in allocation among the campuses of Purdue University can be made by the institution with the approval of the commission for higher education and the budget agency.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR PURDUE UNIVERSITY			
ANIMAL DISEASE DIAGNOSTIC LABORATORY SYSTEM			
Total Operating Expense	3,387,166	3,387,166	

The above appropriations shall be used to fund the animal disease diagnostic laboratory system (ADDL), which consists of the main ADDL at West Lafayette, the bangs disease testing service at West Lafayette, and the southern branch of ADDL Southern Indiana Purdue Agricultural Center (SIPAC) in Dubois County. The above appropriations are in addition to any

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
STATEWIDE TECHNOLOGY			
Total Operating Expense	5,468,960	5,468,960	
COUNTY AGRICULTURAL EXTENSION EDUCATORS			
Total Operating Expense	7,103,447	7,103,447	
AGRICULTURAL RESEARCH AND EXTENSION - CROSSROADS			
Total Operating Expense	7,107,724	7,107,724	
CENTER FOR PARALYSIS RESEARCH			
Total Operating Expense	513,085	513,085	
UNIVERSITY-BASED BUSINESS ASSISTANCE			
Total Operating Expense	1,100,715	1,100,715	
NORTH CENTRAL - VALPO NURSING PARTNERSHIP			
Total Operating Expense	98,662	0	
FOR INDIANA STATE UNIVERSITY			
Total Operating Expense	79,013,473	79,013,473	
Fee Replacement	7,089,814	7,085,059	
FOR UNIVERSITY OF SOUTHERN INDIANA			
Total Operating Expense	34,661,625	34,661,625	
Fee Replacement	5,873,552	5,870,552	
HISTORIC NEW HARMONY			
Total Operating Expense	356,216	356,216	
YOUNG ABE LINCOLN			
Total Operating Expense	1	1	
FOR BALL STATE UNIVERSITY			
Total Operating Expense	125,904,106	125,904,106	
Fee Replacement	7,824,168	9,517,024	
ACADEMY FOR SCIENCE, MATHEMATICS, AND HUMANITIES			
Total Operating Expense	4,196,355	4,196,355	
FOR VINCENNES UNIVERSITY			
Total Operating Expense	36,582,028	36,582,028	
Fee Replacement	3,888,283	4,525,648	
FOR IVY TECH STATE COLLEGE			
Total Operating Expense	135,750,337	135,750,337	
Fee Replacement	11,757,465	12,693,681	

Of the above appropriations for IVY TECH total operating expense, $135,000 each year shall be used for the Community Learning Center in Portage.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR THE INDIANA HIGHER EDUCATION TELECOMMUNICATIONS SYSTEM (IHETS)			
Total Operating Expense	6,661,610	6,661,610	

The sums herein appropriated to Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, Ivy Tech State College, and the Indiana Higher Education Telecommunications System (IHETS) are in addition to all income of said institutions and IHETS, respectively, from all permanent fees and endowments and from all land grants, fees, earnings, and receipts, including gifts, grants, bequests, and devises, and receipts from any miscellaneous sales from whatever source derived.

All such income and all such fees, earnings, and receipts on hand June 30, 2005, and all such income and fees, earnings, and receipts accruing thereafter are hereby appropriated to the boards of trustees or directors of the aforementioned institutions and IHETS and may be expended for any necessary expenses of the respective institutions and IHETS, including university hospitals, schools of medicine, nurses' training schools, schools of dentistry, and agricultural extension and experimental stations. However, such income, fees, earnings, and receipts may be used for land and structures only if approved by the governor and the budget agency.

The foregoing appropriations and allocations for fee replacement are for replacement of student fees deducted during the 2005-2007 biennium to cover bond or lease-purchase principal, interest, and other obligations of debt costs of facility construction and acquisition for those projects authorized by the general assembly. These fee replacement appropriations and allocations shall be allotted by the budget agency after receipt of verification of payment of such debt cost expense.

The foregoing appropriations to Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, Ivy Tech State College, and IHETS include the employers' share of Social Security payments for university and IHETS employees under the public employees' retirement fund, or institutions covered by the Indiana state teachers' retirement fund. The funds appropriated also include funding for the employers' share of payments to the public employees' retirement fund and to the Indiana state teachers' retirement fund at a rate to be established by the retirement funds for both fiscal years for each institution and for IHETS employees covered by these retirement plans.

The treasurers of Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, and Ivy Tech State College shall, at the end of each three (3) month period, prepare and file with the auditor of state a financial statement that shall show in total all revenues received from any source, together with a consolidated statement of disbursements for the same period. The budget director shall establish the requirements for the form and substance of the reports.

The reports of the treasurer also shall contain in such form and in such detail as the governor and the budget agency may specify, complete information concerning receipts from all sources, together with any contracts, agreements, or arrangements with any federal agency, private foundation, corporation, or other entity from which such receipts accrue.

All such treasurers' reports are matters of public record and shall include without limitation a record of the purposes of any and all gifts and trusts with the sole exception of the names of those donors who request to remain anonymous.

Notwithstanding IC 4-10-11, the auditor of state shall draw warrants to the treasurers of Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, and Ivy Tech State College on the basis of vouchers stating the total amount claimed against each fund and/or account, but not to exceed the legally made appropriations.

Notwithstanding IC 4-12-1-14, for universities and colleges supported in whole or in part by state funds, grant applications and lists of applications need only be submitted upon request to the budget agency for review and approval or disapproval and, unless disapproved by the budget agency, federal grant funds may be requested and spent without approval by the budget agency. Each institution shall retain the applications for a

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

reasonable period of time and submit a list of all grant applications, at least monthly, to the commission for higher education for informational purposes.

For all university special appropriations, an itemized list of intended expenditures, in such form as the governor and the budget agency may specify, shall be submitted to support the allotment request. All budget requests for university special appropriations shall be furnished in a like manner and as a part of the operating budgets of the state universities.

The trustees of Indiana University, the trustees of Purdue University, the trustees of Indiana State University, the trustees of University of Southern Indiana, the trustees of Ball State University, the trustees of Vincennes University, the trustees of Ivy Tech State College, and the directors of IHETS are hereby authorized to accept federal grants, subject to IC 4-12-1.

Fee replacement funds are to be distributed as requested by each institution, on payment due dates, subject to available appropriations.

If an early payment of an amount appropriated to any of the aforementioned institutions or IHETS is made in either state fiscal year of the biennium to eliminate an otherwise authorized payment delay to a later state fiscal year, the amount may be used only for the purposes approved by the state budget agency after review by the state budget committee.

FOR THE MEDICAL EDUCATION BOARD		
FAMILY PRACTICE RESIDENCY FUND		
Total Operating Expense	2,249,791	2,249,791

Of the foregoing appropriations for the medical education board-family practice residency fund, $1,000,000 each year shall be used for grants for the purpose of improving family practice residency programs serving medically underserved areas.

MEDICAL EDUCATION - INTERN RESIDENCY PROGRAM		
Total Operating Expense	1	1
FOR THE COMMISSION FOR HIGHER EDUCATION		
Total Operating Expense	1,478,533	1,478,533
INDIANA CAREER AND POSTSECONDARY ADVANCEMENT CENTER		
Total Operating Expense	866,094	866,094
FOR THE DEPARTMENT OF ADMINISTRATION		
ANIMAL DISEASE DIAGNOSTIC LABORATORY LEASE RENTAL		
Total Operating Expense	1,047,240	1,042,345
COLUMBUS LEARNING CENTER LEASE PAYMENT		
Total Operating Expense	1,842,000	3,831,500
FOR THE STATE BUDGET AGENCY		
GIGAPOP PROJECT		
Total Operating Expense	727,638	727,638
SOUTH CENTRAL EDUCATIONAL ALLIANCE BEDFORD SERVICE AREA		
Total Operating Expense	280,710	280,710
SOUTHEAST INDIANA EDUCATION SERVICES		
Total Operating Expense	742,468	742,468

The above appropriation for southeast Indiana education services may be expended with the approval of the budget agency after review by the commission for higher education and the budget committee.

DEGREE LINK		
Total Operating Expense	500,375	500,375

The above appropriations shall be used for the delivery of Indiana State University baccalaureate degree programs at Ivy Tech State College and Vincennes University locations through Degree Link. Distributions shall be made upon the recommendation of the Indiana commission for higher education and with approval by the budget agency after review by the budget committee.

WORKFORCE CENTERS		
Total Operating Expense	837,000	837,000
MIDWEST HIGHER EDUCATION COMMISSION		
Total Operating Expense	90,000	90,000

The distribution of total university operating and line item appropriations for the 2005-2006 fiscal year to Indiana University, Purdue University, Indiana State University, Ball State University, the University of Southern Indiana, Vincennes University, Ivy Tech State College, the Indiana Higher Education Telecommunications System (IHETS), the Indiana commission for higher education (ICHE), and the budget agency includes one-twelfth (1/12) of the calculated amounts appropriated for fiscal year 2004-2005 by P.L. 291-2001, as adjusted by P.L. 178-2002 and budget agency implementation of the deficit management plan, and eleven-twelfths (11/12) of the appropriations for fiscal year 2005-2006.

The distribution of total university operating and line item appropriations for the 2006-2007 fiscal year to Indiana University, Purdue University, Indiana State University, Ball State University, the University of Southern Indiana, Vincennes University, Ivy Tech State College, IHETS, ICHE, and the budget agency includes one-twelfth (1/12) of the amount appropriated for fiscal year 2005-2006 and eleven-twelfths (11/12) of the amount appropriated for fiscal year 2006-2007.

FOR THE STATE STUDENT ASSISTANCE COMMISSION		
Total Operating Expense	1,240,723	1,240,723
FREEDOM OF CHOICE GRANTS		
Total Operating Expense	41,751,997	46,035,799
HIGHER EDUCATION AWARD PROGRAM		
Total Operating Expense	106,959,572	120,674,940
NURSING SCHOLARSHIP PROGRAM		
Total Operating Expense	402,142	402,142
HOOSIER SCHOLAR PROGRAM		
Total Operating Expense	400,000	400,000

For the higher education awards and freedom of choice grants made for the 2005-2007 biennium, the following guidelines shall be used, notwithstanding current administrative rule or practice:
(1) Financial Need: For purposes of these awards, financial need shall be limited to actual undergraduate tuition and fees for the prior academic year as established by the commission.
(2) Maximum Base Award: The maximum award shall not exceed the lesser of:
(A) eighty percent (80%) of actual prior academic year undergraduate tuition and fees; or
(B) eighty percent (80%) of the sum of the highest prior academic year undergraduate tuition and fees at any public institution of higher education and the lowest appropriation per full-time equivalent (FTE) undergraduate student at any public institution of higher education.
(3) Minimum Award: No actual award shall be less than $200.
(4) Award Size: A student's maximum award shall be reduced one (1) time:

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

(A) for dependent students, by the expected contribution from parents based upon information submitted on the financial aid application form; and
(B) for independent students, by the expected contribution derived from information submitted on the financial aid application form.
(5) Award Adjustment: The maximum base award may be adjusted by the commission, for any eligible recipient who fulfills college preparation requirements defined by the commission.
(6) Adjustment: If the dollar amounts of eligible awards exceed appropriations and program reserves, all awards may be adjusted by the commission by reducing the maximum award under subdivision (2)(A) or (2)(B).

For the Hoosier scholar program for the 2005-2007 biennium, each award shall not exceed five hundred dollars ($500) and shall be made available for one (1) year only. Receipt of this award shall not reduce any other award received under any state funded student assistance program.

STATUTORY FEE REMISSION			
Total Operating Expense		17,482,349	19,648,108
PART-TIME GRANT PROGRAM			
Total Operating Expense		5,250,000	5,250,000

Priority for awards made from the above appropriation shall be given first to eligible students meeting TANF income eligibility guidelines as determined by the family and social services administration and second to eligible students who received awards from the part time grant fund during the school year associated with the biennial budget year. Funds remaining shall be distributed according to procedures established by the commission. The maximum grant that an applicant may receive for a particular academic term shall be established by the commission but shall in no case be greater than a grant for which an applicant would be eligible under IC 20-12-21 if the applicant were a full-time student. The commission shall collect and report to the family and social services administration (FSSA) all data required for FSSA to meet the data collection and reporting requirements in 45 CFR Part 265.

The family and social services administration, division of family and children shall apply all qualifying expenditures for the part time grant program toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.).

CONTRACT FOR INSTRUCTIONAL OPPORTUNITIES IN SOUTHEASTERN INDIANA			
Total Operating Expense		603,407	603,407
MINORITY TEACHER SCHOLARSHIP FUND			
Total Operating Expense		399,768	399,768
COLLEGE WORK STUDY PROGRAM			
Total Operating Expense		805,189	805,189
21ST CENTURY ADMINISTRATION			
Total Operating Expense		4,086,443	4,086,443
21ST CENTURY SCHOLAR AWARDS			
Total Operating Expense		18,402,449	19,171,429
Augmentation for 21st Century Scholar Awards allowed from the General Fund.			

The commission shall collect and report to the family and social services administration (FSSA) all data required for FSSA to meet the data collection and reporting requirements in 45 CFR Part 265.

Family and social services, division of family and children shall apply all qualifying expenditures for the 21st century scholars program toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.)

NATIONAL GUARD SCHOLARSHIP			
Total Operating Expense		3,033,730	3,299,821

The above appropriations for national guard scholarship and any program reserves existing on June 30, 2005, shall be the total allowable state expenditure for the program in the 2005-2007 biennium. If the dollar amounts of eligible awards exceed appropriations and program reserves, the state student assistance commission shall develop a plan to insure that the total dollar amount does not exceed the above appropriations and any program reserves.

B. ELEMENTARY AND SECONDARY EDUCATION

FOR THE DEPARTMENT OF EDUCATION			
STATE BOARD OF EDUCATION			
Total Operating Expense		3,152,112	3,152,112

The foregoing appropriations for the Indiana state board of education are for the education roundtable established by IC 20-1-20.5-3; for the academic standards project to distribute copies of the academic standards and provide teachers with curriculum frameworks; for special evaluation and research projects including national and international assessments; and for state board and roundtable administrative expenses.

SUPERINTENDENT'S OFFICE			
Personal Services		686,467	686,877
Other Operating Expense		1,439,160	1,437,682
PUBLIC TELEVISION DISTRIBUTION			
Total Operating Expense		2,357,563	2,357,563

These appropriations are for grants for public television. The Indiana Public Broadcasting Stations, Inc. shall submit a distribution plan for the eight Indiana public education television stations that shall be approved by the budget agency and reviewed by the budget committee. The above appropriation includes the costs of transmission for the "GED-on-TV" program. Of the above appropriations, $100,000 each year shall be distributed equally among the eight radio stations.

RESEARCH AND DEVELOPMENT PROGRAMS			
Personal Services		86,958	86,959
Other Operating Expense		270,390	270,390

Of the foregoing appropriations for Research and Development Programs, $100,000 each year shall be used for the Indiana University Education Policy Center.

DEPUTY SUPERINTENDENT'S OFFICE			
Personal Services		457,320	457,562
Other Operating Expense		92,839	92,603
RILEY HOSPITAL			
Total Operating Expense		27,900	27,900
ADMINISTRATION AND FINANCIAL MANAGEMENT			
Personal Services		2,143,064	2,144,538
Other Operating Expense		298,207	296,808
MOTORCYCLE OPERATOR SAFETY EDUCATION FUND			
Safety Education Fund (IC 20-10.1-7-14)			
Personal Services		132,303	132,397
Other Operating Expense		892,177	892,087

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

The foregoing appropriations for the motorcycle operator safety education fund are from the motorcycle operator safety education fund created by IC 20-10.1-7-14.

SCHOOL TRAFFIC SAFETY		
Motor Vehicle Highway Account (IC 8-14-1)		
Personal Services	242,813	242,989
Other Operating Expense	30,405	30,236
Augmentation allowed.		
CENTER FOR SCHOOL ASSESSMENT		
Personal Services	310,777	311,004
Other Operating Expense	706,025	705,800
ACCREDITATION SYSTEM		
Personal Services	471,390	471,732
Other Operating Expense	489,547	489,210
SPECIAL EDUCATION (S-5)		
Total Operating Expense	30,000,000	30,000,000

The foregoing appropriations for special education are made under IC 20-1-6-19.

CENTER FOR COMMUNITY RELATIONS AND SPECIAL POPULATIONS		
Personal Services	234,467	234,580
Other Operating Expense	78,988	78,879
SPECIAL EDUCATION EXCISE		
Alcoholic Beverage Excise Tax Funds (IC 20-1-6-10)		
Personal Services	344,177	344,351
Augmentation allowed.		
GED-ON-TV PROGRAM		
Other Operating Expense	229,500	229,500

The foregoing appropriation is for grants to provide GED-ON-TV programming. The GED-ON-TV Program shall submit for review by the budget committee an annual report on utilization of this appropriation.

VOCATIONAL EDUCATION		
Personal Services	1,318,379	1,319,338
Other Operating Expense	40,532	39,599
ADVANCED PLACEMENT PROGRAM		
Other Operating Expense	894,400	894,400

The above appropriations for the Advanced Placement program are to provide funding for students of accredited public and nonpublic schools.

PSAT PROGRAM		
Other Operating Expense	717,449	717,449

The above appropriations for the PSAT program are to provide funding for students of accredited public and nonpublic schools.

CENTER FOR SCHOOL IMPROVEMENT AND PERFORMANCE		
Personal Services	1,701,420	1,701,447
Other Operating Expense	978,089	978,089
PRINCIPAL LEADERSHIP ACADEMY		
Personal Services	320,628	320,632
Other Operating Expense	142,204	142,204
EDUCATION SERVICE CENTERS		
Total Operating Expense	1,721,287	1,721,287

No appropriation made for an education service center shall be distributed to the administering school corporation of the center unless each participating school corporation of the center contracts to pay to the center at least three dollars ($3) per student for fiscal year 2005-2006 based on the school corporation's ADM count as reported for school aid distribution in the fall of 2004, and at least three dollars ($3) per student for fiscal year 2006-2007, based on the school corporation's ADM count as reported for school aid distribution beginning in the fall of 2005. Before notification of education service centers of the formula and components of the formula for distributing funds for education service centers, review and approval of the formula and components must be made by the budget agency.

TRANSFER TUITION (STATE EMPLOYEES' CHILDREN AND ELIGIBLE CHILDREN IN MENTAL HEALTH FACILITIES)		
Total Operating Expense	50,000	50,000

The foregoing appropriations for transfer tuition (state employees' children and eligible children in mental health facilities) are made under IC 20-8.1-6.1-6 and IC 20-8.1-6.1-5.

TEACHERS' SOCIAL SECURITY AND RETIREMENT DISTRIBUTION		
Total Operating Expense	2,403,792	2,403,792

The foregoing appropriations shall be distributed by the department of education on a monthly basis and in approximately equal payments to special education cooperatives, area vocational schools, and other governmental entities that received state teachers' Social Security distributions for certified education personnel (excluding the certified education personnel funded through federal grants) during the fiscal year beginning July 1, 1992, and ending June 30, 1993, and for the units under the Indiana state teacher's retirement fund, the amount they received during the 2002-2003 state fiscal year for teachers' retirement. If the total amount to be distributed is greater than the total appropriation, the department of education shall reduce each entity's distribution proportionately.

DISTRIBUTION FOR TUITION SUPPORT		
General Fund		
Total Operating Expense	2,089,400,242	2,067,229,408
Property Tax Replacement Fund (IC 6-1.1-21)		
Total Operating Expense	1,641,524,758	1,619,353,925

The foregoing appropriations for distribution for tuition support are to be distributed for tuition support, special education programs, vocational education programs, at-risk programs, honors grants, and the primetime program in accordance with a statute enacted for this purpose during the 2005 session of the general assembly.

If the above appropriations for distribution for tuition support are more than are required under this SECTION, one-half (½) of any excess shall revert to the state general fund and one-half (½) of any excess shall revert to the property tax replacement fund.

The above appropriations for tuition support shall be made each calendar year under a schedule set by the budget agency and approved by the governor. However, the schedule shall provide for at least twelve (12) payments, that one (1) payment shall be made at least every forty (40) days, and the aggregate of the payments in each calendar year shall equal the amount required under the statute enacted for the purpose referred to above.

DISTRIBUTION FOR SUMMER SCHOOL		
Other Operating Expense	18,360,000	18,360,000

It is the intent of the 2005 general assembly that the above appropriations for summer school shall be the total allowable

state expenditure for such program. Therefore, if the expected disbursements are anticipated to exceed the total appropriation for that state fiscal year, then the department of education shall reduce the distributions proportionately.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
EARLY INTERVENTION PROGRAM			
Personal Services	13,000	13,000	
Other Operating Expense	3,707,000	3,707,000	

The above appropriations for the early intervention program are for grants to local school corporations for grant proposals for early intervention programs, including reading recovery and the Waterford method.

READING DIAGNOSTIC ASSESSMENT			
Total Operating Expense	1,000,000	1,000,000	

The foregoing appropriations shall be used by the department for the reading diagnostic assessment and subsequent remedial programs or activities. The reading diagnostic assessment program, as approved by the board, is to be made available on a voluntary basis to all Indiana public and non-public school first and second grade students upon the approval of the governing body of school corporations. The board shall determine how the funds will be distributed for the assessment and related remediation. The department or its representative shall provide progress reports on the assessment as requested by the board and the education roundtable.

ADULT EDUCATION DISTRIBUTION			
Total Operating Expense	14,000,000	14,000,000	

It is the intent of the 2005 general assembly that the above appropriations for adult education shall be the total allowable state expenditure for such program. Therefore, if the expected disbursements are anticipated to exceed the total appropriation for a state fiscal year, the department of education shall reduce the distributions proportionately.

NATIONAL SCHOOL LUNCH PROGRAM			
Total Operating Expense	5,400,000	5,400,000	
MARION COUNTY DESEGREGATION COURT ORDER			
Total Operating Expense	18,200,000	18,200,000	

The foregoing appropriations for court ordered desegregation costs are made pursuant to order No. IP 68-C-225-S of the United States District Court for the Southern District of Indiana. If the sums herein appropriated are insufficient to enable the state to meet its obligations, then there are hereby appropriated from the state general fund such further sums as may be necessary for such purpose.

TEXTBOOK REIMBURSEMENT			
Total Operating Expense	19,902,559	19,902,644	

Before a school corporation or an accredited non-public school may receive a distribution under the textbook reimbursement program, the school corporation or accredited non-public school shall provide to the department the requirements established in IC 20-8.1-9-2. The department shall provide to the family and social services administration (FSSA) all data required for FSSA to meet the data collection reporting requirement in 45 CFR Part 265. Family and social services, division of family and children, shall apply all qualifying expenditures for the textbook reimbursement program toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.).

FULL DAY KINDERGARTEN			
Total Operating Expense	8,500,000	8,500,000	

The above appropriations for full-day kindergarten are available to a school corporation that applies to the department of education for funding of full-day kindergarten. The amount available to a school corporation equals the amount appropriated divided by the total full-day kindergarten enrollment of all participating school corporations (as defined in IC 21-3-1.6-1.1) for the current year, and then multiplied by the school corporation's full-day kindergarten enrollment (as defined in IC 21-3-1.6-1.1) for the current year. A school corporation that is awarded a grant must provide to the department of education a financial report stating how the funds were spent. Any unspent funds at the end of the biennium must be returned to the state by the school corporation.

TESTING/REMEDIATION			
Other Operating Expense	31,410,450	31,410,450	

Prior to notification of local school corporations of the formula and components of the formula for distributing funds for remediation, review and approval of the formula and components shall be made by the budget agency. With the approval of the governor and the budget agency, the above appropriations for school assessment testing/remediation may be augmented from revenues accruing to the secondary market sale fund established by IC 20-12-21.2-10.

The above appropriation for Testing/Remediation shall be used by school corporations to provide remediation programs for students who attend public and nonpublic schools. For purposes of tuition support, these students are not to be counted in the average daily membership.

GRADUATION EXAM REMEDIATION			
Other Operating Expense	4,958,910	4,958,910	

Prior to notification of local school corporations of the formula and components of the formula for distributing funds for graduation exam remediation, review and approval of the formula and components shall be made by the budget agency. With the approval of the governor and the budget agency, the above appropriations for school assessment testing/remediation may be augmented from revenues accruing to the secondary market sale fund established by IC 20-12-21.2-10.

SPECIAL EDUCATION PRESCHOOL			
Total Operating Expense	27,173,300	27,173,300	

The above appropriations shall be distributed to guarantee a minimum of $2,750 per child enrolled in special education preschool programs from state and local sources in school corporations that levy the maximum special education tax rate for this purpose. It is the intent of the 2005 general assembly that the above appropriations for special education preschool shall be the total allowable expenditure for such program. Therefore, if the expected disbursements are anticipated to exceed the total appropriation for that state fiscal year, then the department of education shall reduce the distributions proportionately.

NON-ENGLISH SPEAKING PROGRAM			
Other Operating Expense	700,000	700,000	

The above appropriations for the non-English speaking program are for pupils who have a primary language other than English and limited English proficiency, as determined by using a standard proficiency examination that has been approved by the department of education.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

The grant amount is seventy-five dollars ($75) per pupil. It is the intent of the 2005 general assembly that the above appropriations for the non-English speaking program shall be the total allowable state expenditure for the program. If the expected distributions are anticipated to exceed the total appropriations for the state fiscal year, the department of education shall reduce each school corporation's distribution proportionately.

GIFTED AND TALENTED EDUCATION PROGRAM		
Personal Services	211,199	211,348
Other Operating Expense	5,625,138	5,624,992
DISTRIBUTION FOR ADULT VOCATIONAL EDUCATION		
Total Operating Expense	250,000	250,000

The distribution for adult vocational education programs shall be made in accordance with the state plan for vocational education.

PRIMETIME		
Personal Services	172,564	172,566
Other Operating Expense	34,467	34,467
DRUG FREE SCHOOLS		
Personal Services	52,360	52,361
Other Operating Expense	20,093	20,093
PROFESSIONAL DEVELOPMENT DISTRIBUTION		
Other Operating Expense	13,812,500	13,812,500

The foregoing appropriations for professional development distributions include schools defined under IC 20-10.2-2-11.

ALTERNATIVE SCHOOLS		
Total Operating Expense	6,380,059	6,380,319

EDUCATIONAL TECHNOLOGY PROGRAM AND FUND (INCLUDING 4R'S TECHNOLOGY GRANT PROGRAM)		
Total Operating Expense	2,109,031	2,109,036

Of the foregoing appropriations, $825,000 shall be allocated to the buddy system each state fiscal year during the biennium. The remaining amounts shall be allocated for technology programs and resources for kindergarten through twelfth grade, and the operation of the office of the special assistant to the superintendent of public instruction for technology.

TECHNOLOGY PLAN GRANT PROGRAM (IC 20-10.1-25.3)		
Total Operating Expense		5,000,000

Notwithstanding IC 20-10.1-25.3-9, the department of education may adjust the grant amount to reflect available funding.

FOR THE INDIANA STATE TEACHERS' RETIREMENT FUND

POSTRETIREMENT PENSION INCREASES		
Other Operating Expense	47,527,438	45,381,551

The appropriations for postretirement pension increases are made for those benefits and adjustments provided in IC 21-6.1-6 and IC 5-10.2-5.

TEACHERS' RETIREMENT FUND DISTRIBUTION		
Other Operating Expense	502,400,000	536,200,000

Augmentation allowed.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

If the amount actually required under the pre-1996 account of the teachers' retirement fund for actual benefits for the Post Retirement Pension Increases effective prior to the 114th General Assembly that are funded on a "pay as you go" basis plus the base benefits is greater than the above appropriations, after notice to the governor and the budget agency of the deficiency, the above appropriations shall be augmented from the pension stabilization fund established by IC 21-6.1-2-8. The portion of the benefit funded by the annuity account and the actuarially funded Post Retirement Pension Increases shall not be part of this calculation. If the amount actually required for the Post Retirement Pension Increases effective prior to the 114th General Assembly that are funded on a pay as you go" basis plus the base benefits under the pre-1996 account of the teachers' retirement fund is less than the above approriations for the year, the excess shall be transferred to the general fund. The portion of the benefit funded by the annuity account and the actuarially funded Post Retirement Pension Increases shall not be part of this calculation.

FOR THE PROFESSIONAL STANDARDS BOARD - ADMINISTRATION		
Personal Services	2,107,205	2,108,399
Other Operating Expense	4,636,308	4,636,308

Each mentor teacher is entitled to a maximum annual stipend of $600 to be paid from the foregoing appropriations.

There is created the professional standards board licensing fund to be administered by the professional standards board. The fund shall consist of fee revenues collected under the provisions of IC 20-1-1.4-7. Money in the fund does not revert at the end of the state fiscal year. Money in the fund is continuously appropriated for use by the board for administrative expenses in relation to carrying out its duties under the provisions of IC 20-1-1.4-7.

The above appropriations for professional standards board administration are in addition to the appropriation made to the professional standards licensing fund established in this SECTION.

C. OTHER EDUCATION

FOR THE EDUCATION EMPLOYMENT RELATIONS BOARD		
Personal Services	637,399	637,806
Other Operating Expense	45,354	45,354
PUBLIC EMPLOYEE RELATIONS BOARD		
Total Operating Expense	32,550	32,550

FOR THE STATE LIBRARY		
Personal Services	2,867,740	2,869,750
Other Operating Expense	729,954	729,954
DISTRIBUTION TO PUBLIC LIBRARIES		
Other Operating Expense	607,936	607,936

The foregoing appropriations for distribution to public libraries shall be distributed among the public libraries of the state of Indiana under IC 4-23-7.1. However, a public library district that does not provide for the issuance of library cards free of charge or for a fee to all individuals who reside in the county in which that public library district is located shall not be considered an eligible public library district in determining the amounts to be distributed under IC 4-23-7.1 and is not entitled to a distribution under IC 4-23-7.1.

INDIANA COOPERATIVE LIBRARY SERVICES AUTHORITY		
Total Operating Expense	2,408,848	2,408,848

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
ACADEMY OF SCIENCE			
Total Operating Expense	8,811	8,811	
FOR THE ARTS COMMISSION			
Personal Services	329,919	330,168	
Other Operating Expense	3,302,296	3,302,056	
FOR THE HISTORICAL BUREAU			
Personal Services	403,124	403,408	
Other Operating Expense	9,554	9,554	
HISTORICAL MARKER PROGRAM			
Total Operating Expense			34,300
FOR THE COMMISSION ON PROPRIETARY EDUCATION			
Personal Services	447,806	448,129	
Other Operating Expense	6,865	6,865	

SECTION 10. [EFFECTIVE JULY 1, 2005]

DISTRIBUTIONS

FOR THE PROPERTY TAX REPLACEMENT FUND BOARD			
Property Tax Replacement Fund (IC 6-1.1-21)			
Total Operating Expense	2,055,009,197	2,111,609,197	

Adjustments may be made to this appropriation under IC 6-1.1-21-4.

SECTION 11. [EFFECTIVE JULY 1, 2005]

The following allocations of federal funds are available for vocational and technical education under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301, et seq. for Vocational and Technical Education) (20 U.S.C. 2371 for Tech Prep Education). These funds shall be received by the department of workforce development, commission on vocational and technical education, and shall be allocated by the budget agency after consultation with the commission on vocational and technical education, the department of education, the commission for higher education, and the department of correction. Funds shall be allocated to these agencies in accordance with the allocations specified below:

STATE PROGRAMS AND LEADERSHIP	2,655,188	2,655,188
SECONDARY VOCATIONAL PROGRAMS	14,878,845	14,878,845
POSTSECONDARY VOCATIONAL PROGRAMS	8,522,925	8,522,925
TECHNOLOGY - PREPARATION EDUCATION	2,465,494	2,465,494

SECTION 12. [EFFECTIVE JULY 1, 2005]

In accordance with IC 20-1-18.3, the budget agency, with the advice of the commission on vocational and technical education and the budget committee, may augment or reduce an allocation of federal funds made under SECTION 11 of this act.

SECTION 13. [EFFECTIVE JULY 1, 2005]

Utility bills for the month of June, travel claims covering the period June 16 to June 30, payroll for the period of the last half of June, any interdepartmental bills for supplies or services for the month of June, and any other miscellaneous expenses incurred during the period June 16 to June 30 shall be charged to the appropriation for the succeeding year. No interdepartmental bill shall be recorded as a refund of expenditure to any current year allotment account for supplies or services rendered or delivered at any time during the preceding June period.

SECTION 14. [EFFECTIVE JULY 1, 2005]

The budget agency, under IC 4-10-11, IC 4-12-1-13, and IC 4-13-1, in cooperation with the Indiana department of administration, may fix the amount of reimbursement for traveling expenses (other than transportation) for travel within the limits of Indiana. This amount may not exceed actual lodging and miscellaneous expenses incurred. A person in travel status, as defined by the state travel policies and procedures established by the Indiana department of administration and the budget agency, is entitled to a meal allowance not to exceed during any twenty-four (24) hour period the standard meal allowances established by the federal Internal Revenue Service.

All appropriations provided by this act or any other statute, for traveling and hotel expenses for any department, officer, agent, employee, person, trustee, or commissioner, are to be used only for travel within the state of Indiana, unless those expenses are incurred in traveling outside the state of Indiana on trips that previously have received approval as required by the state travel policies and procedures established by the Indiana department of administration and the budget agency. With the required approval, a reimbursement for out-of-state travel expenses may be granted in an amount not to exceed actual lodging and miscellaneous expenses incurred. A person in travel status is entitled to a meal allowance not to exceed during any twenty-four (24) hour period the standard meal allowances established by the federal Internal Revenue Service for properly approved travel within the continental United States and a minimum of $50 during any twenty-four (24) hour period for properly approved travel outside the continental United States. However, while traveling in Japan, the minimum meal allowance shall not be less than $90 for any twenty-four (24) hour period. While traveling in Korea and Taiwan, the minimum meal allowance shall not be less than $85 for any twenty-four (24) hour period; while traveling in Singapore, China, Great Britain, Germany, the Netherlands, and France, the minimum meal allowance shall not be less than $65 for any twenty-four (24) hour period.

In the case of the state supported institutions of postsecondary education, approval for out-of-state travel may be given by the chief executive officer of the institution, or the chief executive officer's authorized designee, for the chief executive officer's respective personnel.

