



Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Twenty-first Meeting Day

Monday Afternoon

February 21, 2005

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

The invocation was offered by Reverend Landrum Shields, Covenant Community Church, Indianapolis, the guest of Representative David Orentlicher.

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

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

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

Roll Call 145: 100 present. The Speaker announced a quorum in attendance.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 33 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 when we do adjourn, we adjourn until Tuesday, February 22, 2005 at 1:30 p.m.

TURNER

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 15

Representative Ruppel introduced House Concurrent Resolution 15:

A CONCURRENT RESOLUTION to recognize the city of Wabash, Indiana as being the First Electrically Lighted City in the World.

Whereas, The Common Council of Wabash, Indiana became actively interested in procuring better lighting facilities for their town during the winter of 1879-1880;

Whereas, Until March 31, 1880, the city of Wabash, Indiana was lighted by gas street lamps;

Whereas, From the towering dome of the Court House at 8:00 P.M. on March 31, 1880, burst a flood of lights that made world history;

Whereas, Over 10,000 people witnessed this event including reporters, representing both area newspapers and large cities, were present to cover the event, the result of which could prove revolutionary when it came to a practical means of lighting the streets of an entire town;

Whereas, Houses and yards were distinctly visible for a mile around and the Wabash River glowed like a band of molten silver;

Whereas, As a result of Mr. Charles F. Brush of Cleveland, Ohio, and his experimenting with a new electric arlight, known as the "Brush Light," the idea of electrically lighting the city emerged;

Whereas, After the successful test of the "Brush Light" on March 31, 1880, two-thirds of the members of the Common Council concurred "that the Brush Electric Light and the same is hereby accepted upon conditions under guarantees approved by the Council";

Whereas, The one remaining Brush Lamp, one of the original four lamps of 3,000 candle-power exhibited in the foyer of the Court House, has the distinction of being a part of the first municipally owned electric plant; and

Whereas, The city of Wabash, Indiana has the distinction of being the first town in the world to be wholly lighted by electricity: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives does recognize the city of Wabash, Indiana as being the First Electrically

Lighted City in the World.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Bill Ruppel, the Honorable Robert Vanlandingham, Mr. Charles S. Brush III, and the Court House, Wabash, Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Dillon and Weatherwax.

House Concurrent Resolution 16

Representatives Cheney, Ayres, C. Brown, Budak, and Kuzman introduced House Concurrent Resolution 16:

A CONCURRENT RESOLUTION honoring Porter County.

Whereas, It is the constitutional right of all citizens to participate in the political process;

Whereas, Each election day, the citizens of the United States have a chance to shape the future of their state and their communities by voting; unfortunately, too many citizens fail to exercise their right to vote;

Whereas, The voters of Porter County take very seriously their constitutional right to participate in the political process and their duty to voice their opinion in the democratic process by voting;

Whereas, With a voter turnout of 74%, the citizens of Porter County registered the highest voter turnout in the 2004 election, far exceeding the national average of 58%;

Whereas, Porter County is blessed with dedicated people like Leon West, Democratic Party Chairman; Keith Hall, Republican Party Chairman; Jane Pecor; and Helen Dame; all of whom spend countless hours ensuring that all voters are able to cast their vote; and

Whereas, The voters of Porter County should be proud of the fact that their county had the highest voter turnout in the 2004 election; all citizens of the nation should follow the lead of these patriotic Hoosiers: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. The members of the Indiana General Assembly congratulate the people of Porter County on the excellent turnout in the 2004 election and express gratitude for their devotion to their civic duty.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Porter County officials.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Antich-Carr, Landske, and Heinold.

Senate Concurrent Resolution 33

The Speaker handed down Senate Concurrent Resolution 33, sponsored by Representative Buell:

A CONCURRENT RESOLUTION memorializing Army Private Cory R. Depew.