Before reimbursing overnight travel expenses, the auditor of state shall require documentation as prescribed in the state travel policies and procedures established by the Indiana department of administration and the budget agency. No appropriation from any fund may be construed as authorizing the payment of any sum in excess of the standard mileage rates for personally owned transportation equipment established by the federal Internal Revenue Service when used in the discharge of state business. The Indiana department of administration and the budget agency may adopt policies and procedures relative to the reimbursement of travel and moving expenses of new state employees and the reimbursement of travel expenses of prospective employees who are invited to interview with the state.

SECTION 15. [EFFECTIVE JULY 1, 2005]

Notwithstanding IC 4-10-11-2.1, the salary per diem of members of boards, commissions, and councils who are entitled to a salary

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

per diem is $50 per day. However, members of boards, commissions, or councils who receive an annual or a monthly salary paid by the state are not entitled to the salary per diem provided in IC 4-10-11-2.1.

SECTION 16. [EFFECTIVE JULY 1, 2005]

No payment for personal services shall be made by the auditor of state unless the payment has been approved by the budget agency or the designee of the budget agency.

SECTION 17. [EFFECTIVE JULY 1, 2005]

No warrant for operating expenses, capital outlay, or fixed charges shall be issued to any department or an institution unless the receipts of the department or institution have been deposited into the state treasury for the month. However, if a department or an institution has more than $10,000 in daily receipts, the receipts shall be deposited into the state treasury daily.

SECTION 18. [EFFECTIVE JULY 1, 2005]

In case of loss by fire or any other cause involving any state institution or department, the proceeds derived from the settlement of any claim for the loss shall be deposited in the state treasury, and the amount deposited is hereby reappropriated to the institution or department for the purpose of replacing the loss. If it is determined that the loss shall not be replaced, any funds received from the settlement of a claim shall be deposited into the state general fund.

SECTION 19. [EFFECTIVE JULY 1, 2005]

If an agency has computer equipment in excess of the needs of that agency, then the excess computer equipment may be sold under the provisions of surplus property sales, and the proceeds of the sale or sales shall be deposited in the state treasury. The amount so deposited is hereby reappropriated to that agency for other operating expenses of the then current year, if approved by the director of the budget agency.

SECTION 20. [EFFECTIVE JULY 1, 2005]

If any state penal or benevolent institution other than the Indiana state prison, Pendleton correctional facility, or Putnamville correctional facility shall, in the operation of its farms, produce products, or commodities in excess of the needs of the institution, the surplus may be sold through the division of industries and farms, the director of the supply division of the Indiana department of administration, or both. The proceeds of any such sale or sales shall be deposited in the state treasury. The amount deposited is hereby reappropriated to the institution for expenses of the then current year if approved by the director of the budget agency. The exchange between state penal and benevolent institutions of livestock for breeding purposes only is hereby authorized at valuations agreed upon between the superintendents or wardens of the institutions. Capital outlay expenditures may be made from the institutional industries and farms revolving fund if approved by the budget agency and the governor.

SECTION 21. [EFFECTIVE JULY 1, 2005]

This act does not authorize any rehabilitation and repairs to any state buildings, nor does it allow that any obligations be incurred for lands and structures, without the prior approval of the budget director or the director's designee. This SECTION does not apply to contracts for the state universities supported in whole or in part by state funds.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

SECTION 22. [EFFECTIVE JULY 1, 2005]

If an agency has an annual appropriation fixed by law, and if the agency also receives an appropriation in this act for the same function or program, the appropriation in this act supersedes any other appropriations and is the total appropriation for the agency for that program or function.

SECTION 23. [EFFECTIVE JULY 1, 2005]

The balance of any appropriation or funds heretofore placed or remaining to the credit of any division of the state of Indiana, and any appropriation or funds provided in this act placed to the credit of any division of the state of Indiana, the powers, duties, and functions whereof are assigned and transferred to any department for salaries, maintenance, operation, construction, or other expenses in the exercise of such powers, duties, and functions, shall be transferred to the credit of the department to which such assignment and transfer is made, and the same shall be available for the objects and purposes for which appropriated originally.

SECTION 24. [EFFECTIVE JULY 1, 2005]

The director of the division of procurement of the Indiana department of administration, or any other person or agency authorized to make purchases of equipment, shall not honor any requisition for the purchase of an automobile that is to be paid for from any appropriation made by this act or any other act, unless the following facts are shown to the satisfaction of the commissioner of the department of administration or the commissioner's designee:
(1) In the case of an elected state officer, it shall be shown that the duties of the office require driving about the state of Indiana in the performance of official duty.
(2) In the case of department or commission heads, it shall be shown that the statutory duties imposed in the discharge of the office require traveling a greater distance than one thousand (1,000) miles each month or that they are subject to official duty call at all times.
(3) In the case of employees, it shall be shown that the major portion of the duties assigned to the employee require travel on state business in excess of one thousand (1,000) miles each month, or that the vehicle is identified by the agency as an integral part of the job assignment. In computing the number of miles required to be driven by a department head or an employee, the distance between the individual's home and office or designated official station is not to be considered as a part of the total. Department heads shall annually submit justification for the continued assignment of each vehicle in their department, which shall be reviewed by the commissioner of the Indiana department of administration, or the commissioner's designee. There shall be an insignia permanently affixed on each side of all state owned cars, designating the cars as being state owned. However, this requirement does not apply to state owned cars driven by elected state officials or to cases where the commissioner of the Indiana department of administration or the commissioner's designee determines that affixing insignia on state owned cars would hinder or handicap the persons driving the cars in the performance of their official duties.

SECTION 25. [EFFECTIVE JULY 1, 2005]

When budget agency approval or review is required under this act, the budget agency may refer to the budget committee any budgetary or fiscal matter for an advisory recommendation. The budget committee may hold hearings and take any actions authorized by IC 4-12-1-11, and may make an advisory recommendation to the budget agency.

SECTION 26. [EFFECTIVE JULY 1, 2005]

The governor of the state of Indiana is solely authorized to accept on behalf of the state any and all federal funds available to the state of Indiana. Federal funds received under this SECTION are appropriated for purposes specified by the federal government, subject to allotment by the budget agency. The provisions of this SECTION and all other SECTIONS concerning the acceptance, disbursement, review, and approval of any grant, loan, or gift made by the federal government or any other source to the state or its agencies and political subdivisions shall apply, notwithstanding any other law.

SECTION 27. [EFFECTIVE JULY 1, 2005]

Federal funds received as revenue by a state agency or department are not available to the agency or department for expenditure until allotment has been made by the budget agency under IC 4-12-1-12(d).

SECTION 28. [EFFECTIVE JULY 1, 2005]

A contract or an agreement for personal services or other services may not be entered into by any agency or department of state government without the approval of the budget agency or the designee of the budget director. Each demand for payment submitted by the agency or department to the auditor of state by claim voucher under such contracts or agreements shall be accompanied by a copy of the budget agency approval, or approval of any agency to whom the budget agency delegated signature authority, and no payment shall be made by the auditor of state without such approval.

SECTION 29. [EFFECTIVE JULY 1, 2005]

Except in those cases where a specific appropriation has been made to cover the payments for any of the following, the auditor of state shall transfer, from the personal services appropriations for each of the various agencies and departments, necessary payments for Social Security, public employees' retirement, health insurance, life insurance, and any other similar payments directed by the budget agency.

SECTION 30. [EFFECTIVE JULY 1, 2005]

Subject to SECTION 25 of this act as it relates to the budget committee, the budget agency with the approval of the governor may withhold allotments of any or all appropriations contained in this act for the 2005-2007 biennium, if it is considered necessary to do so in order to prevent a deficit financial situation.

SECTION 31. [EFFECTIVE JULY 1, 2004 (RETROACTIVE)]

Notwithstanding IC 32-34-1-34, the treasurer of state shall transfer on:
(1) June 30, 2005;
(2) June 30, 2006; and
(3) June 30, 2007;
any balance (excluding amounts needed to fund appropriations to the attorney general for personal services and other operating expenses for the unclaimed property program) in the abandoned property fund that exceeds five hundred thousand dollars ($500,000) to the state general fund.

SECTION 32. [EFFECTIVE JULY 1, 2004 (RETROACTIVE)]

The following deficiency appropriation for the state fiscal year beginning July 1, 2004, and ending June 30, 2005, is made in addition to the appropriations in P.L.224-2003, SECTION 9:

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
FOR THE DEPARTMENT OF EDUCATION			
DISTRIBUTION FOR TUITION SUPPORT			
General Fund			
Total Operating Expense	20,000,000		

The budget agency shall transfer twenty million dollars ($20,000,000) from the balance that existed as of January 31, 2005, in Account 6000/168900 to the state general fund to fund the deficiency appropriation made by this SECTION. The deficiency appropriation made by this SECTION is not subject to transfer to any other fund or subject to transfer, assignment, or reassignment for any other use or purpose by the state board of finance, notwithstanding IC 4-9.1-1-7 and IC 4-13-2-23, or by the budget agency, notwithstanding IC 4-12-1-12, or any other law.

SECTION 33. [EFFECTIVE JULY 1, 2005]

CONSTRUCTION

For the 2005-2007 biennium, the following amounts, from the funds listed as follows, are hereby appropriated to provide for the construction, reconstruction, rehabilitation, repair, purchase, rental, and sale of state properties, capital lease rentals and the purchase and sale of land, including equipment for such properties.

State General Fund - Lease Rentals	243,893,130
State General Fund - Construction	162,689,177
State Police Building Commission Fund (IC 9-29-1-4)	10,500,000
Law Enforcement Academy Building Fund (IC 5-2-1-13)	1,300,000
Cigarette Tax Fund (IC 6-7-1-29.1)	3,000,000
Vocational Construction Projects Fund (IC 16-33-4-10)	375,000
Veterans' Home Building Fund (IC 10-17-9-7)	4,527,332
Post War Construction Fund (IC 7.1-4-8-1)	28,873,488
Industry and Farm Products Revolving Fund (IC 11-10-6-6)	110,292
Regional Health Care Construction Account (IC 4-12-8.5)	18,738,093
TOTAL	474,006,512

The allocations provided under this SECTION are made from the state general fund, unless specifically authorized from other designated funds by this act. The budget agency, with the approval of the governor, in approving the allocation of funds pursuant to this SECTION, shall consider, as funds are available, allocations for the following specific uses, purposes, and projects:

A. GENERAL GOVERNMENT

FOR THE HOUSE OF REPRESENTATIVES	
House Renovations	150,000
FOR THE STATE BUDGET AGENCY	
Health and Safety Contingency Fund	5,900,000
Aviation Technology Center	2,708,109
Airport Facilities Lease	41,917,375
Qualitech Capital Lease	5,888,000
Heartland Steel Capital Lease	2,554,000
DEPARTMENT OF ADMINISTRATION - PROJECTS	
Preventive Maintenance	4,811,020
Repair and Rehabilitation	18,500,000

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
DEPARTMENT OF ADMINISTRATION - LEASES			
General Fund			
Lease - Government Center North			34,691,616
Lease - Government Center South			30,909,841
Lease - State Museum			15,293,975
Lease - McCarty Street			1,415,653
Lease - Parking Garages			12,576,651
Lease - Wabash Valley Correctional			24,324,343
Lease - Rockville Correctional			7,144,675
Lease - Miami Correctional			31,631,607
Lease - Pendleton Juvenile Correctional			9,334,000
Lease - New Castle Correctional			23,503,285
Regional Health Care Construction Account (IC 4-12-8.5)			
Lease - Evansville State Hospital			6,541,168
Lease - Southeast Regional Treatment			6,951,700
Lease - Logansport State Hospital			5,245,225
B. PUBLIC SAFETY			
(1) LAW ENFORCEMENT			
INDIANA STATE POLICE			
State Police Building Commission Fund (IC 9-29-1-4)			
Preventive Maintenance			1,014,000
Automobiles			7,046,895
Repair and Rehabilitation			2,439,105
LAW ENFORCEMENT TRAINING BOARD			
Law Enforcement Academy Building Fund (IC 5-2-1-13)			
Preventive Maintenance			1,170,000
Repair and Rehabilitation			130,000
ADJUTANT GENERAL			
Preventive Maintenance			113,400
Repair and Rehabilitation			1,151,700
(2) CORRECTIONS			
DEPARTMENT OF CORRECTION - PROJECTS			
Post War Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation			2,323,988
CORRECTIONAL UNITS			
Preventive Maintenance			420,000
Repair and Rehabilitation			119,000
Post War Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation			4,759,500
STATE PRISON			
Preventive Maintenance			1,161,322
Master Plan: Replace Industries Building			5,898,200
Post War Construction Fund (IC 7.1-4-8-1)			
A&E Fees: Repl.Cellhouse Locking Systems			250,000
Master Plan: New Visitation Building			2,500,000
Master Plan: New Checkpoint/Fencing			1,500,000
Repair and Rehabilitation			6,625,000
PENDLETON CORRECTIONAL FACILITY			
Preventive Maintenance			996,396
Post War Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation			75,000
WOMEN'S PRISON			
Preventive Maintenance			273,000
Repair and Rehabilitation			1,000,000
Post War Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation			550,000
NEW CASTLE CORRECTIONAL FACILITY			
Preventive Maintenance			660,660
PUTNAMVILLE CORRECTIONAL FACILITY			
Preventive Maintenance			843,022
Post War Construction Fund (IC 7.1-4-8-1)			
A&E Visitation/Administration Building			287,000
Repair and Rehabilitation			885,000
PLAINFIELD JUVENILE CORRECTIONAL FACILITY			
Preventive Maintenance			543,947
Post War Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation			540,000
INDIANAPOLIS JUVENILE CORRECTIONAL FACILITY			
Preventive Maintenance			325,146
Post War Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation			780,000
BRANCHVILLE CORRECTIONAL FACILITY			
Preventive Maintenance			344,870
Post War Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation			734,000
WESTVILLE CORRECTIONAL FACILITY			
Preventive Maintenance			1,191,891
Post War Construction Fund (IC 7.1-4-8-1)			
Master Plan - Vehicle Repair Building			500,000
Repair and Rehabilitation			1,700,000
ROCKVILLE CORRECTIONAL FACILITY			
Preventive Maintenance			344,870
PLAINFIELD CORRECTIONAL FACILITY			
Preventive Maintenance			575,751
Post War Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation			3,215,000
RECEPTION-DIAGNOSTIC CENTER			
Preventive Maintenance			216,472
Post War Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation			1,100,000
PEN PRODUCTS			
Industry and Farm Products Revolving Fund (IC 11-10-6-6)			
Preventive Maintenance			110,292
CORRECTIONAL INDUSTRIAL FACILITY			
Preventive Maintenance			520,023
Post War Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation			250,000
WORK RELEASE CENTERS			
Preventive Maintenance			100,732
WABASH VALLEY CORRECTIONAL FACILITY			
Preventive Maintenance			833,560
Post War Construction Fund (IC 7.1-4-8-1)			
Repair and Rehabilitation			299,000
MIAMI CORRECTIONAL FACILITY			
Preventive Maintenance			521,400
PENDLETON JUVENILE CORRECTIONAL FACILITY			
Preventive Maintenance			364,000
C. CONSERVATION AND ENVIRONMENT			
DEPARTMENT OF NATURAL RESOURCES - GENERAL ADMINISTRATION			
Preventive Maintenance			266,000
General Admin. - ADA			1,000,000
Repair and Rehabilitation			6,500,000
FISH AND WILDLIFE			
Preventive Maintenance			1,810,863
F&W - Public Access Land Acq.			817,000
Repair and Rehabilitation			2,555,000
FORESTRY			
Preventive Maintenance			1,756,800
Repair and Rehabilitation			5,119,650
MUSEUMS AND HISTORIC SITES			
Preventive Maintenance			331,586
Repair and Rehabilitation			3,768,520
NATURE PRESERVES			
Preventive Maintenance			134,200
Repair and Rehabilitation			1,093,000

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.
OUTDOOR RECREATION			
Preventive Maintenance			33,306
Repair and Rehabilitation			375,000
STATE PARKS AND RESERVOIR MANAGEMENT			
Preventive Maintenance			2,945,654
Parks/Res. - Charlestown			3,000,000
Repair and Rehabilitation			17,200,000
Cigarette Tax Fund (IC 6-7-1-29.1)			
Preventive Maintenance			3,000,000
DIVISION OF WATER			
Preventive Maintenance			250,000
Repair and Rehabilitation			925,000
Shafer-Freeman Lakes Dredging Enhancement Project			1,000,000
ENFORCEMENT			
Preventive Maintenance			207,480
Repair and Rehabilitation			700,000
STATE MUSEUM			
Preventive Maintenance			650,000
Repair and Rehabilitation			300,000
OIL AND GAS			
Oil & Gas - Partnership Program			200,000
ENTOMOLOGY			
Entomology - Exotic Species Control			700,000
WAR MEMORIALS COMMISSION			
Preventive Maintenance			1,421,494
Repair and Rehabilitation			1,750,000
MAUMEE RIVER BASIN COMMISSION			
Repair and Rehabilitation			150,000
LITTLE CALUMET RIVER BASIN COMMISSION			
Little Calumet River Basin Devlpmnt Comm			4,000,000

D. TRANSPORTATION

AIRPORT DEVELOPMENT			
Airport Development			1,200,000

The foregoing allocation for the Indiana department of transportation is for airport development and shall be used for the purpose of assisting local airport authorities and local units of government in matching available federal funds under the airport improvement program and for matching federal grants for airport planning and for the other airport studies. Matching grants of aid shall be made in accordance with the approved annual capital improvements program of the Indiana department of transportation and with the approval of the governor and the budget agency.

PORT COMMISSION			
Pier #3 Southwind Maritime Center			1,200,000

E. FAMILY AND SOCIAL SERVICES, HEALTH, AND VETERANS' AFFAIRS

(1) FAMILY AND SOCIAL SERVICES ADMINISTRATION

FSSA CONSTRUCTION			
Repair and Rehabilitation			4,200,000
EVANSVILLE PSYCHIATRIC CHILDREN'S CENTER			
Preventive Maintenance			45,000
Repair and Rehabilitation			950,000
EVANSVILLE STATE HOSPITAL			
Preventive Maintenance			756,756
Repair and Rehabilitation			57,000
MADISON STATE HOSPITAL			
Preventive Maintenance			971,409
LOGANSPORT STATE HOSPITAL			
Preventive Maintenance			963,144
Transitional Care Unit			1,300,000
Boiler Lease Payment			244,180
Repair and Rehabilitation			3,211,925
RICHMOND STATE HOSPITAL			
Preventive Maintenance			1,210,724
Repair and Rehabilitation			2,004,468
LARUE CARTER MEMORIAL HOSPITAL			
Preventive Maintenance			1,484,134
Repair and Rehabilitation			1,500,000
FORT WAYNE STATE DEVELOPMENTAL CENTER			
Preventive Maintenance			1,424,803
Repair and Rehabilitation			3,000,001

(2) PUBLIC HEALTH

DEPARTMENT OF HEALTH			
Repair and Rehabilitation			130,000
SILVERCREST CHILDREN'S DEVELOPMENT CENTER			
Preventive Maintenance			161,140
SCHOOL FOR THE BLIND			
Preventive Maintenance			565,714
SCHOOL FOR THE DEAF			
Preventive Maintenance			553,120
Repair and Rehabilitation			72,752
SOLDIERS' AND SAILORS' CHILDREN'S HOME			
Preventive Maintenance			400,000
Repair and Rehabilitation			645,536
Vocational Construction Projects Fund (IC 16-33-4-10)			
Repair and Rehabilitation			375,000

(3) VETERANS' AFFAIRS

INDIANA VETERANS' HOME			
Veterans' Home Building Fund (IC 10-17-9-7)			
Preventive Maintenance			1,000,000
Repair and Rehabilitation			3,527,332

F. EDUCATION

HIGHER EDUCATION

INDIANA UNIVERSITY - TOTAL SYSTEM			
General Repair and Rehab			10,466,860
PURDUE UNIVERSITY - TOTAL SYSTEM			
General Repair and Rehab			8,305,774
INDIANA STATE UNIVERSITY			
General Repair and Rehab			2,061,338
UNIVERSITY OF SOUTHERN INDIANA			
General Repair and Rehab			400,414
BALL STATE UNIVERSITY			
General Repair and Rehab			2,621,020
VINCENNES UNIVERSITY			
General Repair and Rehab			1,004,204
IVY TECH STATE COLLEGE			
General Repair and Rehab			736,826

SECTION 34. [EFFECTIVE JULY 1, 2005]

The budget agency may employ one (1) or more architects or engineers to inspect construction, rehabilitation, and repair projects covered by the appropriations in this act or previous acts designated in this act.

	FY 2005-06 Appro.	FY 2006-07 Appro.	Biennial Appro.

SECTION 35. [EFFECTIVE JULY 1, 2005]

If any part of a construction or rehabilitation and repair appropriation made by this act or any previous acts has not been allotted or encumbered before the expiration of two (2) biennia, the budget agency may determine that the balance of the appropriation is not available for allotment. The appropriation may be terminated and the balance may revert to the fund from which the original appropriation was made.

SECTION 36. [EFFECTIVE UPON PASSAGE]

The budget agency may retain balances in the mental health fund at the end of any fiscal year to ensure there are sufficient funds to meet appropriations for state developmental centers in any subsequent year.

SECTION 37. [EFFECTIVE JULY 1, 2005]

If the budget director makes a determination at any time during either fiscal year of the biennium that the executive branch of state government cannot meet its statutory obligations due to insufficient funds in the state general fund, then notwithstanding IC 4-10-18, the budget agency, with the approval of the governor and after review by the budget committee, may transfer from the counter-cyclical revenue and economic stabilization fund to the state general fund an amount necessary to maintain a positive balance in the state general fund.

SECTION 38. IC 4-9.1-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The board may transfer money between state funds, and the board may transfer money between appropriations for any board, department, commission, office, or benevolent or penal institution of the state. After the transfer is made the money of the fund or appropriation transferred is not available to the fund or the board, department, commission, office, or benevolent or penal institution from which it was transferred.

(b) In addition to a transfer under subsection (a), the board may transfer money from:

(1) a state fund; or

(2) an appropriation for any board, department, commission, office, or benevolent or penal institution of the state;

to the Indiana economic development corporation.

~~(b)~~ **(c)** An order by the board to make a transfer under this section is sufficient authority for the making of appropriate entries showing the transfer on the books of the auditor of state and treasurer of state.

~~(c)~~ **(d)** The authority given the board under this section to make transfers does not apply to trust funds. For the purposes of this section, "trust fund" means a fund which by the constitution or by statute has been designated as a trust fund or a fund which has been determined by the board to be a trust fund.

SECTION 39. IC 4-10-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 9.5. Application

Sec. 1. As used in this chapter, "instrumentality" includes a body corporate and politic that:

(1) is established to carry out a state governmental purpose; and

(2) is not specifically exempted from the application of this chapter by a provision in this chapter.

Sec. 2. This chapter does not apply to the following:

(1) A state educational institution (as defined in IC 20-12-0.5-1).

(2) A political subdivision (as defined in IC 36-1-2-13).

Sec. 3. This article applies to instrumentalities to the same extent as the article applies to other state agencies and offices.

SECTION 40. IC 4-10-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. It shall be unlawful for:

(1) the board of trustees of any benevolent, scientific, or educational institution;

(2) an instrumentality to which IC 4-10-9.5 applies; or ~~for~~

(3) any correctional facility of the state;

to borrow money upon the credit of the state, or to contract any indebtedness on the credit of the state, or to make expenditures for improvements for said institutions or correctional facilities in any way, unless the said loans or expenditure of money are first authorized by an act of the general assembly for such purposes.

SECTION 41. IC 4-12-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~As used in this~~ **The following definitions apply throughout this** chapter unless a different meaning appears from the context:

~~(a)~~ **(1)** ~~The word~~ "Committee" means the budget committee.

~~(b)~~ **(2)** ~~The word~~ "Director" or the term "budget director" means the person who is director of the budget agency.

~~(c)~~ **(3)** ~~The term~~ "Appointing authority" means the head of an agency of the state.

~~(d)~~ **(4)** ~~The terms~~ "Agency of the state" or "agencies of the state" or "state agency" or "state agencies" ~~mean and include~~ **means:**

(A) every office, officer, board, commission, department, division, bureau, committee, fund, agency, and, without limitation by reason of any enumeration ~~herein,~~ **in this chapter,** every other instrumentality of the state of Indiana, ~~now existing or which may be~~ **whenever** created; ~~hereafter;~~

(B) every hospital, every penal institution and every other institutional enterprise and activity of the state of Indiana, wherever located;

(C) the universities and colleges supported in whole or in part by state funds;

(D) the judicial department of the state of Indiana; and

(E) all nongovernmental organizations receiving financial support or assistance from the state of Indiana. ~~but shall not mean nor~~

However, the terms do not include cities, towns, townships, school cities, school towns, school townships, school districts, nor other municipal corporations or political subdivisions of the state.

~~(e)~~ **(5)** ~~The terms~~ "Budget bill" or "budget bills" ~~shall mean~~ **means** a bill for an act, or two (2) or more such bills, prepared as authorized in this chapter, by which substantially all of the appropriations are made that are necessary and required to carry on state government for the budget period, if and when such bill is, or such bills are, enacted into law.

~~(f)~~ **(6)** ~~The term~~ "Budget report" ~~shall mean~~ **means** a written explanation of the budget bill or bills, and a general statement of the reasons for the appropriations therein and of the sources and extent of state income to meet such appropriations, together with such further parts as are required by law.

~~(g)~~ **(7)** ~~The term~~ "Budget period" means that period of time for which appropriations are made in the budget bill or budget bills.

(8) "Instrumentality" includes a body corporate and politic that:

(A) is established to carry out a state governmental purpose; and

(B) is not specifically exempted from the application of this chapter by a provision in this chapter.

SECTION 42. IC 4-12-1-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. Federal funds received by an instrumentality are appropriated for purposes specified by the federal government, subject to allotment by the budget agency. The provisions of this chapter and other laws concerning the acceptance, disbursement, review, and approval of grants, loans, and gifts made by the federal government or any other source to the state or its agencies apply to instrumentalities.**

SECTION 43. IC 4-13-1.4-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. The budget agency may adopt policies and procedures for the disposal of surplus property by state agencies under IC 4-20.5-7, IC 4-22-2, IC 8-23-7-15, or another law. The policies and procedures may specify the circumstances under which and the manner in which property will be offered for sale to another governmental entity before offered to the public. A state agency shall comply with the policies and procedures adopted under this section.**

SECTION 44. IC 4-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter may be known and cited as the "Financial Reorganization Act of 1947".

(b) The provisions of this chapter ~~shall~~ apply to all agencies of the state.

(c) As used in this chapter, the term "agencies of the state", "agency", **"state agency", "state agencies",** or "agencies" ~~shall mean and include~~ **includes** every officer, board, commission, department, division, bureau, committee, employee, and other instrumentality of the state, including without ~~limiting the effect of the foregoing,~~ **limitation** state hospitals, state penal institutions, and other state institution enterprises and activities wherever located, ~~but excepting,~~ **except** unless specifically included:

(1) military officers and military and armory boards of the state;

(2) ~~the state fair commission,~~ the supreme court and the court of appeals;

(3) the legislative department of state government, including but not limited to the senate, the house of representatives, the legislative council, and the legislative services agency; and

(4) state colleges and universities supported in whole or in part by state funds;

and persons and institutions under their control. ~~and excepting all~~ **The terms do not include** counties, cities, towns, townships, school towns, townships and cities, and other municipal corporations or political subdivisions of the state.

~~(c)~~ **(d) As used in this chapter,** ~~the term~~ "supplies", "materials", "equipment", and "services" ~~as used in this chapter shall mean and~~ include any and all articles and things, and all services other than personal, used by, or furnished to, any department or agency of state government, including printing, binding, publication of books and records, repairs and improvements, utility services, and any and all other services required for the maintenance, operation, or upkeep of buildings and offices. The enumeration of the things specified in this section are not exclusive.

(e) As used in this chapter, "instrumentality" includes a body corporate and politic that:

(1) is established to carry out a state governmental purpose; and

(2) is not specifically exempted from the application of this chapter by a provision in this chapter.

SECTION 45. IC 4-13-2-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) Notwithstanding section 1 of this chapter, the term "agencies of state", "state agency", or "agency", as used in sections 7, 19, 21, and 23 of this chapter, include the judicial and legislative departments of state government.

(b) Notwithstanding section 1 of this chapter, section 19 of this chapter applies to the judicial and legislative departments of state government.

~~(c) Notwithstanding section 1 of this chapter, section 5.2 of this chapter applies to a body corporate and politic.~~

SECTION 46. IC 4-13-2-5.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.2. (a) This section applies **only** to a body corporate and politic.

(b) Whenever a contract to provide supplies to the body corporate and politic is awarded by competitive sealed bidding, a bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

(1) beneficiary of the trust; and

(2) settlor empowered to revoke or modify the trust.

SECTION 47. IC 4-20.5-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The agency head of a transferring agency must do the following:

(1) Find that the property is surplus to the needs of the agency.

(2) Notify the department that the agency wants to transfer the property.

(3) Provide the details of the proposed transfer as required by the department.

(4) Request **to the budget agency,** in writing, ~~approval of~~ **that** the governor ~~to~~ **approve the** transfer **of** the property.

Subdivisions (1) and (4) do not apply to a lease of state property.

SECTION 48. IC 4-20.5-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) ~~If the commissioner finds that another agency or a state educational institution can use the property, the~~ **Surplus** property may, **under the policies prescribed by the budget agency,** be transferred to ~~the other~~ **another** agency or ~~the~~ **a** state educational institution.

(b) The **policies of the budget agency must include a requirement that the** agency head of the accepting agency or the state educational institution ~~must~~ do the following:

(1) Find that the property is necessary or convenient to the accepting agency's or state educational institution's use or purpose.

(2) Request, in writing, approval of the governor to transfer possession of the property from the transferring agency.

(c) With the approval of the budget agency, the accepting agency or state educational institution may transfer funds to the transferring agency in consideration of the transfer.

(d) The offer to the transferring agency must remain open for thirty (30) days after the offer was made. If an offer has not been rejected or accepted by the agency within thirty (30) days, the department may dispose of the property as otherwise permitted under this chapter.

SECTION 49. IC 4-22-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) "Agency" means any officer, board, commission, department, division, bureau, committee, or other governmental entity exercising any of the executive (including the administrative) powers of state government. The term does not include the judicial or legislative departments of state government or a political subdivision (as defined in IC 36-1-2-13). **The term includes a body corporate and politic that:**

(1) is established to carry out a state governmental purpose; and

(2) is not specifically exempted from the application of this article by a provision in this chapter.

(b) "Rule" means the whole or any part of an agency statement of general applicability that:

(1) has or is designed to have the effect of law; and

(2) implements, interprets, or prescribes:

(A) law or policy; or

(B) the organization, procedure, or practice requirements of an agency.

(c) "Rulemaking action" means the process of formulating or adopting a rule. The term does not include an agency action.

(d) "Agency action" has the meaning set forth in IC 4-21.5-1-4.

(e) "Person" means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

(f) "Publisher" refers to the publisher of the Indiana Register and Indiana Administrative Code, which is the legislative council, or the legislative services agency operating under the direction of the council.

(g) The definitions in this section apply throughout this article.

SECTION 50. IC 5-11-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. There is established a state board of accounts. The board consists of the state examiner and two (2) deputy examiners as provided in this section. The principal officer of the board is the state examiner, who shall be appointed by the governor and who shall hold office for a term of four (4) years from the date of appointment. The state examiner must be a certified public accountant. ~~with at least seven (7) consecutive years of active experience as a field examiner with the state board of accounts that immediately precedes the appointment as state examiner.~~ The governor shall also appoint two (2) deputy examiners, who must have the same qualifications as the state examiner, be of different political parties, and be subordinate to the state examiner.

The deputy examiners shall be appointed for terms of four (4) years. The state examiner and the deputy examiners are subject to removal by the governor for incompetency or for misconduct of the office, after a hearing upon due notice and upon stated charges in writing. An appeal may be taken by the officer removed to the circuit or a superior court of Marion County.

SECTION 51. IC 5-11-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. The state instrumentalities and entities to which this chapter applies include a body corporate and politic that:**

(1) is established to carry out a state governmental purpose; and

(2) is not specifically exempted from the application of this chapter by a provision in this chapter.

SECTION 52. IC 5-19-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following words and phrases, as used in this chapter, shall, for the purposes of this chapter, unless a different meaning appears from the context, have the following meanings:

~~(a)~~ **(1)** The singular ~~shall include~~ **includes** the plural and the plural shall include the singular as requisite.

~~(b)~~ **(2)** ~~The term~~ "State" ~~shall mean and include~~ **means** the state of Indiana, the governor of the state of Indiana, any agency of the state of Indiana designated by the governor to receive federal aid, and any officer, board, bureau, commission, division, or department. **The term includes a body corporate and politic that:**

(A) is established to carry out a state governmental purpose; and

(B) is not specifically exempted from the application of this chapter by a provision in this chapter.

(3) ~~The term~~ "Governor" ~~shall mean~~ **means** the governor of the state of Indiana.

~~(c)~~ **(4)** ~~The term~~ "Political subdivision" ~~shall mean and include~~ **means** any county of Indiana, any civil township of Indiana, any civil incorporated city or town of Indiana, any school corporation of any township, city, or town of Indiana, or any other territorial subdivision of the state recognized or designated in any law, any public utility entity not privately owned, any public sewage disposal entity, any public flood control or levee district or entity, any public drainage district or entity, any public sanitary district or entity, and any public improvement district authority or entity authorized to levy taxes or assessments.

SECTION 53. IC 5-22-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~(a)~~ Except as provided in section 7.5 of this chapter, surplus property available for sale ~~shall first~~ **may, under the policies prescribed by the budget agency,** be offered for sale to ~~all~~ political subdivisions. **The policies of the budget agency must require that** if the property is in the possession of the Indiana department of transportation **and is to be offered to political subdivisions,** the commissioner shall notify each supervisor of county highways appointed under IC 8-17-3-1 of the sale.

~~(b) Notice of the sale shall be mailed or provided by another means at least fifteen (15) days before the date of the sale to each county auditor and to each political subdivision that has previously requested notice of the sale from the commissioner. Information regarding the sale shall also be made available at any time before the sale to political subdivisions upon request.~~

~~(c) A political subdivision that wants to purchase the property must deliver a sealed bid to the commissioner before the date of the sale to political subdivisions.~~

~~(d) The department shall sell the surplus property to the highest responsible governmental bidder. The commissioner shall determine a market price for the surplus property that is stated in the notice of the sale. The department shall sell the surplus property to the highest governmental bidder whose bid equals or exceeds the market price determined by the commissioner.~~

~~(e) The department shall deliver possession of the surplus property to the governmental bidder after the bidder approves a claim for payment submitted by the department.~~

SECTION 54. IC 5-22-21-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) This section applies to surplus computer hardware that:

(1) is not usable by a state agency as determined under section 6 of this chapter; and

(2) has market value.

(b) As used in this section, "educational entity" refers to the following:

(1) A school corporation as defined in IC 36-1-2-17 or nonpublic schools as defined in IC 20-10.1-1-3.

(2) The corporation for educational technology described in IC 20-10.1-25.1.

(c) As used in this section, "market value" means the value of the property is more than the estimated costs of sale and transportation of the property.

(d) Surplus computer hardware available for sale ~~must~~ **may, under the policies prescribed by the budget agency,** be offered ~~first~~ to an educational entity. ~~Notice of the sale must be given to the corporation for educational technology and to each school corporation through publication in a publication of the department of education or other appropriate association or department.~~

~~(e) Sealed bids shall be delivered by educational entities to the office of the commissioner before the date of the sale to educational entities. Surplus personal property shall be sold to the highest responsible bidder as determined by the commissioner. The department shall deliver possession of the surplus property to the successful bidder after the bidder submits an executed purchase order to the department.~~

~~(f) If the surplus computer hardware:~~

~~(1) is not sold to an educational entity under this section; and~~

~~(2) had an original purchase price of more than two thousand five hundred dollars ($2,500);~~

~~the property shall be offered for sale to political subdivisions as described in section 7 of this chapter.~~

SECTION 55. IC 6-1.1-19-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 1.5. (a) The following definitions apply throughout this section and IC 21-3-1.7:

(1) "Adjustment factor" means the adjustment factor determined by the department of local government finance for a school corporation under IC 6-1.1-34.

(2) "Adjusted target property tax rate" means:

(A) the school corporation's target general fund property tax rate determined under IC 21-3-1.7-6.8; multiplied by

(B) the school corporation's adjustment factor.

(3) "Previous year property tax rate" means the school corporation's previous year general fund property tax rate after the reductions cited in IC 21-3-1.7-5(1), IC 21-3-1.7-5(2), and IC 21-3-1.7-5(3).

(b) Except as otherwise provided in this chapter, a school corporation may not ~~for a calendar year beginning after December 31, 2004,~~ impose a general fund ad valorem property tax levy which exceeds the following:

STEP ONE: Determine the result of:

(A) the school corporation's adjusted target property tax rate; minus

(B) the school corporation's previous year property tax rate.

STEP TWO: If the school corporation's adjusted target property tax rate:

(A) exceeds the school corporation's previous year property tax rate, perform the calculation under STEP THREE and not under STEP FOUR;

(B) is less than the school corporation's previous year property tax rate, perform the calculation under STEP FOUR and not under STEP THREE; or

(C) equals the school corporation's previous year property tax rate, determine the levy resulting from using the school corporation's adjusted target property tax rate and do not perform the calculation under STEP THREE or STEP FOUR.

STEP THREE: Determine the levy resulting from using the school corporation's previous year property tax rate after increasing the rate by the lesser of:

(A) the STEP ONE result; or

(B) five cents ($0.05).

STEP FOUR: Determine the levy resulting from using the school corporation's previous year property tax rate after reducing the rate by the lesser of:

(A) the absolute value of the STEP ONE result; or

(B) ~~five~~ **ten** cents ~~($0.05).~~ **($0.10).**

STEP FIVE: Determine the result of:

(A) the STEP TWO (C), STEP THREE, or STEP FOUR result, whichever applies; plus

(B) an amount equal to the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.

The maximum levy is to include the portion of any excessive levy and the levy for new facilities.

STEP SIX: Determine the result of:

(A) the STEP FIVE result; plus

(B) the product of:

(i) the weighted average of the amounts determined under ~~IC 21-3-1.7-6.7(c)~~ **IC 21-3-1.7-6.7(c)** STEP ~~NINE~~ **EIGHT** for all charter schools attended by students who have legal settlement in the school corporation; multiplied by

(ii) thirty-five hundredths (0.35).

In determining the number of students for purposes of this STEP, each kindergarten pupil shall be counted as one-half (½) pupil.

The result determined under this STEP may not be included in the school corporation's adjusted base levy for the year following the year in which the result applies or in the school corporation's determination of tuition support.

(c) For purposes of this section, "total assessed value" with respect to a school corporation means the total assessed value of all taxable property for ad valorem property taxes first due and payable during that year.

(d) The department of local government finance shall annually establish an assessment ratio and adjustment factor for each school corporation to be used upon the review and recommendation of the budget committee. The information compiled, including background documentation, may not be used in a:

(1) review of an assessment under IC 6-1.1-8, IC 6-1.1-13, IC 6-1.1-14, or IC 6-1.1-15;

(2) petition for a correction of error under IC 6-1.1-15-12; or

(3) petition for refund under IC 6-1.1-26.

(e) All tax rates shall be computed by rounding the rate to the nearest one-hundredth of a cent ($0.0001). All tax levies shall be computed by rounding the levy to the nearest dollar amount.

~~(f) For the calendar year beginning January 1, 2004, and ending December 31, 2004, a school corporation may impose a general fund ad valorem property tax levy in the amount determined under STEP EIGHT of the following formula:~~

~~STEP ONE: Determine the quotient of:~~

~~(A) the school corporation's 2003 assessed valuation; divided by~~

~~(B) the school corporation's 2002 assessed valuation.~~

~~STEP TWO: Determine the greater of zero (0) or the difference between:~~

~~(A) the STEP ONE amount; minus~~

~~(B) one (1).~~

~~STEP THREE: Determine the lesser of eleven-hundredths (0.11) or the product of:~~

~~(A) the STEP TWO amount; multiplied by~~

~~(B) eleven-hundredths (0.11).~~

~~STEP FOUR: Determine the sum of:~~

~~(A) the STEP THREE amount; plus~~

~~(B) one (1).~~

~~STEP FIVE: Determine the product of:~~

~~(A) the STEP FOUR amount; multiplied by~~

~~(B) the school corporation's general fund ad valorem property tax levy for calendar year 2003.~~

~~STEP SIX: Determine the lesser of:~~

~~(A) the STEP FIVE amount; or~~

~~(B) the levy resulting from using the school corporation's previous year property tax rate after increasing the rate by five cents ($0.05).~~

~~STEP SEVEN: Determine the result of:~~

~~(A) the STEP SIX amount; plus~~

~~(B) an amount equal to the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.~~

~~The maximum levy is to include the part of any excessive levy and the levy for new facilities.~~

~~STEP EIGHT: Determine the result of:~~

~~(A) the STEP SEVEN result; plus~~

~~(B) the product of:~~

~~(i) the weighted average of the amounts determined under IC 21-3-1.7-6.7(c) STEP NINE for all charter schools attended by students who have legal settlement in the school corporation; multiplied by~~

~~(ii) thirty-five hundredths (0.35).~~

~~In determining the number of students for purposes of this STEP, each kindergarten pupil shall be counted as one-half (½) pupil.~~

~~The result determined under this STEP may not be included in the school corporation's adjusted base levy for the year following the year in which the result applies or in the school corporation's determination of tuition support.~~

SECTION 56. IC 6-1.1-20.9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 2. (a) Except as otherwise provided in section 5 of this chapter, an individual who on March 1 of a particular year either owns or is buying a homestead under a contract that provides the individual is to pay the property taxes on the homestead is entitled each calendar year to a credit against the property taxes which the individual pays on the individual's homestead. However, only one (1) individual may receive a credit under this chapter for a particular homestead in a particular year.

(b) The amount of the credit to which the individual is entitled equals the product of:

(1) the percentage prescribed in subsection (d); multiplied by

(2) the amount of the individual's property tax liability, as that term is defined in IC 6-1.1-21-5, which is:

(A) attributable to the homestead during the particular calendar year; and

(B) determined after the application of the property tax replacement credit under IC 6-1.1-21.

(c) For purposes of determining that part of an individual's property tax liability that is attributable to the individual's homestead, all deductions from assessed valuation which the individual claims under IC 6-1.1-12 or IC 6-1.1-12.1 for property on which the individual's homestead is located must be applied first against the assessed value of the individual's homestead before those deductions are applied against any other property.

(d) The percentage of the credit referred to in subsection (b)(1) is as follows:

YEAR	PERCENTAGE OF THE CREDIT
1996	8%
1997	6%
1998 through 2002	10%
2003 and thereafter	20%

~~However, the property tax replacement fund board established under IC 6-1.1-21-10, in its sole discretion, may increase the percentage of the credit provided in the schedule for any year, if the board feels that the property tax replacement fund contains enough money for the resulting increased distribution. If the board increases the percentage of the credit provided in the schedule for any year, the percentage of the credit for the immediately following year is the percentage provided in the schedule for that particular year, unless as provided in this subsection the board in its discretion increases the percentage of the credit provided in the schedule for that particular year. However,~~ The percentage credit allowed in a particular county for a particular year shall be increased if on January 1 of a year an ordinance adopted by a county income tax council was in effect in the county which increased the homestead credit. The amount of the

increase equals the amount designated in the ordinance.

(e) Before October 1 of each year, the assessor shall furnish to the county auditor the amount of the assessed valuation of each homestead for which a homestead credit has been properly filed under this chapter.

(f) The county auditor shall apply the credit equally to each installment of taxes that the individual pays for the property.

(g) Notwithstanding the provisions of this chapter, a taxpayer other than an individual is entitled to the credit provided by this chapter if:

(1) an individual uses the residence as the individual's principal place of residence;

(2) the residence is located in Indiana;

(3) the individual has a beneficial interest in the taxpayer;

(4) the taxpayer either owns the residence or is buying it under a contract, recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence; and

(5) the residence consists of a single-family dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

SECTION 57. IC 6-1.1-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property assessed under this article.

(b) "Taxes" means property taxes payable in respect to property assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5, is to be filed on or before March 1 of each year with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract which change assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however, for any postabstract adjustments which change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

(i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after December 31, 1982; plus

(ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; plus

(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county); minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed), IC 12-19-5, or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

(i) is entered into after December 31, 1983;

(ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and

(iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 were satisfied prior to January 1, 1984; minus

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(F) the remainder of:

(i) the total property taxes imposed in the county for the stated assessment year under authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(ii) the total property taxes imposed in the county for the 1984 stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(G) the amount of property taxes imposed in the county for the stated assessment year under:

(i) IC 21-2-15 for a capital projects fund; plus

(ii) IC 6-1.1-19-10 for a racial balance fund; plus

(iii) IC 20-14-13 for a library capital projects fund; plus

(iv) IC 20-5-17.5-3 for an art association fund; plus

(v) IC 21-2-17 for a special education preschool fund; plus

(vi) IC 21-2-11.6 for a referendum tax levy fund; plus

(vii) an appeal filed under IC 6-1.1-19-5.1 for an increase in a school corporation's maximum permissible general fund levy for certain transfer tuition costs; plus

(viii) an appeal filed under IC 6-1.1-19-5.4 for an increase in a school corporation's maximum permissible general fund levy for transportation operating costs; **plus**

(ix) IC 21-2-11.5-3(b)(2) for a school transportation fund, including any increase in that amount in a subsequent year reflected in IC 21-2-11.5-3(b)(1) and attributable to the annual application of the assessed value growth quotient determined under IC 21-2-11.5-3(c) to the amount; minus

(H) the amount of property taxes imposed by a school corporation that is attributable to the passage, after 1983, of a referendum for an excessive tax levy under IC 6-1.1-19, including any increases in these property taxes that are attributable to the adjustment set forth in IC 6-1.1-19-1.5 or any other law; minus

(I) for each township in the county, the lesser of:

(i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP THREE or IC 6-1.1-18.5-19(b) STEP THREE, whichever is applicable, plus the part, if any, of the township's ad valorem property tax levy for calendar year 1989 that represents increases in that levy that resulted from an appeal described in IC 6-1.1-18.5-13(4) filed after December 31, 1982; or

(ii) the amount of property taxes imposed in the township for the stated assessment year under the authority of IC 36-8-13-4; minus

(J) for each participating unit in a fire protection territory established under IC 36-8-19-1, the amount of property taxes levied by each participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the maximum levy limit for each of the participating units that would have otherwise been available for fire protection services under IC 6-1.1-18.5-3 and IC 6-1.1-18.5-19 for that same year; minus

(K) for each county, the sum of:

(i) the amount of property taxes imposed in the county for the repayment of loans under IC 12-19-5-6 (repealed) that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN **(as in effect January 1, 1995)** for property taxes payable in 1995, or for property taxes payable in each year after 1995, the amount

determined under ~~IC 12-19-7-4(b);~~ **IC 12-19-7-4;** and

(ii) the amount of property taxes imposed in the county attributable to appeals **or other levy increase** granted under IC 6-1.1-18.6-3 that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN **(as in effect January 1, 1995)** for property taxes payable in 1995, or the amount determined under ~~IC 12-19-7-4(b)~~ **IC 12-19-7-4** for property taxes payable in each year after 1995; plus

(2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year in which the taxes stated in the abstract are to be paid; plus

(3) the amounts, if any, of county adjusted gross income taxes that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units for the assessment year, as provided in IC 6-3.5-1.1; plus

(4) the amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated assessment year; plus

(5) the difference between:

(A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR; minus

(B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(e).

(h) "December settlement sheet" means the certificate of settlement filed by the county auditor with the auditor of state, as required under IC 6-1.1-27-3.

(i) "Tax duplicate" means the roll of property taxes which each county auditor is required to prepare on or before March 1 of each year under IC 6-1.1-22-3.

(j) "Eligible property tax replacement amount" is equal to the sum of the following:

(1) Sixty percent (60%) of the total county tax levy imposed by each school corporation in a county for its general fund for a stated assessment year.

(2) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for a stated assessment year.

(3) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on tangible personal property, excluding business personal property, for an assessment year.

(k) "Business personal property" means tangible personal property (other than real property) that is being:

(1) held for sale in the ordinary course of a trade or business; or

(2) held, used, or consumed in connection with the production of income.

(l) "Taxpayer's property tax replacement credit amount" means the sum of the following:

(1) Sixty percent (60%) of a taxpayer's tax liability in a calendar year for taxes imposed by a school corporation for its general fund for a stated assessment year.

(2) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on real property.

(3) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on tangible personal property other than business personal property.

(m) "Tax liability" means tax liability as described in section 5 of this chapter.

(n) "General school operating levy" means the ad valorem property tax levy of a school corporation in a county for the school corporation's general fund.

SECTION 58. IC 6-1.1-21-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 2.3. (a) As used in this section, "distribution limit" means for credits granted against tax liability first due and payable in:**

(1) 2006, two billion ninety-nine million one hundred nine thousand one hundred ninety-seven dollars ($2,099,109,197); and

(2) 2007, two billion one hundred thirty-six million four hundred nine thousand one hundred ninety-seven dollars ($2,136,409,197).

(b) Based on the department's final determinations of distribution under sections 4 and 9 of this chapter, the department shall annually certify the following to the department of local government finance for each county:

(1) The final determination of the amount of property tax replacement credits granted under section 5 of this chapter in the immediately preceding year and the final determination of the distribution made under this chapter to replace revenue lost from the granting of property tax replacement credits.

(2) The final determination of the amount of homestead credits granted under IC 6-1.1-20.9 in the immediately preceding year and the final determination of the distribution made under this chapter to replace revenue lost from the granting of homestead credits.

(3) The amount of additional credits granted under section 5 of this chapter to taxpayers in the taxing units with at least one (1) economic development district that meets the requirements of section 5.5 of this chapter in the immediately preceding year and the final determination of the distribution made under this chapter to replace revenue lost from the granting of additional credits.

The certification for a county must be made before the department of local government finance certifies the budgets, tax rates, and tax levies for the county for the ensuing year under IC 6-1.1-17-16. The certification must be based on the best data available to the department at the time the certification is made and be in the form prescribed by the department of local government finance.

(c) Using the information certified under subsection (b) and any other data available to the department of local government finance, the department of local government finance shall calculate the maximum amount of property tax replacement credits, homestead credits, and additional credits that may be granted in each county in the ensuing year. The maximum amount of property tax credits, homestead credits, and additional credits that may be granted in a county in the ensuing year may not exceed the distribution limit for the ensuing year multiplied by a fraction. The numerator of the fraction is the total number of credits described in subsection (b) that were granted in the county in the immediately preceding year. The denominator of the fraction is the total number of credits described in subsection (b) that were granted in all counties in the immediately preceding year.

(d) If the department of local government finance determines that, without an adjustment under this section, the total amount of property tax replacement credits, homestead credits, and additional credits for which taxpayers in the county would be eligible in the ensuing year will exceed the maximum amount determined for the county under subsection (c), the department of local government finance shall reduce the property tax replacement credit percentages and the additional credit percentages that would otherwise apply in the county. The department of local government finance shall proportionately reduce the percentages used to compute the:

(1) property replacement credits granted under section 5(a) of this chapter and described in section 2(l)(2) of this chapter;

(2) property replacement credits granted under section 5(a) of this chapter and described in section 2(l)(3) of this chapter; and

(3) additional credits granted under section 5(d) of this chapter;

in the county in the ensuing year so that the total amount of all

property tax replacement credits, homestead credits, and additional credits granted in the county is not likely to exceed the maximum amount determined for the county under subsection (c). If a reduction is required, the percentages described in section 2(l)(2) and 2(l)(3) of this chapter must be reduced by the same reduction percentage in all taxing units in the county. If the department determines that reducing only the credits described in subdivisions (1) through (3) will not result in a total of credits granted in the county that is less than the maximum amount determined for the county under subsection (c), the department shall reduce the amount of property tax credits described in section 2(l)(1) of this chapter as needed to eliminate the excess.

(e) Not later than the date that the department of local government finance certifies budget, tax rates, and tax levies for the political subdivisions in a county under IC 6-1.1-17-16, the department of local government finance shall certify to the county's county auditor and each political subdivision in the county the:

(1) property tax replacement credit percentages and additional credit percentages that apply to each taxing district in the county in the ensuing year; and

(2) estimated distribution that each political subdivision in the county is estimated to receive to replace revenue lost from the granting of property tax replacement credits, homestead credits, and additional credits in the ensuing year.

(f) County auditors and the department shall use the property tax replacement credit percentages and the additional credit percentages certified under subsection (e)(1) in computing property tax replacement credits and additional credits in the ensuing calendar year.

SECTION 59. IC 6-1.1-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 3. (a) The ~~department, with the assistance of the auditor of state and the~~ department of local government finance shall ~~determine~~ **certify to the department** an amount equal to the **county's** eligible property tax replacement amount **determined after making any required adjustment under section 2.3 of this chapter,** which is the estimated property tax replacement.

(b) The department of local government finance shall certify to the department the amount of **a county's** homestead credits ~~provided~~ **determined** under IC 6-1.1-20.9. ~~which are allowed by the county for the particular calendar year.~~

(c) ~~If there are one (1) or more taxing districts in the county that contain all or part of an economic development district that meets the requirements of section 5.5 of this chapter, the department of local government finance shall estimate an additional distribution for the county in the same report required under subsection (a). This additional distribution~~ **The department of local government finance shall certify to the department an estimate of the amount of a county's additional credits for taxing districts containing an economic development district, determined after making any required adjustment under section 2.3 of this chapter. The amount of the additional credits, before making any required adjustment under section 2.3 of this chapter,** equals the sum of the amounts determined under the following STEPS for all taxing districts in the county that contain all or part of an economic development district:

STEP ONE: Estimate that part of the sum of the amounts under section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of the estimated property tax replacement amount attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; ~~times~~ **by**

(B) the taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.

(d) The sum of the amounts determined under subsections (a) through (c) is the particular county's estimated distribution for the calendar year.

SECTION 60. IC 6-1.1-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) Each year the department shall allocate from the property tax replacement fund an amount equal to **the lesser of the distribution limit (as defined in section 2.3 of this chapter) for the year or** the sum of:

(1) each county's total eligible property tax replacement amount for that year; plus

(2) the total amount of homestead tax credits that are provided under IC 6-1.1-20.9 and allowed by each county for that year; plus

(3) an amount for each county that has one (1) or more taxing districts that contain all or part of an economic development district that meets the requirements of section 5.5 of this chapter. This amount is the sum of the amounts determined under the following STEPS for all taxing districts in the county that contain all or part of an economic development district:

STEP ONE: Determine that part of the sum of the amounts under section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of the subdivision (1) amount that is attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; ~~times~~ **by**

(B) the taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.

(b) Except as provided in ~~subsection~~ **subsections** (e), **(f), (j), and (k),** between March 1 and August 31 of each year, the department shall distribute to each county treasurer from the property tax replacement fund one-half (½) of the estimated distribution for that year for the county. Between September 1 and December 15 of that year, the department shall distribute to each county treasurer from the property tax replacement fund the remaining one-half (½) of each estimated distribution for that year. The amount of the distribution for each of these periods shall be according to a schedule determined by the property tax replacement fund board under section 10 of this chapter. The estimated distribution for each county may be adjusted from time to time by the department to reflect any changes in the total county tax levy upon which the estimated distribution is based.

(c) On or before December 31 of each year or as soon thereafter as possible, the department shall make a final determination of the amount which should be distributed from the property tax replacement fund to each county for that calendar year. This determination shall be known as the final determination of distribution. The department shall distribute to the county treasurer or receive back from the county treasurer any deficit or excess, as the case may be, between the sum of the distributions made for that calendar year based on the estimated distribution and the final determination of distribution. The final determination of distribution shall be based on the auditor's abstract filed with the auditor of state, adjusted for postabstract adjustments included in the December settlement sheet for the year, and such additional information as the department may require. **However, the final determination of distribution for a county may not exceed the amount determined for the county under section 2.3(c) of this chapter.**

(d) All distributions provided for in this section shall be made on warrants issued by the auditor of state drawn on the treasurer of state. If the amounts allocated by the department from the property tax replacement fund exceed in the aggregate the balance of money in the fund, then the amount of the deficiency shall be transferred from the state general fund to the property tax replacement fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the payment of that amount. However, any amount transferred under this section from the general fund to the property tax replacement fund shall, as soon as funds are available in the property tax replacement fund, be retransferred from the property tax replacement fund to the state general fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the replacement of that amount.

(e) Except as provided in subsection (i), the department shall not distribute under subsection (b) and section 10 of this chapter the money attributable to the county's property reassessment fund if:

(1) by the date the distribution is scheduled to be made, the

county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;

(2) by the deadline under IC 36-2-9-20, the county auditor has not transmitted data as required under that section; or

(3) the county assessor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a).

(f) Except as provided in subsection (i), if the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25(b), the state board or the department shall not distribute under subsection (b) and section 10 of this chapter a part of the money attributable to the county's property reassessment fund. The portion not distributed is the amount that bears the same proportion to the total potential distribution as the number of townships in the county for which data was not transmitted by October 1 as described in this section bears to the total number of townships in the county.

(g) Money not distributed for the reasons stated in subsection (e)(1) and (e)(2) shall be distributed to the county when:

(1) the county auditor sends to the department of local government finance the certified statement required to be sent under IC 6-1.1-17-1; and

(2) the county assessor forwards to the department of local government finance the approved exemption applications required to be forwarded under IC 6-1.1-11-8(a);

with respect to which the failure to send or forward resulted in the withholding of the distribution under subsection (e).

(h) Money not distributed under subsection (f) shall be distributed to the county when the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor transmits to the department of local government finance the data required to be transmitted under IC 6-1.1-4-25(b) with respect to which the failure to transmit resulted in the withholding of the distribution under subsection (f).

(i) The restrictions on distributions under subsections (e), ~~and~~ (f), **and (j)** do not apply if the department of local government finance determines that:

(1) the failure of:

(A) a county auditor to send a certified statement; or

(B) a county assessor to forward copies of all approved exemption applications;

as described in subsection (e); ~~or~~

(2) the failure of an official to transmit data as described in subsection (f); **or**

(3) the failure of an official to transmit data as required under subsection (j);

is justified by unusual circumstances.

(j) Subject to subsection (i), if the county auditor or another county official fails to provide to the state, on the schedule prescribed by the department of local government finance, the information that is necessary under IC 6-1.1-20.9 or this chapter to fully determine an estimated distribution or a final distribution, or both, under this chapter, as determined by the department of local government finance, the department shall not distribute to the county treasurer under subsection (b) and section 10 of this chapter the entire amount of money attributable to the part of the total county tax levy imposed by the county. A reduction in the distribution to a county treasurer under this subsection reduces the amount distributed to the county that would otherwise be made to replace revenue lost as the result of granting property tax replacement credits and homestead credits. The money not distributed under this subsection shall be distributed to the county treasurer when the information is transmitted to the state, as determined by the department of local government finance.

(k) If a county fails to pay to the treasurer of state before October 1 of a year all accounts forwarded to the county before the immediately preceding August 1 of the year for amounts due under IC 11-10-2-3, the department shall not distribute to the county treasurer in the immediately following November under subsection (b) and section 10 of this chapter an amount equal to the amount due from the county to the treasurer of state. If the amount due to the treasurer of state exceeds the amount that would otherwise be paid to the county treasurer in the November distribution, the department shall not distribute amounts in subsequent distributions until the amount due to the treasurer of state is offset. An amount retained under this subsection shall be treated as payments under IC 4-24-7-4. A reduction in the distribution to a county treasurer under this subsection reduces the amount distributed to taxing units in the county that would otherwise be made to replace revenue lost as the result of granting property tax replacement credits and homestead credits. The amount of the reduction is proportional to the amount that the taxing unit would have received if no reduction had been made. Money retained under this subsection shall be distributed to the county treasurer to the extent that the treasurer of state determines that the county subsequently makes a payment to the treasurer of state that is intended by the county to replace the amount retained.

SECTION 61. IC 6-1.1-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 5. (a) **Subject to section 2.3 of this chapter,** each year the taxpayers of each county shall receive a credit for property tax replacement in the amount of each taxpayer's property tax replacement credit amount for taxes which:

(1) under IC 6-1.1-22-9 are due and payable in May and November of that year; or

(2) under IC 6-1.1-22-9.5 are due in installments established by the department of local government finance for that year.

The credit shall be applied to each installment of taxes. The dollar amount of the credit for each taxpayer shall be determined by the county auditor, based on data furnished by the department of local government finance.

(b) The tax liability of a taxpayer for the purpose of computing the credit for a particular year shall be based upon the taxpayer's tax liability as is evidenced by the tax duplicate for the taxes payable in that year, plus the amount by which the tax payable by the taxpayer had been reduced due to the application of county adjusted gross income tax revenues to the extent the county adjusted gross income tax revenues were included in the determination of the total county tax levy for that year, as provided in sections 2(g) and 3 of this chapter, adjusted, however, for any change in assessed valuation which may have been made pursuant to a post-abstract adjustment if the change is set forth on the tax statement or on a corrected tax statement stating the taxpayer's tax liability, as prepared by the county treasurer in accordance with IC 6-1.1-22-8(a). However, except when using the term under section 2(l)(1) of this chapter, the tax liability of a taxpayer does not include the amount of any property tax owed by the taxpayer that is attributable to that part of any property tax levy subtracted under section 2(g)(1)(B), 2(g)(1)(C), 2(g)(1)(D), 2(g)(1)(E), 2(g)(1)(F), 2(g)(1)(G), 2(g)(1)(H), 2(g)(1)(I), 2(g)(1)(J), or 2(g)(1)(K) of this chapter in computing the total county tax levy.

(c) The credit for taxes payable in a particular year with respect to mobile homes which are assessed under IC 6-1.1-7 is equivalent to the taxpayer's property tax replacement credit amount for the taxes payable with respect to the assessments plus the adjustments stated in this section.

(d) Each taxpayer in a taxing district that contains all or part of an economic development district that meets the requirements of section 5.5 of this chapter is entitled to an additional credit for property tax replacement. **Subject to section 2.3 of this chapter,** this credit is equal to the product of:

(1) the STEP TWO quotient determined under section 4(a)(3) of this chapter for the taxing district; multiplied by

(2) the taxpayer's taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.

SECTION 62. IC 6-1.1-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 9. (a) **Subject to any adjustment made under section 2.3 of this chapter,** on or before October 15 of each year, each county auditor shall make a settlement with the department as to the aggregate amount of property

tax replacement credits extended to taxpayers in the auditor's county during the first eight (8) months of that same year. **Subject to any adjustment made under section 2.3 of this chapter,** on or before December 31 of each year, each county auditor shall make a settlement with the department along with the filing of the county auditor's December settlement as to the aggregate amount of property tax replacement credits extended to taxpayers in the auditor's county during the last four (4) months of that same year. If the aggregate credits allowed during either period exceed the property tax replacement funds allocated and distributed to the county treasurer for that same period, as provided in sections 4 and 5 of this chapter, then the department shall certify the amount of the excess to the auditor of state who shall issue a warrant, payable from the property tax replacement fund, to the treasurer of the state ordering the payment of the excess to the county treasurer. If the distribution exceeds the aggregate credits, the county treasurer shall repay to the treasurer of the state the amount of the excess, which shall be redeposited in the property tax replacement fund.

(b) In making the settlement required by subsection (a), the county auditor shall recognize the fact that any loss of revenue resulting from the provision of homestead credits in excess of the percentage credit allowed in IC 6-1.1-20.9-2(d) must be paid from county option income revenues.

(c) Except as otherwise provided in this chapter, the state board of accounts with the cooperation of the department shall prescribe the accounting forms, records, and procedures required to carry out the provisions of this chapter.

SECTION 63. IC 6-1.1-30-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The commissioner ~~shall~~ **may** appoint an individual to serve as deputy commissioner of the department of local government finance. However, the appointment must be approved by the governor. ~~The~~ **A** deputy commissioner shall subscribe to an oath to faithfully discharge the duties assigned to the deputy commissioner either by law or by the commissioner.

SECTION 64. IC 8-23-7-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. If the department determines that real property owned in fee simple by the department will not be needed for a purpose described in section 2 of this chapter, the commissioner may, **with the approval of the budget agency,** issue an order describing the surplus property and offering the surplus property for sale at or above its fair market value as determined by appraisers of the department. The department may combine or divide parcels of surplus property to facilitate the sale of the property.

SECTION 65. IC 8-23-7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. If a property found to be surplus under section 13 of this chapter abuts a parcel of land from which the surplus property was separated and acquired by the department, the ~~surplus property must first be offered~~ **department may offer the surplus property** for sale to the owner of the abutting property, **under the policies and procedures prescribed by the budget agency.** An offer under this section shall be made by certified mail to the last known address of the owner. If the owner accepts an offer under this section, the surplus property shall be conveyed to the owner by quitclaim deed upon payment to the department of not less than the fair market value of the property as determined by the appraisers of the department.

SECTION 66. IC 8-23-7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) If ~~an owner offered~~ surplus property **is offered for sale to an adjacent owner** under section 14 of this chapter, ~~fails to accept the offer within~~ **the owner has** thirty (30) days **to accept the offer.**

(b) The department may furnish a certified copy of:

(1) the order issued under section 13 of this chapter; and

(2) the appraised value of ~~the~~ surplus property **for which an offer described in subsection (a) is not outstanding;**

to the department of administration. ~~(b)~~ **With the approval of the budget agency,** the surplus property may be sold in the same manner as other real property belonging to the state is sold at no less than its appraised value. The proceeds of the sale shall be credited to the department. A sale under this section is subject to the approval of the governor.

SECTION 67. IC 14-10-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The commission may do the following:

(1) Take the action that is necessary to enable the state to participate in the programs set forth in 16 U.S.C. 470 et seq.

(2) Promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Indiana history, architecture, archeology, and culture and expend money for the purpose of preparing comprehensive statewide historic surveys and plans, in accordance with criteria established by the commission, that comply with the standards and regulations promulgated by the United States Secretary of the Interior for the preservation, acquisition, and development of the properties.

(3) Establish in accordance with criteria established by the United States Secretary of the Interior a program of matching grants-in-aid to public agencies for projects having as their purpose the preservation for public benefit of properties that are significant in American or Indiana history, architecture, archeology, and culture.

(4) Accept grants from public and private sources, including those provided under 16 U.S.C. 470 et seq.

(5) Establish fees for the following:

(A) Programs of the department or the commission.

(B) Facilities owned or operated by the department or the commission or a lessee of the department or commission.

(C) Licenses issued by the commission, the department, or the director.

(D) Inspections or other similar services under this title performed by the department or an assistant or employee of the department.

(6) Adopt rules under IC 4-22-2 for the establishment of fees under subdivision (5).

SECTION 68. IC 14-11-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** The department may adopt rules under IC 4-22-2 for the conduct of the following:

(1) Department meetings.

(2) Upon the recommendation of the director, the work of the department and the divisions.

(b) The department may not adopt rules under IC 4-22-2 for the establishment of fees for the following:

(1) Programs of the department or the commission.

(2) Facilities owned or operated by the department or the commission or a lessee of the department or commission.

(3) Licenses issued by the commission, the department, or the director.

(4) Inspections or other similar services under this title performed by the department or an assistant or employee of the department.

SECTION 69. IC 14-16-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The owner of a vehicle required to be registered under this chapter shall notify the department within fifteen (15) days if any of the following conditions exist:

(1) The vehicle is destroyed or abandoned.

(2) The vehicle is sold or an interest in the vehicle is transferred wholly or in part to another person.

(3) The owner's address no longer conforms to the address appearing on the certificate of registration.

(b) The notice must consist of a surrender of the certificate of registration on which the proper information shall be noted on a place to be provided.

(c) If the surrender of the certificate is required because the vehicle is destroyed or abandoned, the department shall cancel the certificate and enter that fact in the records. The number then may be reassigned.

(d) If the surrender is required because of a change of address on the part of the owner, the department shall record the new address. Upon payment of a fee established by the ~~department,~~ **commission,** a certificate of registration bearing the new information shall be returned to the owner.