Whereas, Army Private Cory R. Depew was born December 2, 1983 and was killed January 4, 2005;

Whereas, Private Depew was killed by Iraqi insurgents in a gunfire and rocket-propelled grenade attack while on a scouting mission about 40 miles west of Mosul;

Whereas, Private Depew, who was deployed to Iraq slightly more than three months before his death, was a scout assigned to the 2nd Squadron, 14th Cavalry Regiment, 1st Brigade, 25th Infantry Division at Fort Lewis, Washington;

Whereas, As a scout, Private Depew provided reconnaissance and surveillance, one of the military's most dangerous duties;

Whereas, Private Depew was a loving, caring person who gave of himself freely in order to make the lives of those around him happier;

Whereas, While home on leave in late September, Private Depew helped build a peace garden at Holy Name Church in Beech Grove and visited Holy Name School, where he discussed going to Iraq and his Army training with several classes;

Whereas, Private Depew knew that his job was dangerous but was willing to put his life on the line in defense of his country;

Whereas, The Indiana General Assembly wishes to acknowledge this brave soldier who was a devoted father, son, and brother and to give him the recognition due to someone who laid down his life protecting our freedom; and

Whereas, Our nation shall never forget the brave men and women who serve in Iraq and the families and friends of those who do not return: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the members of the Indiana General Assembly wish to express their sympathy to the family of Private Cory R. Depew and recognize the sacrifice he made in a far away land so that we can continue to enjoy our freedom.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Private Depew's son, Brendan Faver; his mother, Sheryl Ann May; brothers, Wyatt and Elliott; and grandfather, Austin Hall.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House stood for a moment of silence in memory of Private Cory R. Depew.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1218, 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 6, line 5, after "IC 20-10.1-25-3." insert "**This subsection does not prohibit a municipality from making meal expense advances to a municipal employee who will be traveling on official municipal business if the municipal fiscal body has adopted an ordinance allowing the advance payment, specifying the maximum amount that may be paid in advance, specifying the required invoices and other documentation that must be submitted by the municipal employee, and providing for reimbursement from the wages of the municipal employee if the municipal employee does not submit the required invoices and documentation.**".

Page 7, line 19, delete "The fiscal body of a unit shall approve the following".

Page 7, line 20, delete "expenditures for each" and insert "Each".

Page 7, line 21, after "section" delete ":".

Page 7, line 21, reset in roman "shall be allowed,".

Page 7, line 21, after "allowed" delete "," and insert "**the following:**".

Page 8, delete lines 12 through 42, begin a new paragraph and insert:

"(j) A claim for reimbursement under this section may not be denied by the body responsible for the approval of claims if the claim complies with IC 5-11-10-1.6 and this section."

Page 9, delete lines 1 through 5.

Page 9, line 8, after "rate" insert ",".

Page 9, line 8, delete "(if)".

Page 9, line 9, delete "the political subdivision is required by law to fix the tax rate),".

Page 9, line 28, after "rate" insert ",".

Page 9, line 28, delete "(if the political subdivision".

Page 9, line 29, delete "is required by law to fix the tax rate),".

Page 10, line 5, delete "(if the political subdivision is)".

Page 10, line 6, delete "required by law to fix the tax rate)".

Page 10, line 19, after "rate" inset ",".

Page 10, line 19, delete "(if the fiscal".

Page 10, line 20, delete "body is required by law to fix a tax rate),".

Page 10, delete lines 24 through 42.

Delete pages 11 through 12.

Page 13, delete lines 1 through 15.

Page 13, delete lines 31 through 42.

Delete page 14.

Page 15, delete lines 1 through 2.

Page 15, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 15. IC 8-22-3.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) As used in this section, "base assessed value" means:

(1) the net assessed value of all the tangible property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the commission's resolution adopted under section 5 of this chapter, **notwithstanding the date of the final action taken under section 6 of this chapter**; plus

(2) to the extent it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

However, subdivision (2) applies only to an airport development zone established after June 30, 1997, and the portion of an airport development zone established before June 30, 1997, that is added to an existing airport development zone.

(b) Except in a county described in section 1(5) of this chapter, a resolution adopted under section 5 of this