(e) The transferee of a vehicle registered under this chapter shall,

within fifteen (15) days after acquiring the vehicle, make application to the department for transfer to the transferee of the certificate of registration issued to the vehicle. The transferee shall provide the transferee's name and address and the number of the vehicle and pay to the department a fee established by the department. Upon receipt of the application and fee, the department shall transfer the certificate of registration issued for the vehicle to the new owner. Unless the application is made and the fee paid within fifteen (15) days, the vehicle is considered to be without a certificate of registration and a person may not operate the vehicle until a certificate is issued.

SECTION 70. IC 14-16-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. If a certificate of registration is lost, mutilated, or illegible, the owner of the vehicle may obtain a duplicate of the certificate upon application and payment of a fee established by the ~~department.~~ **commission.**

SECTION 71. IC 14-16-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A dealer or manufacturer may obtain certificates of registration for use in the testing or demonstrating of vehicles upon the following:

(1) Application to the department upon forms provided by the department.

(2) Payment of a fee established by the department for each of the first two (2) registration certificates. Additional certificates that the dealer requires may be issued for a fee established by the ~~department.~~ **commission.**

(b) An applicant may use a certificate issued under this section only in the testing or demonstrating of vehicles by temporary placement of the numbers on the vehicle being tested or demonstrated. A certificate issued under this section may be used on only one (1) vehicle at any given time. The temporary placement of numbers must conform to the requirements of this chapter or rules adopted under this chapter.

(c) A certificate issued under this section is valid for three (3) years.

SECTION 72. IC 14-19-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The department may do the following:

(1) Make available to the public under rules adopted by the department public parks and other suitable places for recreation, conservation, and management of natural and cultural resources. The rules may include a procedure for the establishment of a schedule of admission fees and service charges **adopted by the commission** for the parks and other places of recreation.

(2) Construct, rent, lease, license, or operate public service privileges and facilities in a state park. An agreement may not be made to rent, lease, or license a public service privilege or facility in a state park for longer than four (4) years, except as provided in section 3 of this chapter.

(3) Acquire other suitable land or park property within Indiana that is entrusted, donated, or devised to Indiana by the United States or by a county, a city, a town, a private corporation, or an individual for the purpose of public recreation or for the preservation of natural beauty or natural features possessing historic value.

SECTION 73. IC 20-5.5-1-1.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.3. "ADM of the previous year" or "ADM of the prior year" has the meaning set forth in ~~IC 21-3-1.6-1.1(m).~~ **IC 21-3-1.6-1.1.**

SECTION 74. IC 20-5.5-1-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. "Current ADM" has the meaning set forth in ~~IC 21-3-1.6-1.1(n).~~ **IC 21-3-1.6-1.1.**

SECTION 75. IC 20-8.1-6.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 8. (a) As used in this section, the following terms have the following meanings:

(1) "Class of school" refers to a classification of each school or program in the transferee corporation by the grades or special programs taught at the school. Generally, these classifications are denominated as kindergarten, elementary school, middle school or junior high school, high school, and special schools or classes, such as schools or classes for special education, vocational training, or career education.

(2) "ADM" means the following:

(A) For purposes of allocating to a transfer student state distributions under IC 21-1-30 (primetime), "ADM" as computed under IC 21-1-30-2.

(B) For all other purposes, "ADM" as set forth in IC 21-3-1.6-1.1.

(3) "Pupil enrollment" means the following:

(A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee school corporation on a date determined by the Indiana state board of education.

(B) The total number of students enrolled in a class of school in a transferee school corporation on a date determined by the Indiana state board of education.

However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (½) a student.

(4) "Special equipment" means equipment that during a school year:

(A) is used only when a child with disabilities is attending school;

(B) is not used to transport a child to or from a place where the child is attending school;

(C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized instruction program for the child; and

(D) is not used for or by any child who is not a child with disabilities.

The Indiana state board of education may select a different date for counts under subdivision (3). However, the same date shall be used for all school corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under section 3 of this chapter, transfer tuition from the transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's ADM for a school year, allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school for, except as provided in clause (C), the calendar year in which the school year ends:

(A) The following state distributions that are computed in any part using ADM or other pupil count in which the student is included:

(i) Primetime grant under IC 21-1-30.

(ii) Tuition support for basic programs. ~~and at-risk weights under IC 21-3-1.7-8 (before January 1, 1996) and only for basic programs (after December 31, 1995).~~

(iii) Enrollment growth grant under IC 21-3-1.7-9.5 **before 2006.**

~~(iv) At-risk grant under IC 21-3-1.7-9.7.~~

~~(v)~~ **(iv)** Academic honors diploma award under IC 21-3-1.7-9.8.

~~(vi)~~ **(v)** Vocational education grant under IC 21-3-12.

~~(vii)~~ **(vi)** Special education grant under IC 21-3-2.1.

~~(viii) The portion of the ADA flat grant that is available for the payment of general operating expenses under IC 21-3-4.5-2(b)(1).~~

(B) ~~For school years beginning after June 30, 1997,~~ Property tax levies.

(C) ~~For school years beginning after June 30, 1997,~~ Excise tax revenue (as defined in IC 21-3-1.7-2) received for deposit in the calendar year in which the school year begins.

(D) ~~For school years beginning after June 30, 1997,~~ Allocations to the transferee school under IC 6-3.5.

STEP THREE: Determine the greater of:

(A) zero (0); or

(B) the result of subtracting the STEP TWO amount from the

STEP ONE amount.

If a child is placed in an institution or facility in Indiana under a court order, the institution or facility shall charge the county office of the county of the student's legal settlement under IC 12-19-7 for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

(c) Operating costs shall be determined for each class of school where a transfer student is enrolled. The operating cost for each class of school is based on the total expenditures of the transferee corporation for the class of school from its general fund expenditures as specified in the classified budget forms prescribed by the state board of accounts. This calculation excludes:

(1) capital outlay;
(2) debt service;
(3) costs of transportation;
(4) salaries of board members;
(5) contracted service for legal expenses; and
(6) any expenditure which is made out of the general fund from extracurricular account receipts;

for the school year.

(d) The capital cost of special equipment for a school year is equal to:

(1) the cost of the special equipment; divided by
(2) the product of:
(A) the useful life of the special equipment, as determined under the rules adopted by the Indiana state board of education; multiplied by
(B) the number of students using the special equipment during at least part of the school year.

(e) When an item of expense or cost described in subsection (c) cannot be allocated to a class of school, it shall be prorated to all classes of schools on the basis of the pupil enrollment of each class in the transferee corporation compared to the total pupil enrollment in the school corporation.

(f) Operating costs shall be allocated to a transfer student for each school year by dividing:

(1) the transferee school corporation's operating costs for the class of school in which the transfer student is enrolled; by
(2) the pupil enrollment of the class of school in which the transfer student is enrolled.

When a transferred student is enrolled in a transferee corporation for less than the full school year of pupil attendance, the transfer tuition shall be calculated by the portion of the school year for which the transferred student is enrolled. A school year of pupil attendance consists of the number of days school is in session for pupil attendance. A student, regardless of the student's attendance, is enrolled in a transferee school unless the student is no longer entitled to be transferred because of a change of residence, the student has been excluded or expelled from school for the balance of the school year or for an indefinite period, or the student has been confirmed to have withdrawn from school. The transferor and the transferee corporation may enter into written agreements concerning the amount of transfer tuition due in any school year. Where an agreement cannot be reached, the amount shall be determined by the Indiana state board of education, and costs may be established, when in dispute, by the state board of accounts.

(g) A transferee school shall allocate revenues described in subsection (b) STEP TWO to a transfer student by dividing:

(1) the total amount of revenues received; by
(2) the ADM of the transferee school for the school year that ends in the calendar year in which the revenues are received.

However, for state distributions under IC 21-1-30, IC 21-3-2.1, IC 21-3-12, or any other statute that computes the amount of a state distribution using less than the total ADM of the transferee school, the transferee school shall allocate the revenues to the transfer student by dividing the revenues that the transferee school is eligible to receive in a calendar year by the pupil count used to compute the state distribution.

(h) In lieu of the payments provided in subsection (b), the transferor corporation or state owing transfer tuition may enter into a long term contract with the transferee corporation governing the transfer of students. This contract is for a maximum period of five (5) years with an option to renew, and may specify a maximum number of pupils to be transferred and fix a method for determining the amount of transfer tuition and the time of payment, which may be different from that provided in section 9 of this chapter.

(i) If the school corporation can meet the requirements of ~~IC 21-1-30-5,~~ **IC 21-1-30-5.5,** it may negotiate transfer tuition agreements with a neighboring school corporation that can accommodate additional students. Agreements under this section may be for one (1) year or longer and may fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 9 of this chapter. A school corporation may not transfer a student under this section without the prior approval of the child's parent or guardian.

(j) If a school corporation experiences a net financial impact with regard to transfer tuition that is negative for a particular school year as described in IC 6-1.1-19-5.1, the school corporation may appeal for an excessive levy as provided under IC 6-1.1-19-5.1.

SECTION 76. IC 20-12-0.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The commission shall have the following powers and duties:

(1) To develop, continually keep current, and implement a long range plan for postsecondary education. In developing this plan, the commission shall take into account the plans and interests of the state private institutions, anticipated enrollments in state postsecondary institutions, financial needs of students, and other factors pertinent to the quality of educational opportunity available to the citizens of Indiana. The plan shall define the educational missions and the projected enrollments of the various state educational institutions.

(2) To consult with and make recommendations to the commission on vocational and technical education within the department of workforce development on all postsecondary vocational education programs. The commission shall biennially prepare a plan for implementing postsecondary vocational education programming after considering the long range state plan developed under IC 20-1-18.3-10. The commission shall submit this plan to the commission on vocational and technical education within the department of workforce development for its review and recommendations, and shall specifically report on how the plan addresses preparation for employment.

(3) To make recommendations to the general assembly and the governor concerning the long range plan, and prepare to submit drafts and proposed legislation needed to implement the plan. The commission may also make recommendations to the general assembly concerning the plan for postsecondary vocational education under subdivision (2).

(4) To review the legislative request budgets of all state educational institutions preceding each session of the general assembly and to make recommendations concerning appropriations and bonding authorizations to state educational institutions including public funds for financial aid to students by any state agency. The commission may review all programs of any state educational institution, regardless of the source of funding, and may make recommendations to the governing board of the institution, the governor, and the general assembly concerning the funding and the disposition of the programs. In making this review, the commission may request and shall receive, in such form as may reasonably be required, from all state educational institutions, complete information concerning all receipts and all expenditures.

(5) To submit to the commission on vocational and technical education within the department of workforce development for its review under IC 20-1-18.3-15 the legislative budget requests prepared by state educational institutions for state and federal funds for vocational education. These budget requests shall be prepared upon request of the budget director, shall cover the period determined by the budget director, and shall be made available to the commission within the department of workforce development before review by the budget committee.

(6) To make, or cause to be made, studies of the needs for various types of postsecondary education and to make recommendations to the general assembly and the governor

concerning the organization of these programs. The commission shall make or cause to be made studies of the needs for various types of postsecondary vocational education and shall submit to the commission on vocational and technical education within the department of workforce development the commission's findings in this regard.

(7) To approve or disapprove the establishment of any new branches, regional or other campuses, or extension centers or of any new college or school, or the offering on any campus of any additional associate, baccalaureate, or graduate degree, or of any additional program of two (2) semesters, or their equivalent in duration, leading to a certificate or other indication of accomplishment. After March 29, 1971, no state educational institution shall establish any new branch, regional campus, or extension center or any new or additional academic college, or school, or offer any new degree or certificate as defined in this subdivision without the approval of the commission or without specific authorization by the general assembly. Any state educational institution may enter into contractual agreements with governmental units or with business and industry for specific programs to be wholly supported by the governmental unit or business and industry without the approval of the commission.

(8) If so designated by the governor or the general assembly, to serve as the agency for the purposes of receiving or administering funds available for postsecondary education programs, projects, and facilities for any of the acts of the United States Congress where the acts of Congress require the state to designate such an agency or commission. However, this subdivision does not provide for the designation of the commission by the governor as the recipient of funds which may be provided by acts of the United States Congress, received by an agency, a board, or a commission designated by the general assembly.

(9) To designate and employ an executive officer and necessary employees, to designate the titles of the executive officer and necessary employees, and to fix the compensation in terms of the employment.

(10) To appoint appropriate advisory committees composed of representatives of state educational institutions, representatives of private colleges and universities, students, faculty, and other qualified persons.

(11) To employ all powers properly incident to or connected with any of the foregoing purposes, powers, or duties, including the power to adopt rules.

(12) To develop a definition for and report biennially to the:

(A) general assembly;

(B) governor; and

(C) commission on vocational and technical education within the department of workforce development;

on attrition and persistence rates by students enrolled in state vocational education. A report under this subdivision to the general assembly must be in an electronic format under IC 5-14-6.

(13) To submit a report to the legislative council not later than August 30 of each year on the status of the transfer of courses and programs between state educational institutions. The report must include any changes made during the immediately preceding academic year.

(14) To direct the activities of the committee, including the activities set forth in subdivisions (15) and (16).

(15) To develop through the committee statewide transfer of credit agreements for courses that are most frequently taken by undergraduates.

(16) To develop through the committee statewide agreements under which associate of arts and associate of science programs articulate fully with related baccalaureate degree programs.

(17) To publicize by all appropriate means, including an Internet web site, a master list of course transfer of credit agreements and program articulation agreements.

(18) To establish, with the assistance of the committee, a statewide core transfer library of at least seventy (70) courses that have transfer equivalents on all campuses of the state educational institutions in accordance with the principles in section 13 of this chapter.

(19) To establish, with the assistance of the committee, at least twelve (12) degree programs:

(A) for which articulation agreements apply to any campus in the Ivy Tech State College system and to Vincennes University; and

(B) that draw from liberal arts and the technical, professional, and occupational fields.

SECTION 77. IC 20-12-0.5-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) The commission shall exercise its powers and duties under section 8 of this chapter in a manner to facilitate the use of:**

(1) the core transfer library established under section 8(18) of this chapter at state educational institutions; and

(2) at least twelve (12) degree programs established under section 8(19) of this chapter at Ivy Tech State College and Vincennes University.

(b) The core transfer library developed under section 8(18) of this chapter shall be developed in accordance with the following principles:

(1) Each course in the core transfer library must transfer in and apply toward meeting degree requirements in the same way as the receiving state educational institution's equivalent course.

(2) Courses in the core transfer library must draw primarily from the liberal arts but must include introductory or foundational courses in technical, professional, and occupational fields.

(3) At least seventy (70) courses must be identified for inclusion in the core transfer library. The identified courses must be the courses most frequently taken by undergraduates.

(4) With respect to core transfer library courses being transferred from a state educational institution to Indiana University or Purdue University, Indiana University and Purdue University must identify transfer equivalents on a system wide basis so that a course accepted by one (1) regional campus will be accepted by all other regional campuses.

(5) Within the Indiana University system and the Purdue University system, courses with the same course number and title must count in the same way at all campuses within the system.

(c) For purposes of section 8 of this chapter and this section, liberal arts include the following:

(1) Arts.

(2) Behavioral sciences.

(3) Humanities.

(4) Life sciences.

(5) Physical sciences.

(6) Social sciences.

(d) For purposes of section 8 of this chapter and this section, technical, professional, and occupational fields include the following:

(1) Automated manufacturing.

(2) Business administration.

(3) Computer sciences.

(4) Early childhood education.

(5) Electronics technology.

(6) Nursing.

(e) The commission shall adopt rules under IC 4-22-2 and prescribe procedures to facilitate the use of the core transfer library and at least twelve (12) degree programs established under section 8(18) and 8(19) of this chapter.

SECTION 78. IC 20-12-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The board of trustees of the state university shall be nine (9) in number.

(b) This subsection does not apply to the student trustee appointed under IC 20-12-24-3.5. Not more than:

(1) one (1) of the trustees elected under IC 20-12-24-2; and

(2) two (2) of the trustees appointed under IC 20-12-24-3;

may reside in the same county.

(c) The trustees and their successors shall be a body politic, with the style of "The Trustees of Indiana University"; in that name to sue and be sued; to elect one (1) of their number president; to elect a treasurer, secretary, and such other officers as they may deem necessary, to prescribe the duties and fix the compensation of such officers; to possess all the real and personal property of such university for its benefit; to take and hold, in their corporate name any real or personal property for the benefit of such institution; to expend the income of the university for its benefit; to declare vacant the seat of any trustee who shall absent himself from two (2) successive meetings of the board, or be guilty of any gross immorality or breach of the bylaws of the institution; to elect a president, such professors and other officers for such university as shall be necessary, and prescribe their duties and salaries; to employ other persons as necessary; to establish programs of fringe benefits and retirement benefits for the university's officers, faculty, and other employees that may be supplemental to or in lieu of state retirement programs established by statute for public employees; to prescribe the course of study and discipline and, **subject to section 2.5 of this chapter, the** price of tuition in such university; and to make all bylaws necessary to carry into effect the powers hereby conferred.

SECTION 79. IC 20-12-23-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. Beginning with the 2006-2007 academic year, in setting tuition prices under section 2 of this chapter, the board of trustees:**

(1) must offer to resident undergraduate students in the first year they enroll in the institution a guaranteed price option for tuition under which tuition cannot be increased during the number of academic years specified under IC 20-12-76, beginning with the academic year in which the student first enrolls in the institution; and

(2) may offer to nonresident undergraduate students in the first year they enroll in the institution a guaranteed price option for tuition under which tuition cannot be increased during the number of academic years specified under IC 20-12-76, beginning with the academic year in which the student first enrolls in the institution.

The guaranteed price option must be calculated and offered in the manner provided in IC 20-12-76.

SECTION 80. IC 20-12-36-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. From and after the date of the location made as aforesaid, the corporate name of the trustees of the Indiana Agricultural College shall be "The Trustees of Purdue University"; and they shall take in charge, have, hold, possess and manage, all and singular, the property and money comprehended in said donations, as also the fund derived from the sale of the land scrip donated under said act of Congress, and the increase thereof, and all money or other property which may hereafter at any time be donated to and for the use of said institution. They shall also have power to organize said university in conformity with the purposes set forth in said act of Congress, holding their meetings at such times and places as they may agree on, a majority of their number constituting a quorum. They shall provide a seal; have power to elect all professors and teachers, removable at their pleasure; fix and regulate compensations, including programs of fringe benefits and retirement benefits that may be supplemental to or in lieu of state retirement programs established by statute for public employees; do all acts necessary and expedient to put and keep said university in operation; ~~and~~ make all bylaws, rules, and regulations required or proper to conduct and manage the same; **and, subject to section 4.5 of this chapter, set tuition rates for students of the university.**

SECTION 81. IC 20-12-36-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. Beginning with the 2006-2007 academic year, in setting tuition rates under section 4 of this chapter, the board of trustees:**

(1) must offer to resident undergraduate students in the first year they enroll in the institution a guaranteed price option for tuition under which tuition cannot be increased during the number of academic years specified under IC 20-12-76, beginning with the academic year in which the student first enrolls in the institution; and

(2) may offer to nonresident undergraduate students in the first year they enroll in the institution a guaranteed price option for tuition under which tuition cannot be increased during the number of academic years specified under IC 20-12-76, beginning with the academic year in which the student first enrolls in the institution.

The guaranteed price option must be calculated and offered in the manner provided in IC 20-12-76.

SECTION 82. IC 20-12-56-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) All powers, rights, privileges, duties, and obligations, statutory, contractual, or of whatever kind, conferred by law upon the State Teachers College board or Indiana State College board for the operation, maintenance, and financing of Indiana State University and its properties and facilities, or otherwise pertaining thereto, are hereby transferred and shall apply to the Indiana State University board of trustees created by this chapter and shall remain in full force and unchanged, notwithstanding the change of name of said college.

(b) All laws of a general nature referring to Indiana State Normal School, the board of trustees of Indiana State Normal School, Indiana State Teachers College, the State Teachers College Board, Indiana State College, the Indiana State College board, and to any public state normal school of the state apply to Indiana State University and the Indiana State University board of trustees with equal force and effect.

(c) Beginning with the 2006-2007 academic year, in setting tuition rates, the board of trustees:

(1) must offer to resident undergraduate students in the first year they enroll in the institution a guaranteed price option for tuition under which tuition cannot be increased during the number of academic years specified under IC 20-12-76, beginning with the academic year in which the student first enrolls in the institution; and

(2) may offer to nonresident undergraduate students in the first year they enroll in the institution a guaranteed price option for tuition under which tuition cannot be increased during the number of academic years specified under IC 20-12-76, beginning with the academic year in which the student first enrolls in the institution.

The guaranteed price option must be calculated and offered in the manner provided in IC 20-12-76.

SECTION 83. IC 20-12-57.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. ~~(Board: Body Corporate; Powers)~~ **(a)** The board of trustees shall constitute a perpetual body corporate with power to:

~~(a)~~ **(1)** manage, control, and operate Ball State University;

~~(b)~~ **(2)** sue and be sued;

~~(c)~~ **(3)** let contracts;

~~(d)~~ **(4)** borrow money and issue bonds as authorized by the ~~Indiana~~ general assembly;

~~(e)~~ **(5)** prescribe conditions for admission;

~~(f)~~ **(6)** grant degrees and issue diplomas or certificates;

~~(g)~~ **(7)** fix laboratory, contingent, and other fees and charges;

~~(h)~~ **(8)** set fines and penalties;

~~(i)~~ **(9)** define the duties and provide compensation for faculty and staff of the university, including authority to establish fringe benefit programs, including retirement benefits which may be supplemental to, or in lieu of, state retirement programs for teachers or other public employees as authorized by law;

~~(j)~~ **(10)** receive and administer all donations, bequests, grants, funds, and property which are given to or provided for the university;

~~(k)~~ **(11)** promulgate rules and regulations pursuant to this chapter;

~~(l)~~ **(12)** exercise all powers, rights, privileges, and duties conferred upon the board by other laws of the general assembly; and

~~(m)~~ ~~to~~ **(13)** possess all other power in order to efficiently operate the affairs of Ball State University.

(b) Beginning with the 2006-2007 academic year, in setting tuition rates, the board of trustees:

(1) must offer to resident undergraduate students in the first year they enroll in the institution a guaranteed price option for tuition under which tuition cannot be increased during

the number of academic years specified under IC 20-12-76, beginning with the academic year in which the student first enrolls in the institution; and

(2) may offer to nonresident undergraduate students in the first year they enroll in the institution a guaranteed price option for tuition under which tuition cannot be increased during the number of academic years specified under IC 20-12-76, beginning with the academic year in which the student first enrolls in the institution.

The guaranteed price option must be calculated and offered in the manner provided in IC 20-12-76.

SECTION 84. IC 20-12-64-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. **(a)** The university may do the following:

(1) Sue and be sued.

(2) Let contracts.

(3) Enter into cooperative agreements with other educational institutions, including agreements leading to the use of the university as a host site for an educational program administered by another college or university.

(4) Prescribe conditions for admission.

(5) Grant degrees and issue diplomas or certificates signifying that a course of postsecondary study has been completed or a degree has been conferred.

(6) **Subject to subsection (b),** fix laboratory, contingent, and other fees and charges.

(7) Set fines and other sanctions for noncompliance with a university contract or rule.

(8) Employ a faculty and staff for the university, define the duties of the faculty and staff, and provide compensation for the faculty and staff, including a program of fringe benefits and a program of retirement benefits that may supplement or supersede the state retirement programs established by statute for teachers or other public employees.

(9) Receive, administer, and dispose of all donations, bequests, grants, funds, and other property that may be given to the university or otherwise acquired by the university.

(10) Engage in research or public service that furthers an educational purpose.

(11) Exercise all powers, rights, privileges, and duties conferred upon the university or the board by any statute enacted by the general assembly.

(12) Adopt rules to carry out this chapter.

(13) Exercise all other powers necessary to conduct efficiently the affairs of the university.

(b) Beginning with the 2006-2007 academic year, in setting tuition rates, the board:

(1) must offer to resident undergraduate students in the first year they enroll in the institution a guaranteed price option for tuition under which tuition cannot be increased during the number of academic years specified under IC 20-12-76, beginning with the academic year in which the student first enrolls in the institution; and

(2) may offer to nonresident undergraduate students in the first year they enroll in the institution a guaranteed price option for tuition under which tuition cannot be increased during the number of academic years specified under IC 20-12-76, beginning with the academic year in which the student first enrolls in the institution.

The guaranteed price option must be calculated and offered in the manner provided in IC 20-12-76.

SECTION 85. IC 20-12-76 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 76. Computation of Guaranteed Tuition Rates

Sec. 1. As used in this chapter, "academic year" refers to all semesters, quarters, trimesters, summer sessions, or other similar periods of course work beginning after June 30 of a year and ending before July 1 of the immediately following year.

Sec. 2. As used in this chapter, "covered state educational institution" refers to the main campus, the regional campuses, and the satellite locations of the following:

(1) Indiana University.

(2) Purdue University.

(3) Indiana State University.

(4) Ball State University.

(5) University of Southern Indiana.

Sec. 3. As used in this chapter, "tuition" refers to any mandatory tuition, including any separately stated lab or technology fees, charged in an academic year by a covered state educational institution to a resident student or nonresident student to attend, participate in, or receive academic credit for one (1) or more classes, seminars, independent studies, or other course work for which the covered state educational institution offers credit toward an undergraduate degree, excluding mandatory fees that are only incidentally related to the operating and capital expenses of providing the course work, such as a student activity fee, health center charge, or transportation charge.

Sec. 4. A covered state educational institution:

(1) must offer to resident undergraduate students a guaranteed price option for tuition under which tuition cannot be increased during the number of academic years determined under sections 5 through 8 of this chapter, beginning with the academic year in which the student first enrolls in the institution; and

(2) may offer to nonresident undergraduate students a guaranteed price option for tuition under which tuition cannot be increased during the number of academic years determined under sections 5 through 8 of this chapter, beginning with the academic year in which the student first enrolls in the institution.

Sec. 5. A student who enrolls in a covered state university with transferred credit of less than:

(1) eight (8) credit hours of course work on a semester system; or

(2) the equivalent of eight (8) credit hours for any period of study that is longer or shorter than a semester, as determined under the rules of the covered state educational institution;

is eligible to elect to apply the current guaranteed price option to four (4) consecutive academic years, beginning with the academic year in which the student first enrolls in the institution.

Sec. 6. The four (4) consecutive academic year period specified in section 5 of this chapter is increased by one-half (½) of a fifth consecutive academic year if, in the first academic year the student enrolls in the covered state educational institution, the student enrolled after December 31 in the academic year.

Sec. 7. If section 5 of this chapter does not apply to a student and the student transfers to a covered state educational institution from:

(1) a postsecondary educational institution that is not a covered state educational institution;

(2) another covered state educational institution; or

(3) another campus or satellite location maintained by the covered state educational institution;

the guaranteed price option is the option in effect in the academic year in which the student transfers. However, the four (4) consecutive academic year period over which tuition is guaranteed is decreased by the total number of semesters or other academic periods that the student was enrolled in the other institution.

Sec. 8. For purposes of this chapter and IC 20-12-23-2.5, IC 20-12-36-4.5, IC 20-12-56-5, IC 20-12-57.5-11, and IC 20-12-64-5, a student is considered first enrolled in a covered state educational institution in the first semester or other period of course work when:

(1) under the rules of the covered state educational institution, the student has been admitted as an undergraduate student eligible to receive a degree awarded by the covered state educational institution; and

(2) the student enrolls in at least:

(A) eight (8) credit hours of course work for the semester; or

(B) the equivalent of eight (8) credit hours for any period of study that is longer or shorter than a semester, as determined under the rules of the covered state

educational institution.

Sec. 9. (a) A covered state educational institution may offer more than one (1) guaranteed price option for tuition. The unit to which the price applies may be an academic year, a credit hour, a semester, or another unit designated by the covered state educational institution.

(b) At least one (1) of the guaranteed price options offered to students must be denominated in the units that are ordinarily used at the covered state educational institution to bill tuition to students.

(c) The present value of the guaranteed price option offered to students may not exceed the present value of the covered state educational institution's best estimate of the projected annual tuition costs over the period that the guaranteed price option applies, using the discount rate established by the covered state educational institution. A covered state educational institution must use a discount rate that reflects reasonable assumptions about the investment opportunities available to the covered state institution over the period that the guaranteed price option applies.

(d) The guaranteed tuition price applicable to an academic year during the period in which the guaranteed price option applies must be the same as the guaranteed tuition price applicable to each of the other academic years during the period in which the guaranteed price option applies.

Sec. 10. A guaranteed price option must apply both to courses of study that are offered by the covered state educational institution in the year that the student first enrolls in the covered state educational institution and courses of study that are added after the student first enrolls in the covered state educational institution.

Sec. 11. If a covered state educational institution has a regional campus or another satellite location, the covered state education institution may offer a different guaranteed price rate for the main campus and each regional campus or other satellite location.

Sec. 12. The guaranteed price option plan must include procedures for refunding part or all of a prepaid amount in the event that the student is no longer enrolled in the covered state educational institution.

Sec. 13. (a) A covered state educational institution shall create sufficient workpapers to identify the assumptions used and demonstrate the methodology and calculations used to establish the guaranteed tuition price offer by the covered state educational institution.

(b) The covered state educational institution shall format the workpapers prepared under subsection (a) in a form that allows a reasonably informed reader to readily confirm that the guaranteed tuition price offered by the covered state educational institution is consistent with the assumptions and methodology used by the covered state educational institution and the calculations are accurate.

(c) The workpapers described in subsection (b) are public records.

SECTION 86. IC 21-1-30-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 2. For purposes of computation under this chapter, the following shall be used:

(1) Kindergarten pupils shall be counted as five-tenths (0.5). All other pupils shall be counted as one (1).

(2) The number of pupils shall be the number of pupils used in determining ADM, as defined by IC 21-3-1.6, for the current year.

(3) The staff cost amount for a school corporation is sixty-nine thousand eight hundred eleven dollars ($69,811).

(4) The guaranteed amount for a school corporation is the primetime allocation, before any penalty is assessed under this chapter, that the school corporation would have received under this chapter for the 1999 calendar year **or the first year of participation in the program, whichever is later.**

~~(5) The at-risk index is the index determined under IC 21-3-1.6-1.1.~~

~~(6)~~ **(5)** The following apply to determine whether amounts received under this chapter have been devoted to reducing class size in kindergarten through grade 3 as required by section 3(b) of this chapter:

(A) Except as permitted under section 5.5 of this chapter, only a licensed teacher who is an actual classroom teacher in a regular instructional program is counted as a teacher.

(B) If a school corporation is granted approval under section 5.5 of this chapter, the school corporation may include as one-third (1/3) of a teacher each classroom instructional aide who meets qualifications and performs duties prescribed by the Indiana state board of education.

~~(7)~~ **(6)** The complexity index is the index determined under IC 21-3-1.7-6.7.

SECTION 87. IC 21-1-30-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 3. (a) The amount to be distributed to a school corporation under this chapter is the amount determined by the following formula:

~~STEP ONE: For a calendar year ending before January 1, 2004, determine the applicable target pupil teacher ratio for the school corporation as follows:~~

~~(A) If the school corporation's at-risk index is less than seventeen hundredths (0.17), the school corporation's target pupil teacher ratio is eighteen to one (18:1).~~

~~(B) If the school corporation's at-risk index is at least seventeen hundredths (0.17) but less than twenty-seven hundredths (0.27), the school corporation's target pupil teacher ratio is fifteen (15) plus the result determined in item (iii):~~

~~(i) Determine the result of twenty-seven hundredths (0.27) minus the school corporation's at-risk index.~~

~~(ii) Determine the item (i) result divided by one-tenth (0.1).~~

~~(iii) Determine the item (ii) result multiplied by three (3).~~

~~(C) If the school corporation's at-risk index is at least twenty-seven hundredths (0.27), the school corporation's target pupil teacher ratio is fifteen to one (15:1).~~

STEP ~~TWO:~~ **ONE:** For a calendar year beginning after December 31, ~~2003,~~ **2004,** determine the applicable target pupil teacher ratio for the school corporation as follows:

(A) If the school corporation's complexity index is less than **one and** one-tenth ~~(0.1),~~ **(1.1),** the school corporation's target pupil teacher ratio is eighteen to one (18:1).

(B) If the school corporation's complexity index is at least **one and** one-tenth ~~(0.1)~~ **(1.1)** but less than **one and** two-tenths ~~(0.2),~~ **(1.2),** the school corporation's target pupil teacher ratio is fifteen (15) plus the result determined in item (iii):

(i) Determine the result of **one and** two-tenths ~~(0.2)~~ **(1.2)** minus the school corporation's complexity index.

(ii) Determine the item (i) result divided by one-tenth (0.1).

(iii) Determine the item (ii) result multiplied by three (3).

(C) If the school corporation's complexity index is at least **one and** two-tenths ~~(0.2),~~ **(1.2),** the school corporation's target pupil teacher ratio is fifteen to one (15:1).

STEP ~~THREE:~~ **TWO:** Determine the result of:

(A) the ADM of the school corporation, as determined under section 2(2) of this chapter, in kindergarten through grade 3 for the current school year; divided by

(B) the school corporation's applicable target pupil teacher ratio, as determined in STEP ONE. ~~or STEP TWO.~~

STEP ~~FOUR:~~ **THREE:** Determine the result of:

(A) the total regular general fund revenue (the amount determined in IC 21-3-1.7-8.2(b) STEP ONE or IC 21-3-1.7-8.2(c) STEP ONE) multiplied by seventy-five hundredths (0.75); divided by

(B) the school corporation's total ADM.

STEP ~~FIVE:~~ **FOUR:** Determine the result of:

(A) the STEP ~~FOUR~~ **THREE** result; multiplied by

(B) the ADM of the school corporation, as determined under section 2(2) of this chapter in kindergarten through grade 3 for the current school year.

STEP ~~SIX:~~ **FIVE:** Determine the result of:

(A) the STEP ~~FIVE~~ **FOUR** result; divided by
(B) the staff cost amount.
STEP ~~SEVEN:~~ **SIX:** Determine the greater of zero (0) or the result of:
(A) the STEP ~~THREE~~ **TWO** amount; minus
(B) the STEP ~~SIX~~ **FIVE** amount.
STEP ~~EIGHT:~~ **SEVEN:** Determine the result of:
(A) the STEP ~~SEVEN~~ **SIX** amount; multiplied by
(B) the staff cost amount.
STEP ~~NINE:~~ **EIGHT:** Determine the greater of the STEP ~~EIGHT~~ **SEVEN** amount or the school corporation's guaranteed amount.
STEP ~~TEN:~~ **NINE:** If the amount the school corporation received under this chapter in the previous calendar year is greater than zero (0), determine the lesser of:
(A) the STEP ~~NINE~~ **EIGHT** amount; or
(B) the amount the school corporation received under this chapter for the previous calendar year multiplied by one hundred seven and one-half percent (107.5%).

(b) The amount received under this chapter shall be devoted to reducing class size in kindergarten through grade 3. A school corporation shall compile class size data for kindergarten through grade 3 and report the data to the department of education for purposes of maintaining compliance with this chapter.

SECTION 88. IC 21-1-30-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. This chapter expires January 1, ~~2006.~~ **2008.**

SECTION 89. IC 21-2-5.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. This section applies to self-insurance funds permitted to be established under section 1(1) of this chapter and self-insurance funds required to be established under section 1(2) of this chapter. Subject to the approval of the commissioner of the department of insurance, the governing body of the school corporation is authorized to:
(1) transfer to the self-insurance fund an amount of money in:
(A) the general fund budget; and
(B) the general fund tax levy and rate;
(2) transfer monies from the general fund to the self-insurance fund; ~~or~~
(3) appropriate monies from the general fund for the self-insurance fund; **or**
(4) to the extent that money in the capital projects fund may be used for property or casualty insurance, transfer money from the capital projects fund to the self-insurance fund.

SECTION 90. IC 21-2-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Any lawful school expenses payable from any other fund of the school corporation, including without limitation debt service and capital outlay, but excluding costs attributable to transportation (as defined in IC 21-2-11.5-2), may be budgeted in and paid from the general fund. However, after June 30, ~~2003,~~ **2005,** and before July 1, ~~2005,~~ **2007,** a school corporation may budget for and pay costs attributable to transportation (as defined in IC 21-2-11.5-2) from the general fund.

(b) In addition, remuneration for athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-6.1-3) may be budgeted in and paid from the school corporation's general fund.

(c) **This subsection applies only to the extent that the school corporation's transportation fund has not been increased under IC 21-2-11.5-3(b)(2) or another adjustment made by the department of local government finance to reflect the termination of state distributions for the school corporation's transportation fund.** During the period beginning July 1, ~~2003,~~ **2005,** and ending June 30, ~~2005,~~ **2007,** the school corporation may transfer money in a fund maintained by the school corporation (other than the special education preschool fund (IC 21-2-17-1) or the school bus replacement fund (IC 21-2-11.5-2)) that is obtained from:
(1) a source other than a state distribution or local property taxation; or
(2) a state distribution or a property tax levy that is required to be deposited in the fund;
to any other fund. A transfer under subdivision (2) may not be the sole basis for reducing the property tax levy for the fund from which the money is transferred or the fund to which money is transferred. Money transferred under this subsection may be used only to pay costs, including debt service, attributable to reductions in funding for transportation distributions under IC 21-3-3.1, including reimbursements associated with transportation costs for special education and vocational programs under IC 21-3-3.1-4, and ADA flat grants under IC 21-3-4.5 **(repealed).** The property tax levy for a fund from which money was transferred may not be increased to replace the money transferred to another fund.

(d) The total amount transferred under subsection (c) may not exceed the following:
(1) For the period beginning July 1, ~~2003,~~ **2005,** and ending June 30, ~~2004,~~ **2006,** the ~~total amount of state funding received for transportation distributions under IC 21-3-3.1, including reimbursements associated with transportation costs for special education and vocational programs under IC 21-3-3.1-4, and ADA flat grants under IC 21-3-4.5 (repealed), for the same period.~~ **last state transportation distribution (as defined in IC 21-2-11.5-3).**
(2) For the period beginning July 1, ~~2004,~~ **2006,** and ending June 30, ~~2005,~~ **2007,** the product of:
(A) the amount determined under subdivision (1); multiplied by
(B) two (2).

SECTION 91. IC 21-2-11.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 3. (a) Subject to subsection (b), each school corporation may levy for the calendar year a property tax for the school transportation fund sufficient to pay all operating costs attributable to transportation that:
(1) are not paid from other revenues available to the fund as specified in section 4 of this chapter; and
(2) are listed in section 2(a)(1) through 2(a)(7) of this chapter.

(b) For each year after 2003, the levy for the fund may not exceed:
(1) the **amount determined by multiplying:**
(A) the school corporation's levy **for the school transportation fund** for the previous year, as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17 and after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year; ~~multiplied~~ by
(B) the assessed value growth quotient determined under **subsection (c)** STEP FOUR; **plus**
(2) in 2006 and 2007, the amount determined under subsection (d).

(c) For purposes of subsection (b), the assessed value growth quotient is the amount determined under STEP FOUR of the following formula:
STEP ONE: For each of the six (6) calendar years immediately preceding the year in which a budget is adopted under IC 6-1.1-17-5 or IC 6-1.1-17-5.6 for part or all of the ensuing calendar year, divide the Indiana nonfarm personal income for the calendar year by the Indiana nonfarm personal income for the calendar year immediately preceding that calendar year, rounding to the nearest one-thousandth (0.001).
STEP TWO: Determine the sum of the STEP ONE results.
STEP THREE: Divide the STEP TWO result by six (6), rounding to the nearest one-thousandth (0.001).
STEP FOUR: Determine the lesser of the following:
(A) The STEP THREE quotient.
(B) One and six-hundredths (1.06).
If the amount levied in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy in the following year shall be reduced by the amount of surplus money.

(d) As used in this subsection, "last state transportation distribution" means the total amount of state funding received by a school corporation for transportation costs:
(1) under IC 21-3-3.1-1 through IC 21-3-3.1-3; and
(2) for special education and vocational programs under IC 21-3-3.1-4;
after June 30, 2003, and before July 1, 2004;
multiplied by two (2). To the extent that the amount determined

under subsection (b)(1) has not been adjusted to reflect the termination of state distributions for the school corporation's transportation fund, as determined by the department of local government finance, a school corporation may increase its school transportation fund levy for 2006 above the amount determined under subsection (b)(1) by fifty percent (50%) of the school corporation's last state transportation distribution, and the school corporation may increase its school transportation fund levy for 2007 above the amount determined under subsection (b)(1) by the remaining fifty percent (50%) of the school corporation's last state transportation distribution. The amount of the additional levy imposed in a year under this subsection shall be treated, for purposes of applying subsection (b)(1) in the following year, as part of the school corporation's levy for the school transportation fund for the previous year.

~~(c)~~ **(e)** Each school corporation may levy for the calendar year a tax for the school bus replacement fund in accordance with the school bus acquisition plan adopted under section 3.1 of this chapter.

~~(d)~~ **(f)** The tax rate and levy for each fund shall be established as a part of the annual budget for the calendar year in accord with IC 6-1.1-17.

SECTION 92. IC 21-2-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) As used in this subsection, "calendar year distribution" means the sum of:

(1) all distributions to a school corporation under:
(A) IC 6-1.1-19-1.5;
(B) IC 21-1-30;
(C) IC 21-3-1.7;
(D) IC 21-3-2.1; and
(E) IC 21-3-12;
for the calendar year; plus
(2) the school corporation's excise tax revenue (as defined in IC 21-3-1.7-2) for the immediately preceding calendar year.

(b) A school corporation may establish a capital projects fund.

(c) With respect to any facility used or to be used by the school corporation (other than a facility used or to be used primarily for interscholastic or extracurricular activities, except as provided in subsection (j)), the fund may be used to pay for the following:

(1) Planned construction, repair, replacement, or remodeling.
(2) Site acquisition.
(3) Site development.
(4) Repair, replacement, or site acquisition that is necessitated by an emergency.

(d) The fund may be used to pay for the purchase, lease, repair, or maintenance of equipment to be used by the school corporation (other than vehicles to be used for any purpose and equipment to be used primarily for interscholastic or extracurricular activities, except as provided in subsection (j)).

(e) The fund may be used for any of the following purposes:

(1) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:
(A) Computer hardware.
(B) Computer software.
(C) Wiring and computer networks.
(D) Communication access systems used to connect with computer networks or electronic gateways.
(2) To pay for the services of full-time or part-time computer maintenance employees.
(3) To conduct nonrecurring inservice technology training of school employees.
(4) To fund the payment of advances, together with interest on the advances, from the common school fund for educational technology programs under IC 21-1-5.
(5) To fund the acquisition of any equipment or services necessary:
(A) to implement the technology preparation curriculum under IC 20-10.1-5.6;
(B) to participate in a program to provide educational technologies, including computers, in the homes of students (commonly referred to as "the buddy system project") under IC 20-10.1-25, the 4R's technology program under IC 20-10.1-25, or any other program under the educational technology program described in IC 20-10.1-25; or
(C) to obtain any combination of equipment or services described in clauses (A) and (B).

(f) The fund may be used to purchase:
(1) building sites;
(2) buildings in need of renovation;
(3) building materials; and
(4) equipment;
for the use of vocational building trades classes to construct new buildings and to remodel existing buildings.

(g) The fund may be used for leasing or renting of existing real estate, excluding payments authorized under IC 21-5-11 and IC 21-5-12.

(h) The fund may be used to pay for services of the school corporation employees that are bricklayers, stone masons, cement masons, tile setters, glaziers, insulation workers, asbestos removers, painters, paperhangers, drywall applicators and tapers, plasterers, pipe fitters, roofers, structural and steel workers, metal building assemblers, heating and air conditioning installers, welders, carpenters, electricians, or plumbers, as these occupations are defined in the United States Department of Labor, Employment and Training Administration, Dictionary of Occupational Titles, Fourth Edition, Revised 1991, if:

(1) the employees perform construction of, renovation of, remodeling of, repair of, or maintenance on the facilities and equipment specified in subsections (b) and (c);
(2) the school corporation's total annual salary and benefits paid by the school corporation to employees described in this subsection are at least six hundred thousand dollars ($600,000); and
(3) the payment of the employees described in this subsection is included as part of the proposed capital projects fund plan described in section 5(a) of this chapter.

However, the number of employees that are covered by this subsection is limited to the number of employee positions described in this subsection that existed on January 1, 1993. For purposes of this subsection, maintenance does not include janitorial or comparable routine services normally provided in the daily operation of the facilities or equipment.

(i) The fund may be used to pay for energy saving contracts entered into by a school corporation under IC 36-1-12.5.

(j) Money from the fund may be used to pay for the construction, repair, replacement, remodeling, or maintenance of a school sports facility. However, a school corporation's expenditures in a calendar year under this subsection may not exceed five percent (5%) of the property tax revenues levied for the fund in the calendar year.

(k) Money from the fund may be used to carry out a plan developed under IC 20-10.1-33.

(l) This subsection applies during the period beginning January 1, ~~2004,~~ **2006,** and ending December 31, ~~2005.~~ **2007.** Money from the fund may be used to pay for up to one hundred percent (100%) of the following costs of a school corporation:

(1) Utility services.
(2) Property or casualty insurance.
(3) Both utility services and property or casualty insurance.

~~In the 2004 calendar year, a school corporation's expenditures under this subsection may not exceed one percent (1%) of the school corporation's 2003 calendar year distribution. In the 2005 calendar year,~~ A school corporation's expenditures under this subsection may not exceed two percent (2%) of the school corporation's ~~2003~~ **previous** calendar year distribution.

~~(m) Notwithstanding subsection (l), a school corporation's expenditures under subsection (l) in the 2004 calendar year may exceed one percent (1%) of the school corporation's 2003 calendar year distribution if the school corporation's 2004 calendar year distribution is less than the school corporation's 2003 calendar year distribution. The amount by which a school corporation's expenditures under subsection (l) in the 2004 calendar year may exceed one percent (1%) of the school corporation's 2003 calendar year distribution is the least of the following:~~

~~(1) One percent (1%) of the school corporation's 2003 calendar year distribution.~~
~~(2) The greater of zero (0) or the difference between:~~
~~(A) the sum of:~~

~~(i) the school corporation's calendar year distribution;~~
~~(ii) the amount determined for the school corporation under subsection (l); plus~~
~~(iii) the amount determined for the school corporation under this subsection, if any;~~
~~for the immediately preceding calendar year; minus~~
~~(B) the school corporation's calendar year distribution for the calendar year.~~
~~(3) The difference between:~~
~~(A) one hundred percent (100%) of the school corporation's costs for utility services and property or casualty insurance; minus~~
~~(B) the amount determined for the school corporation under subsection (l) for the calendar year.~~

~~(n) Notwithstanding subsection (l), a school corporation's expenditures under subsection (l) in the 2005 calendar year may exceed two percent (2%) of the school corporation's 2003 calendar year distribution if the school corporation's 2005 calendar year distribution is less than the school corporation's 2003 calendar year distribution. The amount by which a school corporation's expenditures under subsection (l) in the 2005 calendar year may exceed two percent (2%) of the school corporation's 2003 calendar year distribution is the least of the following:~~
~~(1) Two percent (2%) of the school corporation's 2003 calendar year distribution.~~
~~(2) The greater of zero (0) or the difference between:~~
~~(A) the sum of:~~
~~(i) the school corporation's calendar year distribution;~~
~~(ii) the amount determined for the school corporation under subsection (l); plus~~
~~(iii) the amount determined for the school corporation under this subsection, if any;~~
~~for the immediately preceding calendar year; minus~~
~~(B) the school corporation's calendar year distribution for the calendar year.~~
~~(3) The difference between:~~
~~(A) one hundred percent (100%) of the school corporation's costs for utility services and property or casualty insurance; minus~~
~~(B) the amount determined for the school corporation under subsection (l) for the calendar year.~~

SECTION 93. IC 21-3-1.6-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 1.1. As used in this chapter:

(a) "School corporation" means any local public school corporation established under Indiana law. Except as otherwise indicated, the term includes a charter school.

(b) "School year" means a year beginning July 1 and ending the next succeeding June 30.

(c) "State distribution" due a school corporation means the amount of state funds to be distributed to a school corporation in any calendar year under this chapter.

(d) "Average daily membership" or "ADM" of a school corporation means the number of eligible pupils enrolled in the school corporation or in a transferee corporation on a day to be fixed annually by the Indiana state board of education and ~~beginning in the school year that ends in the 2005 calendar year,~~ as subsequently adjusted not later than January 30 under the rules adopted by the state board of education. The initial day of the count shall fall within the first thirty (30) days of the school term. If, however, extreme patterns of student in-migration, illness, natural disaster, or other unusual conditions in a particular school corporation's enrollment on either the day fixed by the Indiana state board of education or on the subsequent adjustment date, cause the enrollment to be unrepresentative of the school corporation's enrollment throughout a school year, the Indiana state board of education may designate another day for determining the school corporation's enrollment. The Indiana state board of education shall monitor changes that occur after the fall count, in the number of students enrolled in programs for children with disabilities and shall, before December 2 of that same year and, beginning in the 2004 calendar year, before April 2 of the following calendar year, make an adjusted count of students enrolled in programs for children with disabilities. The superintendent of public instruction shall certify the December adjusted count to the budget committee before February 5 of the following year and the April adjusted count not later than May 31 immediately after the date of the April adjusted count. In determining the ADM, each kindergarten pupil shall be counted as one-half (½) pupil. Where a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. In determining the ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis as provided in section 1.2 of this chapter.

(e) "Additional count" of a school corporation, or comparable language, means the aggregate of the additional counts of the school corporation for certain pupils as set out in section 3 of this chapter (repealed) and as determined at the times for calculating ADM. "Current additional count" means the initial computed additional count of the school corporation for the school year ending in the calendar year. "Prior year additional count" of a school corporation used in computing its state distribution in a calendar year means the initial computed additional count of the school corporation for the school year ending in the preceding calendar year.

(f) For purposes of this subsection, "school corporation" does not include a charter school. "Adjusted assessed valuation" of any school corporation used in computing state distribution for a calendar year means the assessed valuation in the school corporation, adjusted as provided in IC 6-1.1-34. The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property owned by a railroad or other corporation under the jurisdiction of a federal court under the federal bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the corporation being involved in a bankruptcy proceeding the corporation is delinquent in payment of its Indiana real and personal property taxes for the year to which the valuation applies. If the railroad or other corporation in some subsequent calendar year makes payment of the delinquent taxes, then the state superintendent of public instruction shall prescribe adjustments in the distributions of state funds pursuant to this chapter as are thereafter to become due to a school corporation affected by the delinquency as will ensure that the school corporation will not have been unjustly enriched under the provisions of P.L.382-1987(ss). The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property described in IC 6-1.1-17-0.5(b).

(g) "General fund" means a fund established under IC 21-2-11-2.

(h)"Teacher" means every person who is required as a condition of employment by a school corporation to hold a teacher's license issued or recognized by the state, except substitutes and any person paid entirely from federal funds.

(i) For purposes of this subsection, "school corporation" does not include a charter school. "Teacher ratio" of a school corporation used in computing state distribution in any calendar year means the ratio assigned to the school corporation pursuant to section 2 of this chapter.

(j) "Eligible pupil" means a pupil enrolled in a school corporation if:

(1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;
(2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under IC 20-8.1-6.1, because the pupil is transferred for education to another school corporation (the "transferee corporation");
(3) the pupil is enrolled in a school corporation as a transfer student under IC 20-8.1-6.1-3 or entitled to be counted for ADM or additional count purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;
(4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under IC 20-8.1-6.1; or
(5) all of the following apply:
(A) The school corporation is a transferee corporation.
(B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).
(C) The transferee corporation's attendance area includes a state licensed private or public health care facility, child care

facility, or foster family home where the pupil was placed:
(i) by or with the consent of the division of family and children;
(ii) by a court order;
(iii) by a child placing agency licensed by the division of family and children; or
(iv) by a parent or guardian under IC 20-8.1-6.1-5.

For purposes of IC 21-3-12, the term includes a student enrolled in a charter school.

(k) "General fund budget" of a school corporation means the amount of the budget approved for a given year by the department of local government finance and used by the department of local government finance in certifying a school corporation's general fund tax levy and tax rate for the school corporation's general fund as provided for in IC 21-2-11. The term does not apply to a charter school.

~~(l) "At risk index" means the following:~~
~~(1) For a school corporation that is a not a charter school, the sum of:~~
~~(A) the product of sixteen-hundredths (0.16) multiplied by the percentage of families in the school corporation with children who are less than eighteen (18) years of age and who have a family income below the federal income poverty level (as defined in IC 12-15-2-1);~~
~~(B) the product of four-tenths (0.4) multiplied by the percentage of families in the school corporation with a single parent; and~~
~~(C) the product of forty-four hundredths (0.44) multiplied by the percentage of the population in the school corporation who are at least twenty (20) years of age with less than a twelfth grade education.~~
~~The data to be used in making the calculations under this subdivision must be the data from the 2000 federal decennial census.~~
~~(2) For a charter school, the index determined under subdivision (1) for the school corporation in which the charter school is located.~~

~~(m)~~ **(l)** "ADM of the previous year" or "ADM of the prior year" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the preceding calendar year.

~~(n)~~ **(m)** "Current ADM" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the calendar year.

SECTION 94. IC 21-3-1.7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 2. **(a)** As used in this chapter, "excise tax revenue" means the ~~amount~~ **sum** of:
(1) financial institution excise tax revenue (IC 6-5.5); ~~plus~~
(2) ~~the~~ motor vehicle excise taxes (IC 6-6-5); ~~and the~~
(3) commercial vehicle excise taxes (IC 6-6-5.5);
(4) boat excise tax (IC 6-6-11); and
(5) aircraft excise tax (IC 6-6-6.5);

the school corporation received for deposit in the school corporation's general fund in a year **or would have received for deposit in the school corporation's general fund in a year if the settlement of property taxes first due and payable in the year had been made on the schedule required under IC 6-1.1-27-1.** The excise tax revenue for a charter school is zero (0).

(b) Not later than January 15 each year, the department of local government finance shall certify to the department of education the amount of each school corporation's excise tax revenue for the immediately preceding year. In 2006, the department of local government finance shall certify to the department of education the amount of each school corporation's excise tax revenue for both 2004 and 2005. The department of education may rely on the excise tax revenue amounts certified by the department of local government finance under this subsection in making calculations under this chapter.

SECTION 95. IC 21-3-1.7-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 3.1. (a) As used in this chapter, "previous year revenue" for calculations with respect to a school corporation equals:
(1) the school corporation's tuition support for regular programs, including basic tuition support, and excluding:
(A) special education grants;
(B) vocational education grants;
~~(C) at-risk programs;~~
~~(D) the enrollment adjustment grant;~~
~~(E)~~ **(C)** the academic honors diploma award; **and**
~~(F)~~ **(D)** ~~the~~ primetime distribution; ~~and~~
~~(G) for 2005 and thereafter, the supplemental remediation grant;~~
for the year that precedes the current year; plus
(2) the school corporation's tuition support levy for the year that precedes the current year before the reductions required under section 5(1) and 5(2) of this chapter; plus
~~(3) distributions received by the school corporation under IC 6-1.1-21.6 for the year that precedes the current year; plus~~
~~(4)~~ **(3)** the school corporation's excise tax revenue for the year that precedes the current year by two (2) years; minus
~~(5)~~ **(4)** an amount equal to the reduction in the school corporation's tuition support under **any combination of** subsection (b), **subsection (c),** or IC 20-10.1-2-1. ~~or both; plus~~
~~(6) in calendar year 2003, the amount determined for calendar year 2002 under section 8.2 of this chapter, STEP TWO (C); plus~~
~~(7) in calendar year 2004, the amount determined for calendar year 2002 under section 8.2 of this chapter, STEP TWO (D); plus~~
~~(8) notwithstanding subdivision (1), in calendar year 2004, the school corporation's distribution under section 9.7 of this chapter for calendar year 2003.~~

(b) A school corporation's previous year revenue shall be reduced if:
(1) the school corporation's state tuition support for special or vocational education was reduced as a result of a complaint being filed with the department of education after December 31, 1988, because the school program overstated the number of children enrolled in special or vocational education programs; and
(2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

The amount of the reduction equals the amount the school corporation would have received in tuition support for special and vocational education because of the overstatement.

(c) A school corporation's previous year revenue shall be reduced if an existing elementary or secondary school located in the school corporation converts to a charter school under IC 20-5.5-11. The amount of the reduction equals the product of:
(1) the sum of the amounts distributed to the conversion charter school under IC 20-5.5-7-3.5(c) and IC 20-5.5-7-3.5(d); multiplied by
(2) two (2).

SECTION 96. IC 21-3-1.7-6.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 6.6. (a) **This subsection does not apply to a charter school.** For purposes of this chapter, a school corporation's "adjusted ADM" for the current year is the result determined under the following formula:
STEP ONE: Determine the ~~greatest~~ **sum** of the following:
(A) The school corporation's ADM for the year preceding the current year by four (4) years multiplied by two-tenths (0.2).
~~(A)~~ **(B)** The school corporation's ADM for the year preceding the current year by three (3) years **multiplied by two-tenths (0.2).**
~~(B)~~ **(C)** The school corporation's ADM for the year preceding the current year by two (2) years **multiplied by two-tenths (0.2).**
~~(C)~~ **(D)** The school corporation's ADM for the year preceding the current year by one (1) year **multiplied by two-tenths (0.2).**
~~(D)~~ **(E)** The school corporation's ADM for the current year **multiplied by two-tenths (0.2).**
Round the result to the nearest five-tenths (0.5).

~~STEP TWO: Determine the greater of zero (0) or the result of:~~
~~(A) the school corporation's ADM for the year preceding the current year by four (4) years; minus~~
~~(B) the STEP ONE amount.~~
STEP ~~THREE:~~ **TWO:** Determine the ~~greatest~~ **sum** of the following:
(A) The school corporation's ADM for the year preceding the current year by two (2) years **multiplied by thirty-three hundredths (0.33).**
(B) The school corporation's ADM for the year preceding the current year by one (1) year **multiplied by thirty-three hundredths (0.33).**
(C) The school corporation's ADM for the current year **multiplied by thirty-four hundredths (0.34).**
~~STEP FOUR: Determine the greater of zero (0) or the result of:~~
~~(A) the school corporation's ADM for the year preceding the current year by three (3) years; minus~~
~~(B) the STEP THREE amount.~~
~~STEP FIVE: Determine the greater of the following:~~
~~(A) The school corporation's ADM for the year preceding the current year by one (1) year.~~
~~(B) The school corporation's ADM for the current year.~~
~~STEP SIX: Determine the greater of zero (0) or the result of:~~
~~(A) the school corporation's ADM for the year preceding the current year by two (2) years; minus~~
~~(B) the STEP FIVE amount.~~
~~STEP SEVEN: Determine the greater of zero (0) or the result of:~~
~~(A) the school corporation's ADM for the year preceding the current year by one (1) year; minus~~
~~(B) the school corporation's ADM for the current year.~~
~~STEP EIGHT: Determine the sum of the following:~~
~~(A) The STEP TWO result multiplied by two-tenths (0.2).~~
~~(B) The STEP FOUR result multiplied by four-tenths (0.4).~~
~~(C) The STEP SIX result multiplied by six-tenths (0.6).~~
~~(D) The STEP SEVEN result multiplied by eight-tenths (0.8).~~
~~STEP NINE: Determine the result of:~~
~~(A) the school corporation's ADM for the current year; plus~~
~~(B) the STEP EIGHT result.~~
~~STEP TEN: This STEP applies to a school corporation for which the amount determined under STEP EIGHT is zero (0). Determine the sum of:~~
~~(A) the school corporation's ADM for the 2003 school year; plus~~
~~(B) the subsection (b) or (c) result, whichever is applicable. Round the result to the nearest five-tenths (0.5).~~
~~(b) This subsection applies during the 2004 calendar year to a school corporation described in subsection (a) STEP TEN. Determine the result under the following formula:~~
~~STEP ONE: Determine the difference between:~~
~~(A) the school corporation's ADM for the 2004 school year; minus~~
~~(B) the school corporation's ADM for the 2003 school year.~~
~~STEP TWO: Determine the greater of zero (0) or the STEP ONE amount.~~
~~STEP THREE: Determine the product of:~~
~~(A) the STEP TWO amount; multiplied by~~
~~(B) two-thousandths (0.002).~~
~~STEP FOUR: Determine the lesser of the following:~~
~~(A) The STEP THREE amount.~~
~~(B) Seventy-five hundredths (0.75).~~
~~STEP FIVE: Determine the product of:~~
~~(A) the STEP ONE amount; multiplied by~~
~~(B) the STEP FOUR amount.~~
~~(c) This subsection applies during the 2005 calendar year to a school corporation described in subsection (a) STEP TEN. Determine the result under the following formula:~~
~~STEP ONE: Determine the difference between:~~
~~(A) the school corporation's ADM for the 2005 school year; minus~~
~~(B) the school corporation's ADM for the 2004 school year.~~
~~STEP TWO: Determine the greater of zero (0) or the STEP ONE amount.~~
~~STEP THREE: Determine the product of:~~
~~(A) the STEP TWO amount; multiplied by~~
~~(B) two-thousandths (0.002).~~
~~STEP FOUR: Determine the lesser of the following:~~
~~(A) The STEP THREE amount.~~
~~(B) Seventy-five hundredths (0.75).~~
~~STEP FIVE: Determine the product of:~~
~~(A) the STEP ONE amount; multiplied by~~
~~(B) the STEP FOUR amount.~~
~~STEP SIX: Determine the subsection (b) amount.~~
~~STEP SEVEN: Determine the sum of:~~
~~(A) the STEP FIVE result; plus~~
~~(B) the STEP SIX result.~~
Round the result to the nearest five-tenths (0.5).
STEP THREE: Determine the greater of the following:
(A) The STEP ONE result.
(B) The STEP TWO result.
~~(d) For a charter school whose current ADM is at least fifteen percent (15%) greater than the charter school's ADM of the previous year, the~~ **(b) A** charter school's adjusted ADM for purposes of this ~~section~~ **chapter** is the charter school's current ADM.

SECTION 97. IC 21-3-1.7-6.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 6.7. ~~(a) This subsection applies during the 2003 calendar year. For each school corporation that is not a charter school, the index used in subsection (d) is determined under the following STEPS:~~
~~STEP ONE: Determine the greater of zero (0) or the result of the following:~~
~~(1) Multiply the school corporation's at risk index by twenty-five hundredths (0.25).~~
~~(2) Divide the result under subdivision (1) by three thousand seven hundred thirty-six ten-thousandths (0.3736).~~
~~(3) Subtract three hundred ninety-five ten-thousandths (0.0395) from the result under subdivision (2).~~
~~STEP TWO: Determine the greater of zero (0) or the result of the following:~~
~~(1) Multiply the percentage of the school corporation's students who were eligible for free lunches in the school year ending in 2001 by twenty-five hundredths (0.25).~~
~~(2) Divide the result under subdivision (1) by seven hundred twenty-three thousandths (0.723).~~
~~STEP THREE: Determine the greater of zero (0) or the result of the following:~~
~~(1) Multiply the percentage of the school corporation's students who were classified as limited English proficient in the school year ending in 2000 by twenty-five hundredths (0.25).~~
~~(2) Divide the result under subdivision (1) by one thousand seven hundred fifteen ten-thousandths (0.1715).~~
~~STEP FOUR: Determine the result of:~~
~~(1) the sum of the results in STEPS ONE through THREE; divided by~~
~~(2) three (3).~~
~~STEP FIVE: Determine the result of one (1) plus the STEP FOUR result.~~
~~(b) This subsection applies to calendar years beginning after December 31, 2003.~~ **(a) This subsection does not apply to a charter school that has previous year revenue that is zero (0).** For each school corporation, ~~that is not a charter school,~~ the index used in subsection ~~(c)~~ **(c)** is determined under the following STEPS:
STEP ONE: Determine the greater of zero (0) or the result of the following:
(1) Determine the percentage of the population in the school corporation who are at least ~~twenty (20)~~ **twenty-five (25)** years of age with less than a twelfth grade education.
(2) Determine the quotient of:
(A) ~~eight hundred seventy dollars ($870) in 2004 and nine hundred seventy~~ **one thousand nineteen** dollars ~~($970), in 2005,~~ **($1,019);** divided by
(B) ~~four thousand three hundred fifty dollars ($4,350) in 2004 and~~ four thousand three hundred ~~sixty-eight~~ **seventy** dollars ~~($4,368) in 2005.~~ **($4,370).**

(3) Determine the product of:
(A) the subdivision (1) amount; multiplied by
(B) the subdivision (2) amount.

STEP TWO: Determine the greater of zero (0) or the result of the following:
(1) Determine the percentage of the school corporation's students who were eligible for free lunches in the school year ending in ~~2003.~~ **2005.**
(2) Determine the quotient of:
(A) ~~one thousand one hundred dollars ($1,100) in 2004 and~~ one thousand two hundred **sixty** dollars ~~($1,200); in 2005;~~ **($1,260);** divided by
(B) ~~four thousand three hundred fifty dollars ($4,350) in 2004 and~~ four thousand three hundred ~~sixty-eight~~ **seventy** dollars ~~($4,368) in 2005.~~ **($4,370).**
(3) Determine the product of:
(A) the subdivision (1) amount; multiplied by
(B) the subdivision (2) amount.

STEP THREE: Determine the greater of zero (0) or the result of the following:
(1) Determine the percentage of the school corporation's students who were classified as limited English proficient in the school year ending in ~~2003.~~ **2005.**
(2) Determine the quotient of:
(A) ~~three hundred ten dollars ($310) in 2004 and~~ four hundred ~~thirty~~ **fifty-two** dollars ~~($430); in 2005;~~ **($452);** divided by
(B) ~~four thousand three hundred fifty dollars ($4,350) in 2004 and~~ four thousand three hundred ~~sixty-eight~~ **seventy** dollars ~~($4,368) in 2005.~~ **($4,370).**
(3) Determine the product of:
(A) the subdivision (1) amount; multiplied by
(B) the subdivision (2) amount.

STEP FOUR: Determine the greater of zero (0) or the result of the following:
(1) Determine the percentage of families in the school corporation with a single parent.
(2) Determine the quotient of:
(A) ~~four hundred forty dollars ($440) in 2004 and~~ five hundred ~~thirty~~ **fifty-seven** dollars ~~($530); in 2005;~~ **($557);** divided by
(B) ~~four thousand three hundred fifty dollars ($4,350) in 2004 and~~ four thousand three hundred ~~sixty-eight~~ **seventy** dollars ~~($4,368) in 2005.~~ **($4,370).**
(3) Determine the product of:
(A) the subdivision (1) amount; multiplied by
(B) the subdivision (2) amount.

STEP FIVE: Determine the greater of zero (0) or the result of the following:
(1) Determine the percentage of families in the school corporation with children who are less than eighteen (18) years of age and who have a family income level below the federal income poverty level (as defined in IC 12-15-2-1).
(2) Determine the quotient of:
(A) ~~two hundred twenty dollars ($220) in 2004 and~~ three hundred ~~thirty~~ **forty-seven** dollars ~~($330); in 2005;~~ **($347);** divided by
(B) ~~four thousand three hundred fifty dollars ($4,350) in 2004 and~~ four thousand three hundred ~~sixty-eight~~ **seventy** dollars ~~($4,368) in 2005.~~ **($4,370).**
(3) Determine the product of:
(A) the subdivision (1) amount; multiplied by
(B) the subdivision (2) amount.

STEP SIX: Determine the sum of the results in STEPS ONE through FIVE.

STEP SEVEN: Determine the result of one (1) plus the STEP SIX result.

STEP EIGHT: This STEP applies if the STEP SEVEN result is equal to or greater than one and twenty-five hundredths (1.25). Determine the result of the following:
~~(1) Determine the STEP TWO (1) amount for the school corporation.~~
~~(2) Determine the quotient of:~~
~~(A) one hundred fifty dollars ($150); divided by~~
~~(B) four thousand three hundred fifty dollars ($4,350) in 2004 and four thousand three hundred sixty-eight dollars ($4,368). in 2005.~~
~~(3) Determine the product of:~~
~~(A) the subdivision (1) amount; multiplied by~~
~~(B) the subdivision (2) amount.~~
~~(4) Determine the STEP FIVE (1) amount for the school corporation.~~
~~(5) Determine the product of:~~
~~(A) the subdivision (4) amount; multiplied by~~
~~(B) the subdivision (2) amount.~~
~~(6) Determine the result of:~~
~~(A) the subdivision (3) result; plus~~
~~(B) the subdivision (5) result.~~
(1) Subtract the STEP SEVEN result from one and twenty-five hundredths (1.25).
(2) Multiply the subdivision (1) result by five-tenths (0.5).
~~(7)~~ **(3)** Determine the result of:
(A) the STEP SEVEN result; plus
(B) the subdivision ~~(6)~~ **(2)** result.

The data to be used in making the calculations under STEP ONE, STEP FOUR, and STEP FIVE of this subsection must be the data from the 2000 federal decennial census.

~~(c)~~ **(b)** For each charter school, the index used in ~~section (d) or (c)~~ **subsection (c)** is the index determined under subsection (a) ~~or (b)~~ for the school corporation in which the charter school is located. **However, the index used in subsection (c) for Campagna Academy Charter School is the index determined under subsection (a) for Gary Community School Corporation.**

~~(d) This subsection applies to calendar years ending before January 1, 2004. A school corporation's target revenue per ADM for a calendar year is the result determined under STEP SIX of the following formula:~~
~~STEP ONE: Determine the result under clause (B) of the following formula:~~
~~(A) Determine the result of:~~
~~(i) four thousand five hundred sixty dollars ($4,560); multiplied by~~
~~(ii) the index determined for the school corporation under subsection (a) or (c), as applicable.~~
~~(B) Multiply the clause (A) result by the school corporation's adjusted ADM for the current year.~~
~~STEP TWO: Divide the school corporation's previous year revenue by the school corporation's adjusted ADM for the previous year.~~
~~STEP THREE: Multiply the index determined under subsection (a) or (c), as applicable, by the following:~~
~~(A) If the STEP TWO result is not more than four thousand five hundred sixty dollars ($4,560), multiply by ninety dollars ($90).~~
~~(B) If the STEP TWO result is more than four thousand five hundred sixty dollars ($4,560) and not more than five thousand eight hundred twenty-five dollars ($5,825), multiply by the result under clause (C).~~
~~(C) Determine the result of the following:~~
~~(i) The STEP TWO result minus four thousand five hundred sixty dollars ($4,560).~~
~~(ii) Divide the item (i) result by one thousand two hundred sixty-five dollars ($1,265).~~
~~(iii) Multiply the item (ii) result by forty dollars ($40).~~
~~(iv) Subtract the item (iii) result from ninety dollars ($90).~~
~~(D) If the STEP TWO result is more than five thousand eight hundred twenty-five dollars ($5,825), multiply by fifty dollars ($50).~~
~~STEP FOUR: Add the STEP TWO result and the STEP THREE result.~~
~~STEP FIVE: Determine the greatest of the following:~~
~~(A) Multiply the STEP FOUR result by the school corporation's adjusted ADM for the current year.~~
~~(B) Multiply the school corporation's previous year revenue by one and two-hundredths (1.02).~~
~~(C) The STEP ONE amount.~~

~~STEP SIX: Divide the STEP FIVE amount by the school corporation's adjusted ADM for the current year.~~

~~(c) This subsection applies to calendar years beginning after December 31, 2003.~~ **(c)** A school corporation's target revenue per ADM for a calendar year is the result determined under STEP ~~NINE~~ **EIGHT** of the following formula:

STEP ONE: Determine the result under clause (B) of the following formula:

(A) Determine the result of:

(i) ~~four thousand three hundred fifty dollars ($4,350) in 2004 and~~ four thousand three hundred ~~sixty-eight~~ **seventy** dollars ~~($4,368) in 2005,~~ **($4,370);** multiplied by

(ii) the index determined for the school corporation under subsection ~~(b)~~ **(a)** or ~~(c),~~ **(b),** as applicable.

(B) Multiply the clause (A) result by the school corporation's adjusted ADM for the current year.

~~STEP TWO: Determine the result under the following formula:~~

~~(A) Determine the quotient of:~~

~~(i) the school corporation's previous year revenue, divided by~~

~~(ii) the school corporation's ADM for the previous year.~~

~~(B) Determine the product of:~~

~~(i) the clause (A) amount, multiplied by~~

~~(ii) one and two-hundredths (1.02).~~

~~(C) Determine the product of:~~

~~(i) the clause (B) amount, multiplied by~~

~~(ii) the school corporation's current ADM.~~

~~STEP THREE: Determine the result under the following formula:~~

~~(A) Determine the product of:~~

~~(i) the STEP TWO clause (A) amount, multiplied by~~

~~(ii) ninety-eight hundredths (0.98).~~

~~(B) Determine the product of:~~

~~(i) the clause (A) amount, multiplied by~~

~~(ii) the school corporation's current ADM.~~

~~STEP FOUR: Determine the lesser of:~~

~~(A) the STEP ONE amount, or~~

~~(B) the STEP TWO amount.~~

~~STEP FIVE: Determine the greater of:~~

~~(A) the STEP THREE amount, or~~

~~(B) the STEP FOUR amount.~~

STEP ~~SIX:~~ **TWO:** Divide the school corporation's previous year revenue by the school corporation's adjusted ADM for the previous year.

~~STEP SEVEN: Determine the product of:~~

~~(A) the STEP SIX result, multiplied by~~

~~(B) the school corporation's current adjusted ADM.~~

~~STEP EIGHT: Determine the greatest of the following:~~

~~(A) The product of~~

~~(i) the school corporation's previous year revenue multiplied by~~

~~(ii) one and one-hundredth (1.01).~~

~~(B) The STEP FIVE amount.~~

~~(C) The STEP SEVEN amount.~~

STEP THREE: Determine the difference resulting from subtracting the STEP TWO amount from four thousand three hundred seventy dollars ($4,370).

STEP FOUR: Divide the STEP THREE result by:

(A) six (6) in 2006; and

(B) five (5) in 2007.

STEP FIVE: A school corporation's STEP FIVE amount is the following:

(A) For a charter school that has previous year revenue that is not greater than zero (0), the charter school's STEP FIVE amount is the result determined under item (ii) of the following formula:

(i) Divide the STEP SEVEN amount for the school corporation where the charter school is located by the school corporation's current ADM.

(ii) Multiply the item (i) amount by the current ADM of the charter school.

(B) The STEP FIVE amount for a school corporation that is not a charter school described in clause (A) is the following:

(i) The school corporation's STEP ONE amount, if the school corporation's STEP TWO amount is greater than four thousand three hundred forty-five dollars ($4,345) and less than four thousand four hundred twenty dollars ($4,420).

(ii) The sum of the school corporation's STEP TWO amount and the greater of the school corporation's STEP FOUR amount or twenty-five dollars ($25), if the school corporation's STEP TWO amount is equal to or less than four thousand three hundred forty-five dollars ($4,345).

(iii) The difference determined by subtracting the greater of the absolute value of the school corporation's STEP FOUR amount or fifty dollars ($50) from the school corporation's STEP TWO amount, if the school corporation's STEP TWO amount is at least four thousand four hundred twenty dollars ($4,420).

STEP SIX: Determine the product of:

(A) the STEP FIVE amount; multiplied by

(B) the school corporation's current adjusted ADM.

STEP SEVEN: Determine the greater of the following:

(A) The school corporation's STEP SIX amount.

(B) The amount determined under item (iii) of the following formula:

(i) Divide the school corporation's previous year revenue by the school corporation's previous year ADM.

(ii) Multiply the item (i) result by ninety-seven hundredths (0.97).

(iii) Multiply the item (ii) amount by the school corporation's current ADM.

STEP ~~NINE:~~ **EIGHT:** Determine the quotient of:

(A) the STEP ~~EIGHT~~ **SEVEN** amount; divided by

(B) the school corporation's current adjusted ADM.

SECTION 98. IC 21-3-1.7-6.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 6.8. (a) This section does not apply to a charter school.

~~(b) This subsection does not apply after December 31, 2003. A school corporation's target general fund property tax rate for purposes of IC 6-1.1-19-1.5 is the result determined under STEP THREE of the following formula:~~

~~STEP ONE: This STEP applies only if the amount determined in STEP FIVE of the formula in section 6.7(d) of this chapter minus the result determined in STEP ONE of the formula in section 6.7(d) of this chapter is greater than zero (0). Determine the result under clause (E) of the following formula:~~

~~(A) Divide the school corporation's 2002 assessed valuation by the school corporation's current ADM.~~

~~(B) Divide the clause (A) result by ten thousand (10,000).~~

~~(C) Determine the greater of the following:~~

~~(i) The clause (B) result.~~

~~(ii) Thirty-nine dollars ($39) in 2002 and thirty-nine dollars and seventy-five cents ($39.75) in 2003.~~

~~(D) Determine the result determined under item (ii) of the following formula:~~

~~(i) Subtract the result determined in STEP ONE of the formula in section 6.7(d) of this chapter from the amount determined in STEP FIVE of the formula in section 6.7(d) of this chapter.~~

~~(ii) Divide the item (i) result by the school corporation's current ADM.~~

~~(E) Divide the clause (D) result by the clause (C) result.~~

~~(F) Divide the clause (E) result by one hundred (100).~~

~~STEP TWO: This STEP applies only if the amount determined in STEP FIVE of the formula in section 6.7(d) of this chapter is equal to STEP ONE of the formula in section 6.7(d) of this chapter and the result of clause (A) is greater than zero (0). Determine the result under clause (G) of the following formula:~~

~~(A) Add the following:~~

~~(i) An amount equal to the annual decrease in federal aid to impacted areas from the year preceding the ensuing~~

~~calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.~~

~~(ii) The portion of the maximum general fund levy for the year that equals the original amount of the levy imposed by the school corporation to cover the costs of opening a new school facility during the preceding year.~~

~~(B) Divide the clause (A) result by the school corporation's current ADM.~~

~~(C) Divide the school corporation's 2002 assessed valuation by the school corporation's current ADM.~~

~~(D) Divide the clause (C) result by ten thousand (10,000).~~

~~(E) Determine the greater of the following:~~

~~(i) The clause (D) result.~~

~~(ii) Thirty-nine dollars ($39) in 2002 and thirty-nine dollars and seventy-five cents ($39.75) in 2003.~~

~~(F) Divide the clause (B) result by the clause (E) amount.~~

~~(G) Divide the clause (F) result by one hundred (100).~~

~~STEP THREE: Determine the sum of:~~

~~(A) ninety-one and eight-tenths cents ($0.918) in 2002; and~~

~~(B) ninety-five and eight-tenths cents ($0.958) in 2003; and~~

~~if applicable, the STEP ONE or STEP TWO result.~~

~~(c) This subsection applies to calendar years beginning after December 31, 2004.~~ **(b)** A school corporation's target general fund property tax rate for purposes of IC 6-1.1-19-1.5 is the result determined under STEP FOUR of the following formula:

STEP ONE: Determine the amount determined for the school corporation in STEP ONE of the formula in section ~~6.7(c)~~ **6.7(c)** of this chapter.

STEP TWO: This STEP applies only if the amount determined in STEP ~~EIGHT~~ **SEVEN** of the formula in section ~~6.7(c)~~ **6.7(c)** of this chapter minus the STEP ONE result is greater than zero (0). Determine the result under clause (E) of the following formula:

(A) Divide the school corporation's assessed valuation by the school corporation's current ADM.

(B) Divide the clause (A) result by ten thousand (10,000).

(C) Determine the greater of the following:

(i) The clause (B) result.

(ii) ~~Forty-three~~ **Thirty-six** dollars and ~~sixty-five~~ **thirty** cents ~~($43.65).~~ **($36.30).**

(D) Determine the result determined under item (ii) of the following formula:

(i) Subtract the STEP ONE result from the amount determined in STEP ~~EIGHT~~ **SEVEN** of the formula in section ~~6.7(c)~~ **6.7(c)** of this chapter.

(ii) Divide the item (i) result by the school corporation's current ADM.

(E) Divide the clause (D) result by the clause (C) result.

(F) Divide the clause (E) result by one hundred (100).

STEP THREE: This STEP applies only if the amount determined in STEP ~~EIGHT~~ **SEVEN** of the formula in section ~~6.7(c)~~ **6.7(c)** of this chapter is equal to the STEP ONE result and the result of clause (A) is greater than zero (0). Determine the result under clause (G) of the following formula:

(A) Add the following:

(i) An amount equal to the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.

(ii) The part of the maximum general fund levy for the year that equals the original amount of the levy imposed by the school corporation to cover the costs of opening a new school facility during the preceding year.

(B) Divide the clause (A) result by the school corporation's current ADM.

(C) Divide the school corporation's assessed valuation by the school corporation's current ADM.

(D) Divide the clause (C) result by ten thousand (10,000).

(E) Determine the greater of the following:

(i) The clause (D) result.

(ii) ~~Forty-three~~ **Thirty-six** dollars and ~~sixty-five~~ **thirty** cents ~~($43.65).~~ **($36.30).**

(F) Divide the clause (B) result by the clause (E) amount.

(G) Divide the clause (F) result by one hundred (100).

STEP FOUR: Determine the sum of ~~sixty-three~~ **sixty-seven** and ~~seven-tenths~~ **five-tenths** cents ~~($0.637)~~ **($0.675)** and, if applicable, the STEP TWO or STEP THREE result.

~~(d) For the calendar year beginning January 1, 2004, and ending December 31, 2004, a school corporation's general fund ad valorem property tax levy is determined under IC 6-1.1-19-1.5(f).~~

SECTION 99. IC 21-3-1.7-8.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 8.2. ~~(a) As used in this section, "transfer amount" means the product of:~~

~~(1) a school corporation's assessed valuation for calendar year 2002 divided by one hundred (100), multiplied by~~

~~(2) the lesser of:~~

~~(A) three hundred twenty-eight ten-thousandths (0.0328); or~~

~~(B) the school corporation's capital projects fund tax rate for calendar year 2002 multiplied by five-tenths (0.5).~~

~~(b) This subsection applies to calendar years ending before January 1, 2004. Notwithstanding IC 21-3-1.6 and subject to section 9 of this chapter, the state distribution for a calendar year for tuition support for basic programs for each school corporation equals the result determined using the following formula:~~

~~STEP ONE:~~

~~(A) For a school corporation not described in clause (B), determine the school corporation's result under STEP FIVE of section 6.7(d) of this chapter for the calendar year.~~

~~(B) For a school corporation that has target revenue per adjusted ADM for a calendar year that is equal to the amount under STEP ONE (A) of section 6.7(d) of this chapter, determine the sum of:~~

~~(i) the school corporation's result under STEP ONE of section 6.7(d) of this chapter for the calendar year; plus~~

~~(ii) the amount of the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years; plus~~

~~(iii) the part of the maximum general fund levy for the year that equals the original amount of the levy imposed by the school corporation to cover the costs of opening a new school facility during the preceding year.~~

~~STEP TWO: Determine the sum of:~~

~~(A) the school corporation's tuition support levy;~~

~~(B) the school corporation's excise tax revenue for the year that precedes the current year by one (1) year;~~

~~(C) for the last six (6) months of calendar year 2002, the school corporation's transfer amount; plus~~

~~(D) for the first six (6) months of calendar year 2003, the school corporation's transfer amount.~~

~~The amount determined under this STEP for a charter school is zero (0).~~

~~STEP THREE: Determine the difference between:~~

~~(A) the STEP ONE amount; minus~~

~~(B) the applicable STEP TWO or STEP THREE amount.~~

~~(c) This subsection applies to calendar years beginning after December 31, 2003.~~ **(a)** Notwithstanding IC 21-3-1.6 and subject to section 9 of this chapter, the state distribution for a calendar year for tuition support for basic programs for each school corporation equals the result determined using the following formula:

STEP ONE:

(A) For a school corporation not described in clause (B), determine the school corporation's result under STEP ~~EIGHT~~ **SEVEN** of section ~~6.7(c)~~ **6.7(c)** of this chapter for the calendar year.

(B) For a school corporation that has target revenue per adjusted ADM for a calendar year that is equal to the amount under STEP ONE (A) of section ~~6.7(c)~~ **6.7(c)** of this chapter, determine the sum of:

(i) the school corporation's result under STEP ONE of section ~~6.7(c)~~ **6.7(c)** of this chapter for the calendar year; plus

(ii) the amount of the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years; plus

(iii) the part of the maximum general fund levy for the year that equals the original amount of the levy imposed by the school corporation to cover the costs of opening a new school facility during the preceding year.

STEP TWO: This STEP applies to a school corporation that is not a charter school. Determine the sum of:

(A) the school corporation's tuition support levy; plus

(B) the school corporation's excise tax revenue for the year that precedes the current year by one (1) year.

STEP THREE: This STEP applies to a charter school. Determine the product of:

(A) the amount determined under STEP ~~EIGHT~~ **SEVEN** of section ~~6.7(c)~~ **6.7(c)** of this chapter for the charter school; multiplied by

(B) thirty-five hundredths (0.35).

STEP FOUR: Determine the difference between:

(A) the STEP ONE amount; minus

(B) the STEP TWO or STEP THREE amount, as applicable.

~~(d)~~ **(b)** If the state tuition support determined for a school corporation under this section is negative, the school corporation is not entitled to any state tuition support. In addition, the school corporation's maximum general fund levy under IC 6-1.1-19-1.5 shall be reduced by the amount of the negative result.

SECTION 100. IC 21-3-1.7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 9. (a) Subject to the amount appropriated by the general assembly for tuition support, the amount that a school corporation is entitled to receive in tuition support for a year is the amount determined in section 8.2 of this chapter.

(b) If the total amount to be distributed as tuition support under this chapter, ~~for enrollment adjustment grants under section 9.5 of this chapter,~~ ~~for at-risk programs under section 9.7 of this chapter,~~ for academic honors diploma awards under section 9.8 of this chapter, ~~for supplemental remediation grants under section 9.9 of this chapter,~~ for primetime distributions under IC 21-1-30, for special education grants under IC 21-3-2.1, and for vocational education grants under IC 21-3-12 for a particular year, exceeds:

~~(1) three billion five hundred eighty million dollars ($3,580,000,000) in 2003;~~

~~(2) three billion six hundred seventy-six million dollars ($3,676,000,000) in 2004; and~~

~~(3)~~ **(1)** three billion seven hundred ~~twenty-one~~ **fifty-seven** million **three hundred thousand** dollars ~~($3,721,000,000)~~ **($3,757,300,000)** in 2005;

(2) three billion six hundred ninety-four million dollars ($3,694,000,000) in 2006; and

(3) three billion six hundred seventy-six million two hundred thousand dollars ($3,676,200,000) in 2007;

the amount to be distributed for tuition support under this chapter to each school corporation during each of the last six (6) months of the year shall be **proportionately** reduced ~~by the same dollar amount per ADM (as adjusted by IC 21-3-1.6-1.1)~~ so that the total reductions equal the amount of the excess. **The amount of the reduction for a particular school corporation is equal to the total amount of the excess multiplied by a fraction. The numerator of the fraction is the amount of the distribution for tuition support that the school corporation would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed for tuition support to all school corporations if a reduction were not made under this section.**

SECTION 101. IC 21-3-1.7-9.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 9.8. (a) In addition to the distributions under ~~sections~~ **section** 8.2 ~~9.5, 9.7, and 9.9~~ of this chapter, a school corporation is eligible for an honors diploma award in the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the number of the school corporation's eligible pupils who successfully completed an academic honors diploma program in the school year ending in the previous calendar year.

STEP TWO: Multiply the STEP ONE amount by nine hundred ~~sixty-three~~ dollars ~~($963).~~ **($900).**

(b) Each year the governing body of a school corporation may use the money that the school corporation receives for an honors diploma award under this section to give nine hundred ~~sixty-three~~ dollars ~~($963)~~ **($900)** to each eligible pupil in the school corporation who successfully completes an academic honors diploma program in the school year ending in the previous calendar year.

SECTION 102. IC 21-3-1.7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. This chapter expires January 1, ~~2006.~~ **2008.**

SECTION 103. IC 21-3-2.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. This chapter expires January 1, ~~2006.~~ **2008.**

SECTION 104. IC 21-3-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. This chapter expires January 1, ~~2006.~~ **2008.**

SECTION 105. IC 21-6.1-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The board shall segregate the fund into the following accounts:

(1) The pre-1996 account.

(2) The 1996 account.

(b) The board shall segregate each of the accounts established under subsection (a) into the following subaccounts:

(1) The annuity savings account.

(2) The retirement allowance account.

(c) Except as provided in subsection (d), member contributions shall be credited to the annuity savings accounts within the pre-1996 account.

(d) Member contributions made after June 30, 1995, with respect to **only** the following members shall be credited to the annuity savings account within the 1996 account:

(1) A member who was hired after June 30, 1995, by a school corporation or other institution covered by the fund.

(2) A member who:

(A) before July 1, 1995, served in a position covered by the fund; and

(B) after June 30, 1995, and before July 1, 2001, was:

(i) hired by another school corporation or institution covered by the fund; or

(ii) rehired by a prior employer.

(3) A member described in subdivision (2) who, after June 30, 2001, is hired by another school corporation or institution covered by the fund or rehired by a prior employer.

A member that is a member of the pre-1996 account on June 30, 2005, remains a member of the pre-1996 account and does not become a member of the 1996 account, regardless of whether the member is hired or rehired by a school corporation or institution covered by the fund after June 30, 2005.

(e) Member contributions made to the pre-1996 account with respect to a member covered by subsection (d) shall be transferred to the annuity savings account within the 1996 account.

(f) Employer contributions made after June 30, 1995, with respect to members described in subsection (d) shall be credited to the retirement allowance account within the 1996 account. Employer contributions made after June 30, 1995, with respect to all other members shall be credited to the retirement allowance account within the pre-1996 account.

(g) Employer contributions, if any (as determined by the board), made to the pre-1996 account with respect to a member covered by subsection (d) shall be transferred to the retirement allowance account within the 1996 account.

(h) The board shall administer these accounts and subaccounts as specified in IC 5-10.2-2.

SECTION 106. P.L.224-2003, SECTION 174 IS REPEALED [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)].

SECTION 107. IC 14-11-2-3 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 108. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2006]: IC 21-2-4-7; IC 21-2-11.5-5; IC 21-2-15-13.1; IC 21-3-1.7-6; IC 21-3-1.7-9.5; IC 21-3-1.7-9.7; IC 21-3-1.7-9.9; IC 21-3-4.5.

SECTION 109. P.L.224-2003, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: SECTION 173. (a) Notwithstanding IC 21-3-1.6-1.2 ~~as added by this act,~~ and IC 21-3-1.7, the tuition support determined under

IC 21-3-1.7-8 **(repealed) and IC 21-3-1.7-8.2** for a school corporation shall be reduced as follows:

(1) For 2001, the previous year's revenue determined without regard to IC 21-3-1.6-1.2 ~~as added by this act,~~ shall be reduced by an amount determined under the following STEPS:

STEP ONE: Determine the difference between:

(A) the school corporation's average daily membership count for 2000, without regard to IC 21-3-1.6-1.2; ~~as added by this act;~~ minus

(B) the school corporation's average daily membership count for 2000, as adjusted by the school corporation under this act after applying IC 21-3-1.6-1.2. ~~as added by this act.~~

STEP TWO: Determine the result of:

(A) the school corporation's previous year's revenue under IC 21-3-1.7-3.1, without regard to IC 21-3-1.6-1.2; ~~as added by this act;~~ divided by

(B) the school corporation's average daily membership for 2000, without regard to IC 21-3-1.6-1.2. ~~as added by this act.~~

STEP THREE: Multiply the STEP ONE result by the STEP TWO result.

STEP FOUR: Multiply the STEP THREE result by one-third (1/3).

(2) For 2002, the previous year revenue determined without regard to IC 21-3-1.6-1.2 ~~as added by this act,~~ shall be reduced by an amount equal to the result under the following:

(A) Determine the result of:

(i) the amount determined under STEP THREE of subdivision (1); minus

(ii) the amount determined under STEP FOUR of subdivision (1).

(B) Divide the clause (A) result by three (3).

(C) Multiply the clause (B) result by one and three-hundredths (1.03).

(3) For 2003, the previous year revenue determined without regard to IC 21-3-1.6-1.2 ~~as added by this act,~~ shall be reduced by an amount equal to the reduction amount under subdivision (2) multiplied by one and two-hundredths (1.02).

(4) For 2005, the product of:

(A) the reduction amount under subdivision (3) divided by three (3); multiplied by

(B) one and three-hundredths (1.03).

(5) For 2006 and 2007, the product of:

(A) the reduction amount under subdivision (4) divided by three (3); multiplied by

(B) one ~~and one-hundredth (1.01).~~ **(1).**

(b) This SECTION expires January 1, 2008.

SECTION 110. [EFFECTIVE JULY 1, 2005] **Notwithstanding IC 5-10.2 and IC 21-6.1, the maximum employer contribution rate that school corporations may be required to pay after December 31, 2005, and before January 1, 2008, to the Indiana state teachers' retirement fund (IC 21-6.1-2), as computed under IC 5-10.2-2 and certified under IC 21-6.1-7-12, for teachers covered by the 1996 account, including a proportionate share of administration expenses for the 1996 account, may not exceed seven percent (7%).**

SECTION 111. [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)] **(a) The department of education shall adjust distributions made to a school corporation, including a charter school, after the effective date of this SECTION to eliminate the difference between the state primetime distribution that the school corporation, including a charter school, received in 2005, as a result of IC 21-1-30-3, as amended by P.L.224-2003, SECTION 141, and the state primetime distribution to which the school corporation, including a charter school, is entitled to receive in 2005 under IC 21-1-30-3, as amended by this act.**

(b) Subject to this subsection, the adjustments required under this SECTION shall be made on the schedule determined by the department of education. Five twelfths (5/12) of the reduction must be made in the period beginning after December 31, 2004, and ending before July 1, 2005. The remaining seven twelfths (7/12) of the reduction must be made in the period beginning after June 30, 2005, and ending before January 1, 2006.

SECTION 112. [EFFECTIVE JULY 1, 2005] **IC 21-2-11.5-3, as amended by this act, applies to property taxes imposed for an assessment date after February 28, 2005, and first due and payable after December 31, 2005.**

SECTION 113. [EFFECTIVE UPON PASSAGE] **On the effective date of this SECTION, the powers of the department of natural resources to establish fees are transferred to the natural resources commission. After the effective date of this SECTION, the natural resources commission may exercise any power delegated to the department of natural resources to establish fees, and a rule of the department of nature resources that establishes a fee for any of the following shall be treated as a rule of the natural resources commission:**

(1) Programs of the department of natural resources or the natural resources commission.

(2) Facilities owned or operated by the department of natural resources or the natural resources commission or a lessee of the department of natural resources or the natural resources commission.

(3) Licenses issued by the natural resources commission, the department of natural resources, or the director of the department of natural resources.

(4) Inspections or other similar services under IC 14 performed by the department of natural resources or an assistant or employee of the department of natural resources.

SECTION 114. [EFFECTIVE UPON PASSAGE] **(a) The department of education shall adjust distributions made to a school corporation, including a charter school, after the effective date of this SECTION to eliminate the difference between the state primetime distribution that the school corporation, including a charter school, received, as a result of IC 21-1-30-3, as amended by P.L.224-2003, SECTION 141, and the state primetime distribution to which the school corporation, including a charter school, is entitled to receive under IC 21-1-30-3, as amended by this act.**

(b) The adjustments required under this SECTION shall be made on the schedule determined by the department of education.

SECTION 115. [EFFECTIVE UPON PASSAGE] **(a) The commission for higher education shall complete the establishment of the initial core transfer library under IC 20-12-0.5-8(18), as amended by this act, for at least seventy (70) courses and the initial articulation agreements for at least twelve (12) degree programs under IC 20-12-0.5-8(19), as amended by this act, before July 1, 2006. State educational institutions shall assist the commission for higher education as necessary to comply with this SECTION.**

(b) This SECTION expires June 30, 2007.

SECTION 116. [EFFECTIVE UPON PASSAGE] **(a) This SECTION does not apply to the following:**

(1) A state educational institution (as defined in IC 20-12-0.5-1).

(2) A political subdivision (as defined in IC 36-1-2-13).

(b) Any exemption that:

(1) is granted by law to a body corporate and politic or other instrumentality that is established to carry out a state governmental purpose; and

(2) exempts the body corporate and politic or other instrumentality from the application of IC 4-10, IC 4-12-1, IC 4-13-2, IC 4-22, IC 5-11-1, or IC 5-19-1;

is terminated.

(c) The legislative council shall provide for the preparation of legislation for introduction in the 2006 session of the general assembly to amend or repeal any laws that are in conflict with this SECTION.

SECTION 117. **An emergency is declared for this act.**

(Reference is to HB 1001 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 10.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1002, 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 15.

Page 2, delete lines 1 through 31.

Page 5, line 18, delete "The members of the commission serve at the pleasure".

Page 5, delete line 19.

Page 5, line 26, after "chairman." insert "**chairperson.**".

Page 5, line 26, reset in roman "Each appointment".

Page 5, reset in roman line 27.

Page 5, line 28, reset in roman "filled by the governor for the unexpired term.".

Page 5, line 28, delete "chairperson.".

Page 13, line 18, delete "direct or indirect".

Page 13, line 42, delete "not later than".

Page 14, line 1, delete "thirty (30) days after the agency makes the contract".

Page 14, line 1, after "if" insert "**, not later than thirty (30) days after learning of the actual or prospective violation,**".

Page 16, between lines 8 and 9, begin a new paragraph and insert:

"**(e) A written advisory opinion issued by the inspector general certifying that:**

(1) employment of;

(2) representation by; or

(3) assistance from;

the former state officer, employee, or special state appointee does not violate this section is conclusive proof that a former state officer, employee, or special state appointee is not in violation of this section.".

Page 20, line 3, delete "or" and insert "**and**".

Page 23, line, 21, delete "appoint" and insert "**recommend**".

Page 23, line 22, after "general" insert "**be appointed**".

Page 23, line 23, delete "(c)" and insert "**(h)**".

Page 23, line 23, delete "is authorized to" and insert "**may**".

Page 23, line 25, delete "appoint" and insert "**recommend**".

Page 23, line 25, after "general" insert "**be appointed**".

Page 23, between lines 31 and 32, begin a new paragraph and insert:

"**(d) If the governor has recommended the appointment of the inspector general as a special prosecuting attorney, the inspector general shall file a notice with the chief judge of the court of appeals, stating:**

(1) that the governor has recommended that the inspector general be appointed as a special prosecutor;

(2) the name of the county in which the crime that the inspector general intends to prosecute is alleged to have been committed; and

(3) that the inspector general requests the chief judge to assign a court of appeals judge to determine whether the inspector general should be appointed as a special prosecuting attorney.

Upon receipt of the notice, the chief judge of the court of appeals shall assign a judge of the court of appeals from a district other than the district in which the crime is alleged to have been committed to determine whether the inspector general should be appointed as a special prosecuting attorney.

(e) The inspector general shall file a verified petition for appointment as a special prosecuting attorney with the court of appeals judge assigned under subsection (d). In the verified petition, the inspector general shall set forth why the inspector general should be appointed as a special prosecutor. The inspector general may support the verified petition by including relevant documents, transcripts, or written statements in support of the inspector general's position. The inspector general shall serve a copy of the verified petition, along with any supporting evidence, on the prosecuting attorney to whom the case was originally certified under subsection (a).

(f) The prosecuting attorney shall file a verified petition in support of or opposition to the inspector general's verified petition for appointment as a special prosecuting attorney not later than fifteen (15) days after receipt of the inspector general's verified petition for appointment as a special prosecuting attorney.

(g) Upon a showing of particularized need, the court of appeals judge may order the verified petitions filed by the inspector general and the prosecuting attorney to be confidential.

(h) After considering the verified petitions, the court of appeals judge may appoint the inspector general as a special prosecuting attorney if the judge finds that:

(1) one (1) of the conditions set forth in subsection (b)(1) is met; and

(2) appointment of the inspector general as a special prosecuting attorney is in the best interests of justice.

In making its determination under this subsection, the court of appeals judge shall consider only the arguments and evidence contained in the verified petitions.".

Page 23, line 32, delete "(d)" and insert "**(i)**".

Page 23, line 32, delete "(f)" and insert "**(k)**".

Page 23, line 35, delete "governor" and insert "**court of appeals judge**".

Page 24, line 4, delete "governor" and insert "**court of appeals judge**".

Page 24, line 7, delete "(e)" and insert "**(j)**".

Page 24, line 16, delete "(f)" and insert "**(k)**".

Page 24, line 21, delete "(g)" and insert "**(l)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 5.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1145, 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 3, line 16, delete "an" and insert "**a for-profit**".

(Reference is to HB 1145 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1188, 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 everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "board or commission" includes any:**

(1) board;

(2) commission;

(3) committee;

(4) council;

(5) panel;

(6) task force;

(7) authority;

(8) foundation; or

(9) bureau;

that was created by an executive order or by statute and that is in existence on July 1, 2005.

(b) The government efficiency commission is established.

(c) The government efficiency commission consists of the following members:

(1) One (1) cochairperson appointed not later than fifteen (15) days after the effective date of this SECTION by the president pro tempore of the senate.

(2) One (1) cochairperson appointed not later than fifteen

(15) days after the effective date of this SECTION by the speaker of the house of representatives.

(3) Ten (10) members appointed by the president pro tempore of the senate not later than thirty (30) days after the appointment is made under subdivision (1), five (5) of whom must be appointed with the advice and consent of the minority leader of the senate.

(4) Ten (10) members appointed by the speaker of the house of representatives not later than thirty (30) days after the appointment is made under subdivision (2), five (5) of whom must be appointed with the advice and consent of the minority leader of the house of representatives.

(d) The following may not be members of the government efficiency commission:

(1) An elected or appointed state or local official.

(2) A person who on the effective date of this SECTION was appointed to or was otherwise serving on the board or as a member of a board or commission.

(3) A lobbyist (as defined by IC 2-7-1-10).

(e) The cochairpersons may appoint nonvoting advisory members to serve on the government efficiency commission.

(f) A member of the government efficiency commission is not entitled to a salary per diem.

(g) A member of the government efficiency commission is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in state travel rules or the state budget act.

(h) The government efficiency commission shall meet upon the call of the cochairpersons.

(i) The cochairpersons may advise the president pro tempore of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives concerning the appointment of other members of the government efficiency commission.

(j) A quorum of the government efficiency commission must be present to conduct business. A quorum consists of a majority of the voting members appointed to the government efficiency commission.

(k) The government efficiency commission may not take an official action unless the official action has been approved by at least a majority of the voting members appointed to serve on the government efficiency commission.

(l) The cochairpersons may establish and appoint government efficiency commission members to subcommittees as the cochairpersons consider appropriate to carry out the government efficiency commission's duties under subsection (m). The cochairpersons shall name the chairperson of each subcommittee.

(m) The government efficiency commission shall do the following:

(1) Make recommendations to improve efficiency and reduce unnecessary costs associated with any board or commission or state funded agency, department, or program.

(2) Review and make recommendations to the governor concerning each board or commission about the following:

(A) Whether the board or commission should be continued, reorganized, or combined with another board, commission, or state agency.

(B) Whether the board or commission should be terminated or allowed to expire.

(n) The government efficiency commission may accept donations to carry out the purposes of this SECTION.

(o) The office of the governor shall provide staff support to the government efficiency commission.

(p) The government efficiency commission shall provide its final recommendations before October 1, 2005, to the governor.

(q) The governor shall:

(1) review the recommendations made by the government efficiency commission under this SECTION; and

(2) before November 1, 2005, submit a report to the legislative council recommending legislation necessary to carry out those recommendations that the governor determines will improve the efficiency and operations of state government.

(r) The legislative council shall:

(1) review; and

(2) determine what legislation should be prepared for introduction in the 2006 regular session of the general assembly with respect to;

the recommendations made under this SECTION.

(s) Nothing in this SECTION may be construed to authorize the termination or reorganization of a board or commission except as otherwise provided by law.

(t) This SECTION expires January 1, 2006.

SECTION 2. **An emergency is declared for this act.**

(Reference is to HB1188 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1322, 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 2, line 3, delete "." and insert "**with the approval of the township executive.**".

(Reference is to HB 1322 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 1.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1336, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 2.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1505, 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 line 17.

Page 2, line 13, after "of" insert "**:**

(i) Burdette Park; or

(ii)".

(Reference is to HB 1505 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1602, 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 line 17.

Page 1, line 18, delete "(5)" and insert "**(4)**".

Page 1, line 18, delete "attractive and".

Page 1, line 18, delete "." and insert "**;**".

Page 1, after line 18, begin a new line block indented and insert:

"**(5) attract high quality economic development opportunities; and**

(6) encourage the implementation of effective local planning across Indiana.".

Page 2, line 15, after "Preserve" insert "**prime**".

Page 2, line 17, after "of" insert "**affordable**".
Page 2, line 25, delete "must" and insert "**should**".
Page 2, line 26, delete "local".
Page 2, line 26, delete "and funding areas." and insert "**or economic development.**".
Page 2, line 29, delete "must" and insert "**should**".
Page 2, line 30, delete "local".
Page 2, line 30, delete "and funding" and insert "**or economic development.**".
Page 2, delete line 31.
Page 2, line 34, delete "must" and insert "**should**".
Page 2, line 35, delete "local".
Page 2, line 35, delete "and funding areas." and insert "**or economic development.**".
Page 2, line 38, delete "must" and insert "**should**".
Page 2, line 39, delete "local".
Page 2, line 39, delete "and funding" and insert "**or economic development.**".
Page 2, delete line 40.
Page 2, line 41, delete "appointed" and insert "**recommended**".
Page 2, line 42, after "towns" delete "." and insert "**and appointed by the chairman of the legislative council.**".
Page 3, line 1, delete "appointed" and insert "**recommended**".
Page 3, line 2, after "counties" delete "." and insert "**and appointed by the chairman of the legislative council.**".
(Reference is to HB 1602 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1605, 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 2, line 1, delete ":".
Page 2, line 2, delete "(1)".
Page 2, run in lines 1 through 2.
Page 2, line 2, delete "; and" and insert "**.**".
Page 2, delete lines 3 through 4, begin a new paragraph and insert:
"**Sec. 4. "Co-employed" means that an individual is contemporaneously employed:**
(1) by both a client and a professional employer organization; and
(2) in one (1) position of employment.".
Page 2, line 5, delete "4." and insert "**5.**".
Page 2, line 5, delete "means a professional employer" and insert "**refers to a client or a professional employer organization that has entered into a professional employer agreement.**".
Page 2, delete lines 6 through 7.
Page 2, line 8, delete "5." and insert "**6.**".
Page 2, line 8, delete "in" and insert "**:**
(1) between a:
(A) client and a professional employer organization; or
(B) co-employer and a covered employee; and
(2) that results from the client and the professional employer organization entering into a professional employer agreement.".
Page 2, delete lines 9 through 12.
Page 2, line 13, delete "6." and insert "**7.**".
Page 2, line 15, delete "7." and insert "**8.**".
Page 2, line 15, delete ":" and insert "**is co-employed.**".
Page 2, delete lines 16 through 21.
Page 2, line 30, delete "8." and insert "**9.**".
Page 2, line 32, delete "9." and insert "**10.**".
Page 2, line 35, delete "10." and insert "**11.**".
Page 2, line 38, delete "11." and insert "**12.**".
Page 2, line 39, delete "client" and insert "**person**".
Page 2, line 39, after "organization" insert "**:**
(1) under which all or a majority of the person's employees become covered employees;
(2) that provides for the allocation of employer rights and obligations between the person and the professional employer organization with respect to the covered employees; and
(3) that specifies the professional employer services that will be provided.".
Page 2, delete lines 40 through 42.
Page 3, delete lines 1 through 4.
Page 3, line 5, delete "12." and insert "**13.**".
Page 3, line 24, delete "arrangements." and insert "**arrangement.**".
Page 3, line 26, delete "13." and insert "**14.**".
Page 3, line 28, delete "as a result the co-employment relationship entered".
Page 3, delete line 29.
Page 3, line 31, delete "14." and insert "**15.**".
Page 3, line 34, delete "the" and insert "**a**".
Page 9, line 41, delete "bond, an irrevocable letter of" and insert "**bond.**".
Page 9, delete line 42.
Page 10, delete line 1.
Page 10, line 7, delete "bond, an irrevocable letter of credit, or securities" and insert "**bond**".
(Reference is to HB 1605 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1718, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1719, 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, between the enacting clause and line 1, begin a new paragraph and insert:
"SECTION 1. IC 6-6-5-7.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.9. (a) As used in this section, "passenger motor vehicle" has the meaning set forth in IC 9-13-2-123(a).**
(b) Notwithstanding any other law, and for calendar year 2006, the registration fee for a passenger motor vehicle that is registered in Indiana in calendar year 2005 shall be at the rate as set forth in IC 9-29-5-1 with no reduction for any partial calendar month that has elapsed since the regular annual registration date in calendar year 2005.
(c) This section expires January 1, 2007.".
Page 1, delete lines 16 through 17.
Delete pages 2 through 10.
Page 11, delete lines 1 through 22, begin a new paragraph and insert:
"SECTION 3. IC 9-16-1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. (a) The commission may contract with a qualified person to provide partial services at a qualified person's ~~walk-up~~ location, including locations within a facility used for other purposes, such as electronic titling and title application services and self-serve terminal access.
(b) A contract for providing motor vehicle registration and renewal services at a ~~walk-up~~ location must include the following provisions:
(1) The contractor must provide trained personnel to properly process motor vehicle registration and renewal transactions.
(2) The contractor shall do the following:

(A) Collect and transmit all bureau fees and taxes collected at the contract location.

(B) Deposit the taxes collected at the contract location with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

(3) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.

(4) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.

(5) The commission must approve each location and physical facility used by a contractor.

(6) The term of the contract must be for a fixed period.

SECTION 4. IC 9-16-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. Each license branch, **full service provider, or partial services provider** shall collect the service charges prescribed by IC 9-29-3 and ~~deposited~~ **deposit the service charges** in the state license branch fund established under IC 9-29-14.

SECTION 5. IC 9-18-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The bureau shall register vehicles under the schedule in this section.

(b) A person who owns a vehicle shall receive a license plate, renewal tag, or other indicia upon registration of the vehicle. The bureau may determine the device required to be displayed.

(c) A corporation shall register, before February 1 of each year, the following vehicles that are owned by the corporation:

(1) A passenger motor vehicle that is not regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business.

(2) A recreational vehicle.

(3) A motorcycle.

(4) A truck that:

(A) is not regularly rented to others for not more than twenty-nine (29) days in the regular course of the corporation's business; and

(B) has a declared gross weight of not more than eleven thousand (11,000) pounds.

(d) A corporation that owns a:

(1) passenger motor vehicle; or

(2) truck that has a declared gross weight of not more than eleven thousand (11,000) pounds;

that is regularly rented to others for periods of not more than twenty-nine (29) days in the regular course of the corporation's business must register the passenger motor vehicle or truck before March 1 of each year.

(e) **For registrations for 2005,** a person who owns a:

(1) passenger motor vehicle;

(2) recreational vehicle;

(3) motorcycle; or

(4) truck that has a declared gross weight of not more than eleven thousand (11,000) pounds;

that is not subject to the registration requirements under subsection (d) shall register the passenger motor vehicle, recreational vehicle, motorcycle, or truck in conformance with the ~~schedule~~ **schedules** set forth in subsection (f) **or (g).**

(f) **After December 31, 2005, a person that owns a vehicle subject to registration under this subsection shall register the vehicle in accordance with subsection (g).** The following schedule applies to persons who own vehicles that are required to be registered under subsection (e):

(1) Persons whose last names begin with the letters A through BE shall register before February 16 of each year.

(2) Persons whose last names begin with the letters BF through BZ shall register before March 1 of each year.

(3) Persons whose last names begin with the letter C shall register before March 16 of each year.

(4) Persons whose last names begin with the letter D shall register before April 1 of each year.

(5) Persons whose last names begin with the letters E through F shall register before April 16 of each year.

(6) Persons whose last names begin with the letter G shall register before May 1 of each year.

(7) Persons whose last names begin with the letters HA through HN shall register before May 16 of each year.

(8) Persons whose last names begin with the letters HO through I shall register before June 1 of each year.

(9) Persons whose last names begin with the letters J through KM shall register before June 16 of each year.

(10) Persons whose last names begin with the letters KN through L shall register before July 1 of each year.

(11) Persons whose last names begin with the letters MA through ME shall register before July 16 of each year.

(12) Persons whose last names begin with the letters MF through O shall register before August 1 of each year.

(13) Persons whose last names begin with the letters P through Q shall register before August 16 of each year.

(14) Persons whose last names begin with the letter R shall register before September 1 of each year.

(15) Persons whose last names begin with the letters SA through SN shall register before September 16 of each year.

(16) Persons whose last names begin with the letters SO through T shall register before October 1 of each year.

(17) Persons whose last names begin with the letters U through WK shall register before October 16 of each year.

(18) Persons whose last names begin with the letters WL through Z shall register before November 1 of each year.

(g) The bureau shall determine the schedule for registration for the categories of vehicles set forth in subsection (e) for registrations required after December 31, 2005.

~~(g)~~ **(h)** A person who owns a vehicle **in a category** required to be registered under subsection (c), (d), or (e), and who desires to register the vehicle for the first time must apply to the bureau for a registration application form. The bureau shall do the following:

(1) Administer the registration application form.

(2) Issue the license plate.

(3) Collect the proper registration and service fees in accordance with the procedure established by the bureau.

~~(h)~~ **(i)** The bureau shall issue a semipermanent plate under section 30 of this chapter, or:

(1) an annual renewal tag; or

(2) other indicia;

to be affixed on the semipermanent plate.

SECTION 6. IC 9-18-2-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 47. (a) The commissioner shall adopt rules under IC 4-22-2 prescribing the cycle for the issuance and replacement of license plates under this article. The rules adopted under this section shall provide that a license plate for a vehicle issued under this article is valid for five (5) years.

(b) The rules adopted under this section do not apply to:

~~(1) low digit license plates issued under section 28 of this chapter;~~

~~(2)~~ **(1)** truck license plates issued under section 4.5 or 18 of this chapter; and

~~(3)~~ **(2)** general assembly and other state official license plates issued under IC 9-18-16.

SECTION 7. IC 9-18-15-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) In addition to the applicable excise tax imposed under IC 6-6-5, the regular registration fees, and any additional fee required to receive a special recognition license plate described in section 1(b) of this chapter, a person applying for or renewing the registration of a personalized license plate shall pay ~~a~~ **the** personalized license plate fee ~~and contribution~~ **under IC 9-29-5-32.5** upon an original application or registration renewal, as provided in section 5 of this chapter.

(b) Each license branch shall collect the personalized license plate fee ~~and contribution~~ at the time of application or registration renewal for the personalized license plate.

(c) Upon the payment of the required fee ~~contribution,~~ and service charges for an original application or renewal of a personalized license plate, the bureau shall issue a receipt designating and acknowledging a state fee ~~a political contribution,~~ and the service charge under IC 9-29.

(d) The payment of regular registration fees and excise tax, if applicable, may be deferred until the time that the personalized license plate is delivered to the person who applied for the plate.

(e) A license branch shall collect the service charge prescribed under IC 9-29 for each initial or renewal application for a personalized license plate as a reservation and special processing fee.

SECTION 8. IC 9-18-15-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) Revenue derived from the fees ~~and contributions~~ **collected before July 1, 2005,** under section 10 of this chapter, except the part of the fee retained under section 10(e) of this chapter, shall be deposited with the treasurer of state in a special fund. The money from this fund remaining after the deduction provided for in subsection (d) shall be distributed monthly by the auditor of state in the following manner:

(1) To any political party that cast at least five percent (5%) but less than thirty-three percent (33%) of the total vote of the state of all political parties at the last general election for the office of governor, as certified to the secretary of state under IC 3-12-5-6, the auditor of state shall distribute an amount from the special fund equal to the fractional amount of the vote cast in the last general election for the office of governor. Distribution of money from this fund shall be made to the treasurer of the state central committee of the political party.

(2) The balance of the special fund remaining after distributions provided by subdivision (1) shall be distributed monthly by the auditor of state in equal amounts to the treasurers of the state central committees of the two (2) political parties that cast the highest and next highest number of votes statewide for governor in the last election.

(b) The bureau shall provide to:

(1) the treasurers of the respective state central committees; and

(2) the auditor of state by the twentieth day of each month for the purpose of making the distributions under subsection (a);

a report defining the number of personalized license plates sold in each county, including the total dollar amount due the treasurers, during the monthly period prescribed in subsection (a). In addition, the bureau shall provide to the treasurers information necessary to comply with IC 3-9.

(c) Within thirty (30) days of receipt of money distributed under subsection (a), the treasurers of the respective state committees shall distribute to the treasurers of each county central committee of their respective parties an amount equal to one-half (½) of the distributions provided for in subsection (a)(2) that were collected during the quarterly period in that county.

~~(d) The bureau shall deduct seven dollars ($7) for each original application and renewal application for a personalized plate and deposit the money in the motor vehicle highway account.~~

(d) This section expires October 31, 2005.

SECTION 9. IC 9-18-15-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 13.5. The bureau shall:**

(1) deduct thirty-seven dollars ($37) of the fee collected for an initial or a renewal application for a personalized license plate; and

(2) deposit:

(A) seven dollars ($7) of the fee described in subdivision (1) in the motor vehicle highway account established under IC 8-14-1; and

(B) thirty dollars ($30) of the fee described in subdivision (1) as a service charge into the state license branch fund established by IC 9-29-14-1.

SECTION 10. IC 9-23-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) A license issued under this chapter may be denied, suspended, or revoked for any of the following:

(1) Material misrepresentation in the application for the license or other information filed with the commissioner.

(2) Lack of fitness under the standards set forth in this article or a rule adopted by the commissioner under this article.

(3) Willful failure to comply with the provisions of this article or a rule adopted by the commissioner under this article.

(4) Willful violation of a federal or state law relating to the sale, distribution, financing, or insuring of motor vehicles.

(5) Engaging in an unfair practice as set forth in this article or a rule adopted by the commissioner under this article.

(6) Violating IC 23-2-2.7.

~~(b)~~ Except as provided in subsection (d), the procedures set forth in IC 4-21.5 govern the denial, suspension, or revocation of a license and a judicial review. ~~However,~~ **A denial, suspension, or revocation of a license may not take effect until thirty (30) days after the commissioner's determination has been made and a notice of the determination served upon the affected person.**

(b) If the bureau denies, suspends, or revokes a license issued or sought under this article, the affected person may file an action in the circuit court of Marion County, Indiana, or the circuit court of the Indiana county in which the person's principal place of business is located, seeking a judicial determination as to whether the action is proper. ~~An action may not take effect until thirty (30) days after the commissioner's determination has been made and a notice of the determination served upon the affected person.~~ The filing of an action as described in this section within the thirty (30) day period is an automatic stay of the commissioner's determination.

(c) Revocation or suspension of a license of a manufacturer, a distributor, a factory branch, a distributor branch, a dealer, or an automobile auctioneer may be limited to one (1) or more locations, to one (1) or more defined areas, or only to certain aspects of the business.

(d) A license may be denied, suspended, or revoked for violating IC 9-19-1. IC 4-21.5-4 governs the denial, suspension, or revocation of a license under this subsection. The bureau may issue a temporary order to enforce this subsection.

SECTION 11. IC 9-24-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) Except as provided in subsection (b), an individual must hold a valid Indiana commercial driver's license issued by the bureau under this article to drive a commercial motor vehicle after March 31, 1992, upon an Indiana highway.

(b) Subsection (a) does not apply to an individual if the individual:

(1) holds a valid driver's license of any type **from any state;**

(2) is enrolled in a commercial motor vehicle training course approved by the bureau; and

(3) is operating a commercial motor vehicle under the direct supervision of a licensed commercial motor vehicle driver.

SECTION 12. IC 9-24-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as provided in subsection (b), an operator's license issued under this article after December 31, 1996, **and before January 1, 2006,** expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) An operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age:

(1) expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance; **and**

(2) must be renewed by the holder by application in person at a license branch, as provided under section 5(c) of this chapter.

(c) After December 31, 2005, except as provided in subsection (b), an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

SECTION 13. IC 9-24-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a)** A chauffeur's license issued under this article after December 31, 1996, **and before January 1, 2006,** expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) After December 31, 2005, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(c) An individual who is:

(1) at least seventy-five (75) years of age; and

(2) renewing a chauffeur's license;

must renew by application in person at a license branch, as provided under section 5(c) of this chapter.

SECTION 14. IC 9-24-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) An individual who applies for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license in person at a license branch must do the following:

(1) Pass an eyesight examination.

(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or

(B) the applicant holds a valid operator's license but has not reached the applicant's twenty-first birthday.

(b) An individual may apply for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license by mail or by electronic service if the following conditions are met:

(1) A valid computerized image of the individual exists within the records of the bureau.

(2) The previous renewal of the operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license was not made by mail or by electronic service.

(3) The previous renewal included a test approved by the bureau of the applicant's eyesight.

(4) The applicant, if applying for the renewal in person at a license branch, would not be required under subsection (a)(2) to submit to a written examination.

(c) An individual applying for the renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service:

(1) under subsection (b); **or**

(2) as provided by sections 1(b)(2), 2(c)(2), or 7(b)(2) of this chapter.

SECTION 15. IC 9-24-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided in subsection (b), a motorcycle operator's license issued after December 31, 1996, **and before January 1, 2006,** expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) A motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age:

(1) expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance; **and**

(2) must be renewed by the holder by application in person at a license branch, as provided under section 5(c) of this chapter.

(c) After December 31, 2005, except as provided in subsection (b), a motorcycle operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

~~(c)~~ **(d)** A motorcycle operator endorsement remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

~~(d)~~ **(e)** A temporary motorcycle learner's permit is valid for twelve (12) months from date of issuance.

SECTION 16. IC 9-24-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. An identification card **issued:**

(1) before January 1, 2006, expires on the fourth birthday of the applicant following the date of issue; **and**

(2) after December 31, 2005, expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

SECTION 17. IC 9-24-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) An application for renewal of an identification card may be made not more than six (6) months before the expiration date of the card. A renewal application received after the date of expiration is considered to be a new application.

(b) A renewed card **issued:**

(1) before January 1, 2006, becomes valid on the birth date of the holder and remains valid for four (4) years; **and**

(2) after December 31, 2005, is valid on the birth date of the holder and remains valid for six (6) years.

(c) If renewal has not been made within six (6) months after expiration, the bureau shall destroy all records pertaining to the former cardholder.

(d) Renewal may not be granted if the cardholder was issued a driver's license subsequent to the last issuance of an identification card.

(e) An individual may apply for renewal of an identification card by mail or by electronic service if the following conditions are met:

(1) A valid computerized image of the individual exists within the records of the bureau.

(2) The previous renewal of the identification card was not made by mail or by electronic service.

SECTION 18. IC 9-26-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The driver of a vehicle involved in an accident that results in the injury or death of a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the following:

(i) The person struck.

(ii) The driver or occupant of or person attending each vehicle involved in the accident.

(C) Determines the need for and renders reasonable assistance to each person injured in the accident, including the removal or the making of arrangements for the removal of each injured person to a physician or hospital for medical treatment.

(3) Immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the:

(A) state police department, **if the accident occurs before January 1, 2006; or**

(B) bureau, if the accident occurs after December 31, 2005.

SECTION 19. IC 9-26-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The driver of a vehicle involved in an accident that does not result in injury or death of a person but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.

(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars ($1,000), forward a written report of the accident to the:

(A) state police department, **if the accident occurs before January 1, 2006; or**

(B) bureau, if the accident occurs after December 31, 2005;

within ten (10) days after the accident.

SECTION 20. IC 9-26-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The state police department may ~~do the following:~~

~~(1) Require a driver who is required to file a report under this chapter to file supplemental reports if the original report is insufficient in the opinion of the state police department.~~

~~(2)~~ require witnesses of accidents to submit reports to the state police department.

SECTION 21. IC 9-26-1-7 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A city or town may by ordinance require that the driver of a vehicle involved in an accident file with a designated city or town department:

(1) a report of the accident; or

(2) a copy of a report required in this article to be filed with the:

(A) state police department; **or**

(B) bureau.

(b) An accident report required to be filed under subsection (a) is for the confidential use of the designated city or town department and subject to IC 9-26-3-4.

SECTION 22. IC 9-29-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The service charge for each of the first two thousand (2,000) operator's licenses, including motorcycle operator's licenses, issued at a license branch each year is two dollars ($2). **This subsection expires December 31, 2005**.

(b) The service charge for each additional operator's license or motorcycle operator's license issued at that license branch each year is one dollar and fifty cents ($1.50). **This subsection expires December 31, 2005.**

(c) Fifty cents ($0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(d) After December 31, 2005, the service charge for each of the first two thousand (2,000) operator's licenses, including motorcycle operator's licenses, issued at a license branch in a year is three dollars ($3).

(e) After December 31, 2005, after the first two thousand (2,000) operator's licenses have been issued at a license branch in a year, the service charge for each additional operator's license or motorcycle operator's license issued at the license branch that year is two dollars and twenty-five cents ($2.25).

SECTION 23. IC 9-29-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The service charge for each learner's permit, chauffeur's license, or public passenger chauffeur's license is two dollars ($2). **This subsection expires December 31, 2005.**

(b) Fifty cents ($0.50) of each service charge collected under ~~subsection (a)~~ **this section** shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(c) After December 31, 2005, the service charge for a learner's permit, public passenger chauffeur's license, or chauffeur's license issued to or renewed for an individual who is at least seventy-five (75) years of age is two dollars ($2). After December 31, 2005, the service charge for a chauffeur's license issued to or renewed for an individual less than seventy-five (75) years of age is three dollars ($3).

SECTION 24. IC 9-29-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The service charge for each temporary motorcycle learner's permit, motorcycle learner's permit, or motorcycle endorsement of an operator's license is one dollar and fifty cents ($1.50). **This subsection expires December 31, 2005**.

(b) Fifty cents ($0.50) of each service charge collected under ~~subsection (a)~~ **this section** shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(c) After December 31, 2005, the service charge for a temporary motorcycle learner's permit, motorcycle learner's permit, or motorcycle endorsement of an operator's license issued to or renewed for an individual who is at least seventy-five (75) years of age is one dollar and fifty cents ($1.50). After December 31, 2005, the service charge for a motorcycle endorsement of an operator's license issued to or renewed for an individual less than seventy-five (75) years of age is two dollars and twenty-five cents ($2.25).

SECTION 25. IC 9-29-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The service charge for an identification card issued under IC 9-24 is fifty cents ($0.50) and one-half (½) of each fee collected as set forth in IC 9-29-9-15. **This subsection expires December 31, 2005.**

(b) Fifty cents ($0.50) of each service charge collected under ~~subsection (a)~~ **this section** shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

(c) After December 31, 2005, the service charge for an identification card issued under IC 9-24 is seventy-five cents ($0.75) and one-half (½) of each fee collected as set forth in IC 9-29-9-15.

SECTION 26. IC 9-29-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) As used in this section, "low numbered motor vehicle registration plate" means any motor vehicle registration plate numbered from one (1) to one hundred (100) before or after the county designation number or letter series designation, or both.

(b) As used in this section, "pull service charge" refers to the charge that the commission may require for a requested low numbered motor vehicle registration plate or a special numbered motor vehicle registration plate.

(c) As used in this section, "special numbered motor vehicle registration plate" means any plate, other than a low numbered motor vehicle registration plate, requested for issuance out of its established numerical sequence.

(d) Subject to subsections (e) and (f) and with the approval of the commission, the bureau may adopt rules under IC 4-22-2 to do the following:

(1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.

(2) Impose a service charge on any other license branch service that is not listed in sections 1 through 18 of this chapter.

(3) Increase or decrease a service charge imposed under subdivision (2).

(e) The bureau's authority to adopt rules under subsection (d) is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

(f) The bureau may not impose a pull service charge for a requested passenger motor vehicle registration plate containing **any of** the ~~numbers set forth in IC 9-18-2-28~~ **numerals 1 through 100 following a prefix number or letter, or both,** for a vehicle issued a license plate under IC 9-18-17 that designates the vehicle as being owned by a former prisoner of war or by the surviving spouse of a former prisoner of war.

(g) The bureau may not impose a pull service charge of more than fifteen dollars ($15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the bicentennial of the Lewis and Clark expedition.

SECTION 27. IC 9-29-5-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 32.5. The fee for a personalized license plate under IC 9-18-15 is as follows:**

(1) The applicable excise tax imposed under IC 6-6-5.

(2) The regular vehicle registration fee imposed under this chapter.

(3) A state fee of seven dollars ($7) for the motor vehicle highway account established under IC 8-14-1.

(4) A service charge of thirty dollars ($30) for the state license branch fund established by IC 9-29-14-1.

SECTION 28. IC 9-29-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a)** The fee for a four (4) year operator's license issued under IC 9-24-3 is six dollars ($6). **This subsection expires December 31, 2005.**

(b) After December 31, 2005, the fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is:

(1) less than seventy-five (75) years of age is nine dollars ($9); and

(2) at least seventy-five (75) years of age is six dollars ($6).

SECTION 29. IC 9-29-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. **(a)** The fee for a chauffeur's license issued under IC 9-24-4 is eight dollars ($8). **This subsection expires December 31, 2005.**

(b) After December 31, 2005, the fee for a chauffeur's license issued under IC 9-24-4 or renewed under IC 9-24-12 to an individual who is:

(1) at least seventy-five (75) years of age is eight dollars ($8); and

(2) less than seventy-five (75) years of age is twelve dollars ($12).

SECTION 30. IC 9-29-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. **(a)** The fee for a four (4) year motorcycle operator's license issued under IC 9-24-8 is six dollars ($6). **This subsection expires December 31, 2005.**

(b) After December 31, 2005, the fee for a motorcycle operator's license issued under IC 9-24-8 or renewed under IC 9-14-12 to an individual who is:

(1) at least seventy-five years (75) of age is six dollars ($6); and

(2) less than seventy-five (75) years of age is nine dollars ($9).

SECTION 31. IC 9-29-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. **(a)** The fee for a motorcycle operator endorsement of an operator's license is three dollars ($3). **This subsection expires December 31, 2005.**

(b) After December 31, 2005, the fee for validation of a motorcycle operator endorsement under IC 9-24-8-4 and IC 9-24-12-7(c) of an operator's license issued to an individual who is:

(1) at least seventy-five (75) years of age is three dollars ($3); and

(2) less than seventy-five (75) years of age is four dollars and fifty cents ($4.50).

SECTION 32. IC 9-29-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. **(a)** The fee for a motorcycle operator endorsement of a chauffeur's license is three dollars ($3).**This subsection expires December 31, 2005.**

(b) After December 31, 2005, the fee for validation of a motorcycle operator endorsement under IC 9-24-8-4 and IC 9-24-12-7(c) of a chauffeur's license issued to an individual who is:

(1) at least seventy-five (75) years of age is three dollars ($3); and

(2) less than seventy-five (75) years of age is four dollars and fifty cents ($4.50).

SECTION 33. IC 9-29-9-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. **(a)** The fees for the issuance, renewal, or duplication of identification cards under IC 9-24-16 are as follows:

(1) For a person at least sixty-five (65) years of age or a person with a physical disability and not entitled to obtain a ~~driving~~ **driver's** license, two dollars ($2).

(2) For any other eligible person, four dollars ($4).

This subsection expires December 31, 2005.

(b) After December 31, 2005, the fees for an issuance, a renewal, or a duplicate of an identification card under IC 9-24-16 are as follows:

(1) For an individual at least sixty-five (65) years of age or an individual with a physical disability and not entitled to obtain a driver's license, three dollars and fifty cents ($3.50).

(2) For any other individual, six dollars ($6).

SECTION 34. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 9-16-1-2.5; IC 9-18-2-28; IC 9-18-2-36; IC 9-29-5-32.

SECTION 35. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding IC 9-29-3-8, IC 9-29-3-9, IC 9-29-3-10, and IC 9-29-3-14, all as amended by this act, and in accordance with IC 9-29-3-19(d)(2), the bureau of motor vehicles shall adopt rules under IC 4-22-2 to increase the service charges in effect on July 1, 2005, under 140 IAC 8-3-9, 140 IAC 8-3-18, and 140 IAC 8-3-20 concerning service charges for an operator's license, a motorcycle license, a chauffeur's license, or a motorcycle endorsement of an operator's or a chauffeur's license for an individual who is less than seventy-five (75) years of age at the time of the issuance of or renewal of the license or endorsement. The rules must:**

(1) provide that the applicable service charge is increased by fifty percent (50%) over the charge in effect on July 1, 2005; and

(2) be effective January 1, 2006.

(b) Before the effective date of the rules adopted under subsection (a), the bureau of motor vehicles shall carry out the duties imposed upon it under this SECTION under interim written guidelines approved by the commissioner of motor vehicles. Interim guidelines approved under this subsection expire on the earlier of:

(1) the effective date of the rules adopted under subsection (a); or

(2) January 1, 2007.

(c) This SECTION expires on the earlier of the following:

(1) The date rules are adopted in accordance with this SECTION.

(2) January 1, 2007.

SECTION 36. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding IC 9-29-9-2, IC 9-29-9-4, IC 9-29-9-6, IC 9-29-9-7, and IC 9-29-9-8, all as amended by this act, and in accordance with IC 9-29-1-2(b), the bureau of motor vehicles shall adopt rules under IC 4-22-2 to increase the license fee and motorcycle endorsement fee in effect on July 1, 2005, under 140 IAC 8-4-25 and 140 IAC 8-4-26 concerning license fee increases and motorcycle endorsement fee increases for certain operator's licenses, motorcycle licenses, chauffeur's licenses, or a motorcycle endorsement of an operator's or a chauffeur's license for an individual who is less than seventy-five (75) years of age at the time of the issuance of or renewal of the license or endorsement. The rules must:**

(1) provide that the applicable license fee or motorcycle endorsement fee increase is increased by fifty percent (50%) over the charge in effect on July 1, 2005; and

(2) be effective January 1, 2006.

(b) Before the effective date of the rules adopted under subsection (a), the bureau of motor vehicles shall carry out the duties imposed upon it under this SECTION under interim written guidelines approved by the commissioner of motor vehicles. Interim guidelines approved under this subsection expire on the earlier of:

(1) the effective date of the rules adopted under subsection (a); or

(2) January 1, 2007.

(c) This SECTION expires on the earlier of the following:

(1) The date rules are adopted in accordance with this SECTION.

(2) January 1, 2007.

SECTION 37. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1719 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 1.

DUNCAN, Chair

Report adopted.

MINORITY COMMITTEE REPORT

Mr. Speaker: A minority of your Committee on Judiciary, which met on February 7, 2005, to consider House Bill 1703, 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, between the title and the enacting clause, begin a new paragraph and insert:

"Whereas, An electoral system for selecting superior courts judges has worked well in Indiana.

Whereas, Citizens prefer to elect superior court judges rather than having judges selected by nomination or other means.

Whereas, The electoral system for selecting superior court judges has resulted in a more diverse bench in Marion County than when superior court judges were nominated.

Whereas, A nonpartisan electoral process ensures that participation in political party activities is not a qualification for holding judicial office.

Whereas, judicial candidates should not be soliciting substantial financial contributions from lawyers and other individuals.

Whereas, the reasons for having a nonpartisan electoral process

with restrictions on campaign contributions apply equally to all counties: Therefore,".

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 3-9-2-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 14. (a) The limitations in this section are in addition to any other limitation imposed by law.**

(b) As used in this section, "office" refers to a local office of judge of a circuit, superior, probate, county, or small claims court.

(c) During any two (2) year period beginning after December 31, 2005, a person may not make total contributions exceeding fifty dollars ($50), in total, to:

(1) one (1) candidate; and

(2) one (1) candidate's committee;

for an office.

(d) During any two (2) year period beginning after December 31, 2005, a person may not make total contributions exceeding two hundred dollars ($200), in total, to:

(1) all candidates; and

(2) all candidates' committees;

for an office.

SECTION 2. IC 33-23-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. "Commission on judicial qualifications" ~~except as used in IC 33-33-71,~~ means the commission described in Article 7, Section 9 of the Constitution of the State of Indiana.

SECTION 3. IC 33-23-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. "Judicial nominating commission", except as used in IC 33-33-2, ~~IC 33-33-45, and IC 33-33-71,~~ means the commission described in Article 7, Section 9 of the Constitution of the State of Indiana.

SECTION 4. IC 33-29-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A standard superior court judge is elected at the general election every six (6) years in the county in which the court is located **as provided in IC 33-29-7.**

(b) Subsections (c) through (d) apply only to a county if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

~~(b)~~ **(d)** To be eligible to hold office as a judge of a standard superior court, a person must be:

(1) a resident of the county in which the court is located;

(2) less than seventy (70) years of age at the time the judge takes office; and

(3) admitted to practice law in Indiana.

SECTION 5. IC 33-29-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 7. Election of Superior Court Judges

Sec. 1. (a) A judge of a superior court established under IC 33-33 shall be initially elected in a nonpartisan election and is subject to a retention vote every six (6) years as provided in this chapter, if:

(1) a majority of the board of county commissioners votes to have the voters of the county vote on a public question to determine whether a judge of a superior court shall be elected in a nonpartisan election; and

(2) a public question on whether a judge of a superior court shall be elected in a nonpartisan election is voted upon by the voters of the county in which the superior court is located, and the outcome requires an election.

(b) A judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

Sec. 2. During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, a person desiring to become a candidate for a superior court judgeship must file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2 signed by the candidate and designating which judgeship the candidate seeks. A petition without the designation shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2).

Sec. 3. To be eligible for election, a candidate must be:

(1) domiciled in:

(A) the county in which the superior court is located; or

(B) for the Ohio and Switzerland superior court, Ohio County or Switzerland County;

(2) a citizen of the United States; and

(3) admitted to the practice of law in Indiana.

Sec. 4. If an individual who files a declaration under section 2 of this chapter ceases to be a candidate after the final date for filing a declaration under section 2 of this chapter, the election division may accept the filing of additional declarations of candidacy for that judgeship not later than noon August 1.

Sec. 5. All candidates for each respective judgeship shall be listed on the general election ballot in the form prescribed by IC 3-11-2 and without party designation. The candidate receiving the highest number of votes for each judgeship shall be elected to that office.

Sec. 6. IC 3, where not inconsistent with this chapter, applies to elections under this chapter.

SECTION 6. IC 33-33-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The Allen superior court consists of nine (9) judges as follows:

(1) Two (2) judges serve in the family relations division.

(2) Three (3) judges serve in the criminal division.

(3) Four (4) judges serve in the civil division.

A newly elected or appointed judge assumes the division assignment of the judge whom the judge replaces.

(b) If in the opinion of a majority of the judges there is an undue disparity in the number of cases in any division, the chief judge may assign specific cases normally assigned to that division to a judge in another division as directed by a majority of the judges.

(c) **Subsections (d) through (f) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.**

(d) During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for one (1) of the Allen superior court judgeships must file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2 that:

(1) is signed by the candidate; and

(2) designates the division and the name of the incumbent judge of the judgeship that the candidate seeks.

~~(d)~~ **(e)** A petition without the designation required under subsection (c) shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2).

~~(e)~~ **(f)** If an individual who files a declaration under subsection (c) ceases to be a candidate after the final date for filing a declaration under subsection (c), the election division may accept the filing of additional declarations of candidacy for that seat not later than noon on August 1.

SECTION 7. IC 33-33-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There are established three (3) superior courts in Clark County, each of which consists of one (1) judge.

(b) Subsections (c) through (d) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) ~~who~~ **A judge under subsection (a)** shall hold the judge's office for a term of six (6) years, beginning on the first day of January after the judge's election, and until the judge's successor is elected and qualified.

~~(b)~~ **(d)** To be eligible to hold office as a judge of Clark superior court, a person must be:

(1) a resident of Clark County; and

(2) admitted to the bar of Indiana.

SECTION 8. IC 33-33-27.3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The court has

one (1) judge.

(b) Subsections (c) through (d) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) A judge described under subsection (a) ~~who~~ shall be elected at the general election every six (6) years in Grant County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

~~(b)~~ **(d)** To be eligible to hold office as a judge of the court, a person must be:

(1) a resident of Grant County;

(2) less than seventy (70) years of age at the time of taking office; and

(3) admitted to the practice of law in Indiana.

SECTION 9. IC 33-33-45-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. **(a)** The superior court of Lake County consists of sixteen (16) judges plus the Lake circuit court judge if the circuit court judge chooses to sit on the superior court of Lake County.

(b) A superior court judge is elected as provided in IC 33-29-7 if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

SECTION 10. IC 33-33-46-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) ~~IC 33-29-1-3 does not apply to this section.~~

~~(b)~~ **(a)** Each LaPorte superior court has one (1) judge.

(b) Subsections (c) through (e) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) IC 33-29-1-3 does not apply to this section.

(d) A judge under subsection (a) ~~who~~ shall be elected at the general election every six (6) years in LaPorte County. Each judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

~~(c)~~ **(e)** To be eligible to hold office as judge of any of the courts, a person must:

(1) be a resident of LaPorte County; and

(2) be admitted to the bar of Indiana.

SECTION 11. IC 33-33-49-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) ~~Each judge of the court shall be elected for a term of six (6) years that begins January 1 after the year of the judge's election and continues through December 31 in the sixth year. The judge shall hold office for the six (6) year term or until the judge's successor is elected and qualified.~~ A candidate for judge shall run at large for the office of judge of the court and not as a candidate for judge of a particular room or division of the court.

(b) Subsections (c) through (f) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) Each judge of the court shall be elected for a term of six (6) years that begin January 1, after the year of the judge's election and continues through December 31, in the sixth year.

~~(b)~~ **(d)** Beginning with the primary election held in 2000 and every six (6) years thereafter, a political party may nominate not more than nine (9) candidates for judge of the court. The candidates shall be voted on at the general election. Other candidates may qualify under IC 3-8-6 to be voted on at the general election.

~~(c)~~ **(e)** The names of the party candidates nominated and properly certified to the Marion County election board, along with the names of other candidates who have qualified, shall be placed on the ballot at the general election in the form prescribed by IC 3-11-2. Beginning with the 2000 general election and every six (6) years thereafter, persons eligible to vote at the general election may vote for seventeen (17) candidates for judge of the court.

~~(d)~~ **(f)** The candidates for judge of the court receiving the highest number of votes shall be elected to the vacancies. The names of the candidates elected as judges of the court shall be certified to the county election board as provided by law.

SECTION 12. IC 33-33-56-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) ~~IC 33-29-1-3 does not apply to this section.~~

~~(b)~~ The Newton superior court has one (1) judge.

(b) Subsections (c) through (d) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) ~~who~~ **A judge described in subsection (a)** shall be elected at the general election every six (6) years in Newton County. The judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.

~~(c)~~ **(d)** To be eligible to hold office as judge of the Newton superior court, a person must:

(1) be a resident of Newton County; and

(2) be admitted to the bar of Indiana.

SECTION 13. IC 33-33-67-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) ~~IC 33-29-1-3 does not apply to this section.~~

~~(b)~~ The Putnam superior court has one (1) judge.

(b) Subsections (c) through (d) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) ~~who~~ **A judge described in subsection (a)** shall be elected at the general election every six (6) years in Putnam County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

~~(c)~~ **(d)** To be eligible to hold office as a judge of the court, a person must be:

(1) a resident of Putnam County; and

(2) admitted to the practice of law in Indiana.

SECTION 14. IC 33-33-71-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. **(a)** There is established a superior court in St. Joseph County. The court consists of eight (8) judges

(b) If the voters of the county have approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7, a judge described in subsection (a) shall be elected as provided in IC 33-29-7.

SECTION 15. IC 33-33-79.3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The court has one (1) judge.

(b) Subsections (c) through (d) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) ~~who~~ **A judge described in subsection (a)** shall be elected at the general election every six (6) years in Tippecanoe County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

~~(b)~~ **(d)** To be eligible to hold office as judge of the court, a person must:

(1) be a resident of Tippecanoe County;

(2) be less than seventy (70) years of age at the time of taking office; and

(3) be admitted to the bar of Indiana.

SECTION 16. IC 33-33-79.4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Tippecanoe superior court No. 4, No. 5, and No. 6 each has one (1) judge.

(b) Subsections (c) through (d) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) ~~who~~ **A judge described in subsection (a)** shall be elected at the general election every six (6) years in Tippecanoe County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

~~(b)~~ **(d)** To be eligible to hold office as judge of the court, a person must be:

(1) a resident of Tippecanoe County;

(2) less than seventy (70) years of age at the time of taking office; and

(3) admitted to the bar of Indiana.

SECTION 17. IC 33-33-82-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 31. (a) The judge of the Vanderburgh circuit ~~court and each of the seven (7) judges of the Vanderburgh superior court~~ shall be elected in nonpartisan elections every six (6) years.

(b) During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for ~~any one (1) of the eight (8) judgeships affected by this chapter~~ **the circuit court judgeship** shall file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2, signed by the candidate and designated which judgeship the candidate seeks. Any petition without the designation shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2). To be eligible for election, a candidate must be:

(1) domiciled in the county of Vanderburgh;

(2) a citizen of the United States; and

(3) admitted to the practice of law in Indiana.

(c) If an individual who files a declaration under subsection (b) ceases to be a candidate after the final date for filing a declaration under subsection (b), the election division may accept the filing of additional declarations of candidacy for that judgeship not later than noon August 1.

(d) All candidates for ~~each respective~~ **the** judgeship shall be listed on the general election ballot in the form prescribed by IC 3-11-2, without party designation. The candidate receiving the highest number of votes for each judgeship shall be elected to that office.

(e) IC 3, where not inconsistent with this chapter, applies to elections under this chapter.

(f) Subsections (g) through (k) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7. If voters of the county have approved the public question under IC 33-29-7, subsections (a) through (e) apply.

(g) The judge of the Vanderburgh circuit court and each of the seven (7) judges of the Vanderburgh superior court shall be elected in nonpartisan elections every six (6) years.

(h) During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for any one (1) of the eight (8) judgeships affected by this chapter shall file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2, signed by the candidate and designated which judgeship the candidate seeks. Any petition without the designation shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2). To be eligible for election, a candidate must be:

(1) domiciled in the county of Vanderburgh;

(2) a citizen of the United States; and

(3) admitted to the practice of law in Indiana.

(i) If an individual who files a declaration under subsection (b) ceases to be a candidate after the final date for filing a declaration under subsection (b), the election division may accept the filing of additional declarations of candidacy for that judgeship not later than noon August 1.

(j) All candidates for each respective judgeship shall be listed on the general election ballot in the form prescribed by IC 3-11-2, without party designation. The candidate receiving the highest number of votes for each judgeship shall be elected to that office.

(k) IC 3, where not inconsistent with this chapter, applies to elections under this chapter.

SECTION 18. IC 33-33-89.3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The court has one (1) judge.

(b) Subsections (c) through (f) apply only if the voters of the county have not approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.

(c) ~~who~~ **A judge described in subsection (a)** shall be elected at the general election every six (6) years in Wayne County. The judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.

~~(b)~~ **(d)** To be eligible to hold office as judge of the court, a person must:

(1) be a resident of Wayne County;

(2) be less than seventy (70) years of age at the time the person takes office;

(3) be admitted to the bar of Indiana; and

(4) have practiced law at least five (5) years.

SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 33-33-2-9; IC 33-33-2-10; IC 33-33-45-25; IC 33-33-45-26; IC 33-33-45-27; IC 33-33-45-28; IC 33-33-45-29; IC 33-33-45-30; IC 33-33-45-31; IC 33-33-45-32; IC 33-33-45-33; IC 33-33-45-34; IC 33-33-45-35; IC 33-33-45-36; IC 33-33-45-37; IC 33-33-45-38; IC 33-33-45-39; IC 33-33-45-40; IC 33-33-45-41; IC 33-33-45-42; IC 33-33-45-43; IC 33-33-45-44; IC 33-33-71-29; IC 33-33-71-30; IC 33-33-71-31; IC 33-33-71-32; IC 33-33-71-33; IC 33-33-71-34; IC 33-33-71-35; IC 33-33-71-36; IC 33-33-71-37; IC 33-33-71-38; IC 33-33-71-39; IC 33-33-71-40; IC 33-33-71-41; IC 33-33-71-42; IC 33-33-71-43; IC 33-33-71-44; IC 33-33-71-45; IC 33-33-71-46; IC 33-33-71-47; IC 33-33-71-48; IC 33-33-71-49; IC 33-33-71-50; IC 33-33-71-51; IC 33-33-71-52; IC 33-33-71-53; IC 33-33-71-54; IC 33-33-71-55; IC 33-33-71-56; IC 33-33-71-57; IC 33-33-71-58; IC 33-33-71-59; IC 33-33-71-60; IC 33-33-71-61; IC 33-33-71-62; IC 33-33-71-63; IC 33-33-71-64; IC 33-33-71-65; IC 33-33-71-66; IC 33-33-71-67; IC 33-33-71-68; IC 34-46-2-30.4.

SECTION 20. [EFFECTIVE JULY 1, 2005] **(a) Notwithstanding the amendment and repeal by this act of provisions in IC 33, the term of a superior court judge elected or appointed under IC 33 in office on June 30, 2005, does not terminate until the date that the judge's term would have terminated under the law in effect on June 30, 2005.**

(b) The initial election of a superior court judge described in subsection (a) under IC 33-29-7, as added by this act, is the general election immediately preceding the date on which the term of the judge would have terminated under the law in effect on June 30, 2005, if a public question on whether a judge of a superior court shall be elected in a nonpartisan election is voted upon by the voters of the county in which the superior court is located, and the outcome requires an election.

(c) If:

(1) a superior court judge is in office; and

(2) a public question on whether a judge of a superior court shall be elected in a nonpartisan election is voted upon by the voters of the county in which the superior court is located, and the outcome requires an election;

the superior court judge who is in office at the time of the vote is subject to a retention vote and not a partisan or nonpartisan election.

(d) This SECTION expires January 2, 2011.

SECTION 21. [EFFECTIVE JULY 1, 2005] **Notwithstanding SECTION 19 of this act, the statutes repealed in SECTION 19 of this act, as those statutes are in effect on June 30, 2005, continue to apply to a county unless the voters of the county have approved a public question on whether a judge of a superior court shall be elected in a nonpartisan election under IC 33-29-7.**

SECTION 22. [EFFECTIVE JULY 1, 2005] **(a) The legislative services agency shall prepare legislation for introduction in the 2006 regular session of the general assembly to organize and correct statutes affected by the requirement that all superior court judges be elected and the requirement that public questions on the election of superior court judges be placed on the ballot as provided in IC 33-29-7, as added by this act.**

(b) This SECTION expires July 1, 2006.

(Reference is to HB 1703 as introduced.)

and when so amended that said bill do pass.

ORENTLICHER

After discussion, Representative Murphy, the author of HB 1703 requested adoption of the minority report.

The question was, Shall the minority report be substituted for the majority report? The minority report was adopted.

HOUSE BILLS ON SECOND READING

House Bill 1250

Representative Friend called down House Bill 1250 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1250–1)

Mr. Speaker: I move that House Bill 1250 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-7-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** This chapter applies to all units except:

(1) counties having a consolidated city, and units in those counties, **except those units described in subsection (b)**; and

(2) townships.

(b) This chapter applies to an excluded city (as defined in IC 36-3-1-7) that adopts an ordinance electing to be governed by this chapter and establishes a redevelopment commission under section 3 of this chapter. Upon the adoption of an ordinance under this subsection:

(1) a blighted area;

(2) an economic development area; or

(3) an allocation area previously established under IC 36-7-15.1-37 through IC 36-7-15.1-58;

continues in full force and effect as if the area had been created under this chapter.

(c) A:

(1) a blighted area;

(2) an economic development area; or

(3) an allocation area previously established under IC 36-7-15.1-37 through IC 36-7-15.1-58;

described in subsection (b) is subject to the jurisdiction of the redevelopment commission established under section 3 of this chapter and is not subject to the jurisdiction of the commission (as defined in IC 36-7-15.1-37).

SECTION 2. IC 36-7-14-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) **This subsection does not apply to the redevelopment commission of an excluded city described in section 1(b) of this chapter.** After adoption of a resolution under section 15 of this chapter, the redevelopment commission shall submit the resolution and supporting data to the plan commission of the unit, or if there is no plan commission, then to the body charged with the duty of developing a general plan for the unit, if there is such a body. The plan commission may determine whether the resolution and the redevelopment plan conform to the plan of development for the unit and approve or disapprove the resolution and plan proposed. The redevelopment commission may amend or modify the resolution and proposed plan in order to conform them to the requirements of the plan commission. The plan commission shall issue its written order approving or disapproving the resolution and redevelopment plan, and may, with the consent of the redevelopment commission, rescind or modify that order.

(b) **This subsection does not apply to the redevelopment commission of an excluded city described in section 1(b) of this chapter.** The redevelopment commission may not proceed with the acquisition of a blighted area until the approving order of the plan commission is issued and approved by the municipal legislative body or county executive.

(c) In determining the location and extent of a blighted area proposed to be acquired for redevelopment, the redevelopment commission and the plan commission of the unit shall give consideration to transitional and permanent provisions for adequate housing for the residents of the area who will be displaced by the redevelopment project.

(d) A redevelopment commission in an excluded city that is exempt from the requirements of subsections (a) and (b) shall submit the resolution and supporting data to the municipal legislative body of the excluded city. The municipal legislative body may:

(1) determine if the resolution and the redevelopment plan conform to the plan of development for the unit; and

(2) approve or disapprove the resolution and plan proposed.".

"SECTION 2. IC 36-7-15.1-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. **(a)** As used in this section and sections 38 through 58 of this chapter:

"City" or "excluded city" refers to an excluded city (as defined in IC 36-3-1-7) **but does not refer to an excluded city described in IC 36-7-14-1(b).**

"Commission" refers to the metropolitan development commission acting as the redevelopment commission of an excluded city.

(b) Sections 38 though 58 of this chapter do not apply to an excluded city described in IC 36-7-14-1(b).".

Renumber all SECTIONS consecutively.

(Reference is to HB 1250 as printed January 28, 2005.)

BUELL

Motion prevailed.

HOUSE MOTION
(Amendment 1250–2)

Mr. Speaker: I move that House Bill 1250 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-7-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A unit may establish a department of redevelopment controlled by a board of five (5) members to be known as "_____ Redevelopment Commission", designating the name of the municipality or county. **However, in the case of a county, the county executive may adopt an ordinance providing that the county redevelopment commission consists of seven (7) members.**

(b) Subject to section 3.5 of this chapter, all of the territory within the corporate boundaries of a municipality constitutes a taxing district for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided in this chapter. Subject to section 3.5 of this chapter, all of the territory in a county, except that within a municipality that has a redevelopment commission, constitutes a taxing district for a county.

(c) All of the taxable property within a taxing district is considered to be benefited by redevelopment projects carried out under this chapter to the extent of the special taxes levied under this chapter.

SECTION 2. IC 36-7-14-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) The five (5) commissioners for a municipal redevelopment commission shall be appointed as follows:

(1) Three (3) shall be appointed by the municipal executive.

(2) Two (2) shall be appointed by the municipal legislative body.

(b) The ~~five (5)~~ commissioners for a county redevelopment commission shall be appointed by the county executive.

SECTION 3. IC 36-7-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The redevelopment commissioners shall hold a meeting for the purpose of organization not later than thirty (30) days after they are appointed and, after that, each year on the first day in January that is not a Saturday, a Sunday, or a legal holiday. They shall choose one (1) of their members as president, another as vice president, and another as secretary. These officers shall perform the duties usually pertaining to their offices and shall serve from the date of their election until their successors are elected and qualified.

(b) The redevelopment commission may appoint a treasurer who need not be a member of the redevelopment commission. The redevelopment commission may provide for the payment of compensation to a treasurer who is not a member of the redevelopment commission. Notwithstanding any other provision of this chapter, the treasurer has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the redevelopment commission in accordance with the requirements of this chapter. However, the treasurer may not perform any duties of the fiscal officer or any other officer of the unit that are prescribed by section 24 of this chapter or by any provisions of this chapter that pertain to the issuance and sale of bonds, notes, or

warrants of the special taxing district.

(c) The redevelopment commissioners may adopt the rules and bylaws they consider necessary for the proper conduct of their proceedings, the carrying out of their duties, and the safeguarding of the money and property placed in their custody by this chapter. In addition to the annual meeting, the commissioners may, by resolution or in accordance with their rules and bylaws, prescribe the date and manner of notice of other regular or special meetings.

(d) **This subsection does not apply to a county redevelopment commission that consists of seven (7) members.** Three (3) of the redevelopment commissioners constitute a quorum, and the concurrence of three (3) commissioners is necessary to authorize any action.

(e) This subsection applies only to a county redevelopment commission that consists of seven (7) members. Four (4) of the redevelopment commissioners constitute a quorum, and the concurrence of four (4) commissioners is necessary to authorize any action.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1250 as printed January 28, 2005.)

BECKER

Motion prevailed. The bill was ordered engrossed.

House Bill 1315

Representative Goodin called down House Bill 1315 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1315–1)

Mr. Speaker: I move that House Bill 1315 be amended to read as follows:

Page 6, line 3, delete "vehicle;" and insert "**vehicle and shall submit the application for the certificate of title in the format required by IC 9-17-2-2 to the bureau of motor vehicles;**".

(Reference is to HB 1315 as printed February 11, 2005.)

GOODIN

Motion prevailed. The bill was ordered engrossed.

House Bill 1446

Representative Grubb called down House Bill 1446 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1746

Representative Budak called down House Bill 1746 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1746–2)

Mr. Speaker: I move that House Bill 1746 be amended to read as follows:

Page 2, after line 31, begin a new paragraph and insert:

"SECTION 2. IC 36-2-13-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain a sex offender web site, known as the Indiana sheriffs' sex offender registry, to inform the general public about the identity, location, and appearance of every sex offender residing within Indiana. The web site must provide information regarding each sex offender, organized by county of residence. The web site shall be updated at least every seven (7) days.

(b) The sex offender web site must include the following information:

(1) A recent photograph of every sex offender who has registered with a sheriff after the effective date of this chapter.

(2) The home address of every sex offender.

(3) **Except as provided in subsection (f),** the information required to be included in the sex offender directory (IC 5-2-12-6).

(c) Every time a sex offender submits a new registration form to the sheriff, but at least once per year, the sheriff shall photograph the sex offender. The sheriff shall place this photograph on the sex offender web site.

(d) The photograph of a sex offender described in subsection (c) must meet the following requirements:

(1) The photograph must be full face, front view, with a plain white or off-white background.

(2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.

(3) The photograph must be in color.

(4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.

(5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.

(6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the sex offender web site.

(e) The sex offender web site may be funded from:

(1) the jail commissary fund (IC 36-8-10-21);

(2) a grant from the criminal justice institute; and

(3) any other source, subject to the approval of the county fiscal body.

(f) The sex offender web site may not include a sex offender's Social Security number.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1746 as printed February 9, 2005.)

AVERY

Motion failed.

HOUSE MOTION
(Amendment 1746–1)

Mr. Speaker: I move that House Bill 1746 be amended to read as follows:

Page 2, after line 31 begin a new paragraph and insert:

"SECTION 1. IC 35-50-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) **Except as provided in subsection (c),** the state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is a mentally retarded individual.

(b) ~~The~~ **For purposes of subsection (a),** the aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit any of the following:

(A) Arson (IC 35-43-1-1).

(B) Burglary (IC 35-43-2-1).

(C) Child molesting (IC 35-42-4-3).

(D) Criminal deviate conduct (IC 35-42-4-2).

(E) Kidnapping (IC 35-42-3-2).

(F) Rape (IC 35-42-4-1).

(G) Robbery (IC 35-42-5-1).

(H) Carjacking (IC 35-42-5-2).

(I) Criminal gang activity (IC 35-45-9-3).

(J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

(K) Criminal confinement (IC 35-42-3-3).

(2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure person or damage property.

(3) The defendant committed the murder by lying in wait.

(4) The defendant who committed the murder was hired to kill.

(5) The defendant committed the murder by hiring another person to kill.

(6) The victim of the murder was a corrections employee,

probation officer, parole officer, community corrections worker, home detention officer, fireman, judge, or law enforcement officer, and either:

(A) the victim was acting in the course of duty; or

(B) the murder was motivated by an act the victim performed while acting in the course of duty.

(7) The defendant has been convicted of another murder.

(8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.

(9) The defendant was:

(A) under the custody of the department of correction;

(B) under the custody of a county sheriff;

(C) on probation after receiving a sentence for the commission of a felony; or

(D) on parole;

at the time the murder was committed.

(10) The defendant dismembered the victim.

(11) The defendant burned, mutilated, or tortured the victim while the victim was alive.

(12) The victim of the murder was less than twelve (12) years of age.

(13) The victim was a victim of any of the following offenses for which the defendant was convicted:

(A) Battery as a Class D felony or as a Class C felony under IC 35-42-2-1.

(B) Kidnapping (IC 35-42-3-2).

(C) Criminal confinement (IC 35-42-3-3).

(D) A sex crime under IC 35-42-4.

(14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.

(15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):

(A) into an inhabited dwelling; or

(B) from a vehicle.

(16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).

(c) The state shall seek a death sentence by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (d). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances described in subsection (b). However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is a mentally retarded individual.

(d) For purposes of subsection (c), the aggravating circumstances exist if both of the following circumstances exist:

(1) The victim was less than eighteen (18) years of age.

(2) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit any of the following:

(A) Child molesting (IC 35-42-4-3).

(B) Criminal deviate conduct (IC 35-42-4-2).

(C) Kidnapping (IC 35-42-3-2).

(D) Rape (IC 35-42-4-1).

(E) Criminal confinement (IC 35-42-3-3).

~~(c)~~ **(e)** The mitigating circumstances that may be considered under this section are as follows:

(1) The defendant has no significant history of prior criminal conduct.

(2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.

(3) The victim was a participant in or consented to the defendant's conduct.

(4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.

(5) The defendant acted under the substantial domination of another person.

(6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.

(7) The defendant was less than eighteen (18) years of age at the time the murder was committed.

(8) Any other circumstances appropriate for consideration.

~~(d)~~ **(f)** If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of good time credit and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as described in subsection ~~(k)~~ **(n)** and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:

(1) the aggravating circumstances alleged; or

(2) any of the mitigating circumstances listed in subsection ~~(c).~~ **(e).**

~~(e)~~ **(g)** For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:

(1) the death penalty; or

(2) life imprisonment without parole;

only if it makes the findings described in subsection ~~(l).~~ **(n).** If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

~~(f)~~ **(h)** If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

~~(g)~~ **(i)** If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

(1) sentence the defendant to death; or

(2) impose a term of life imprisonment without parole;

only if it makes the findings described in subsection ~~(l).~~ **(n).**

~~(h)~~ **(j)** If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

~~(i)~~ **(k)** If a person sentenced to death by a court files a petition for post-conviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional post-conviction relief. The attorney general shall answer the petition for post-conviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

~~(j)~~ **(l)** A death sentence is subject to automatic review by the

supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

(1) conviction or sentence was in violation of the:
(A) Constitution of the State of Indiana; or
(B) Constitution of the United States;
(2) sentencing court was without jurisdiction to impose a sentence; and
(3) sentence:
(A) exceeds the maximum sentence authorized by law; or
(B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection ~~(h),~~ **(j),** the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

~~(k)~~ **(m)** A person who has been sentenced to death and who has completed state post-conviction review proceedings may file a written petition with the supreme court seeking to present new evidence challenging the person's guilt or the appropriateness of the death sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously undiscovered evidence that undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

~~(l)~~ **(n)** Before a sentence may be imposed under this section, the jury, in a proceeding under subsection ~~(c),~~ **(g),** or the court, in a proceeding under subsection ~~(g),~~ **(i),** must find that:

(1) the state has proved beyond a reasonable doubt that at least one (1) of the aggravating circumstances listed in subsection (b) exists; and
(2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances.".

(Reference is to HB 1746 as printed February 9, 2005.)

GOODIN

The Speaker ordered a division of the House and appointed Representatives Stilwell and Friend to count the yeas and nays. Yeas 63, nays 26. Motion prevailed.

HOUSE MOTION
(Amendment 1746–3)

Mr. Speaker: I move that House Bill 1746 be amended to read as follows:

Page 2, line 8, delete "and".

Page 2, line 9, delete "." and insert "**; and**

(iv) submits the name and address of a neighborhood association contact person to the institute at least one (1) time each year.".

(Reference is to HB 1746 as printed February 9, 2005.)

VAN HAAFTEN

Motion prevailed. The bill was ordered engrossed.

House Bill 1776

Representative Buell called down House Bill 1776 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1776–2)

Mr. Speaker: I move that House Bill 1776 be amended to read as follows:

Page 8, line 24, delete "firearm for not more than one year." and insert "**firearm.**".

Page 8, line 32, delete "court shall establish a date certain upon which the" and insert "**law enforcement agency shall retain the firearm until the court orders the firearm returned or otherwise disposed of.**".

Page 8, delete lines 33 through 35.

Page 8, line 42, delete "If the court has ordered the law enforcement agency" and insert "**At least one hundred eighty (180) days after the date a court orders a law enforcement agency to retain an individual's firearm under section 6 of this chapter, the individual may petition the court for return of the firearm.**

(b) Upon receipt of the petition described in subsection (a), the court shall:

(1) enter an order setting a hearing date; and
(2) inform the prosecuting attorney of the date, time, and location of the hearing.

(c) The prosecuting attorney represents the state at the hearing.

(d) In a hearing under this section, the individual:

(1) may be represented by an attorney; and
(2) must prove by a preponderance of the evidence that the individual is not dangerous.

(e) If upon the completion of the hearing and consideration of the record the court finds that the individual is not dangerous, the court shall order the law enforcement agency having custody of the firearm to return the firearm to the individual.

(f) If the court denies an individual's petition under this section, the individual may not file a subsequent petition until at least one hundred eighty (180) days after the date on which the court denied the petition.".

Page 9, delete lines 1 through 30.

(Reference is to HB 1776 as printed February 11, 2005.)

BUELL

Motion prevailed. The bill was ordered engrossed.

House Bill 1789

Representative Aguilera called down House Bill 1789 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:40 p.m. with the Speaker in the Chair.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1765

Representative Hoffman called down Engrossed House Bill 1765 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 115: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax and Waterman.

Representative Denbo, who had been excused, was present.

Engrossed House Bill 1736

Representative Ayres called down Engrossed House Bill 1736 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 116: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Clark.

Engrossed House Bill 1729

Representative Friend called down Engrossed House Bill 1729 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 117: yeas 94, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Weatherwax.

Engrossed House Bill 1611

Representative Noe called down Engrossed House Bill 1611 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 118: yeas 53, nays 44. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and Lubbers.

Engrossed House Bill 1600

Representative Ruppel called down Engrossed House Bill 1600 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 119: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers, Merritt, and Clark.

Engrossed House Bill 1594

Representative Ruppel called down Engrossed House Bill 1594 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 120: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, L. Lutz, and M. Young.

Representative Fry was excused for the rest of the day.

Engrossed House Bill 1580

Representative Davis called down Engrossed House Bill 1580 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 121: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ford and Dillon.

Engrossed House Bill 1575

Representative Walorski called down Engrossed House Bill 1575 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 122: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Waterman and L. Lutz.

Engrossed House Bill 1553

Representative Buell called down Engrossed House Bill 1553 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Porter was excused from voting. Roll Call 123: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller and Breaux.

Engrossed House Bill 1537

Representative Ruppel called down Engrossed House Bill 1537 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 124: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, L. Lutz, and M. Young.

Engrossed House Bill 1495

Representative Foley called down Engrossed House Bill 1495 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 125: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Server.

Engrossed House Bill 1432

Representative J. Lutz called down Engrossed House Bill 1432 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 126: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Merritt.

Engrossed House Bill 1407

Representative Richardson called down Engrossed House Bill 1407 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 127: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Breaux.

Engrossed House Bill 1403

Representative Thomas called down Engrossed House Bill 1403 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 128: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

Engrossed House Bill 1394

Representative Stutzman called down Engrossed House Bill 1394 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 129: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators M. Young and Riegsecker.

Engrossed House Bill 1365

Representative Hoffman called down Engrossed House Bill 1365 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 130: yeas 91, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lewis and Weatherwax.

Engrossed House Bill 1363

Representative Stevenson called down Engrossed House Bill 1363 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 131: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and Mrvan.

Engrossed House Bill 1270

Representative Pond called down Engrossed House Bill 1270 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 132: yeas 70, nays 26. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Long.

Engrossed House Bill 1247

Representative Grubb called down Engrossed House Bill 1247 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 133: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Skinner.

Engrossed House Bill 1217

Representative Frizzell called down Engrossed House Bill 1217 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 134: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Clark, C. Lawson, Landske, and Breaux.

Engrossed House Bill 1197

Representative Thompson called down Engrossed House Bill 1197 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 135: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Hershman.

Engrossed House Bill 1135

Representative Heim called down Engrossed House Bill 1135 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 136: yeas 93, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ford, Heinold, and Hershman.

Engrossed House Bill 1052

Representative Borror called down Engrossed House Bill 1052 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 137: yeas 79, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators M. Young and Kruse.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 32, 60, 88, 89, 139, 181, 213, 233, 259, 296, 303, 362, 373, 379, 422, 465, 481, 493, 527, 538, 571, 607, and 638 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Joint Resolution 10 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representatives J. Smith and Reske be added as coauthors of House Bill 1005.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1073.

LEHE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative J. Smith be added as coauthor of House Bill 1091.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hoy be added as coauthor of House Bill 1145.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanHaaften be added as coauthor of House Bill 1223.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Micon be added as coauthor of House Bill 1224.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1270.

POND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kersey be added as coauthor of House Bill 1403.

THOMAS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Orentlicher be added as coauthor of House Bill 1413.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dickinson be added as coauthor of House Bill 1434.

HINKLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives C. Brown and Becker be added as coauthors of House Bill 1444.

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pierce, Dickinson, and Torr be added as coauthors of House Bill 1453.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1495.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1534.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1540.

WOODRUFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Kuzman and C. Brown be added as coauthors of House Bill 1579.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Stevenson and Hoy be added as coauthors of House Bill 1602.

DVORAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Alderman be added as coauthor of House Bill 1642.

PIERCE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Dvorak, Walorski, and T. Harris be added as coauthors of House Bill 1653.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1660.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1714.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bauer and VanHaaften be added as coauthors of House Bill 1729.

FRIEND

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Neese, the House adjourned at 7:10 p.m., this fifteenth day of February, 2005, until Thursday, February 17, 2005, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives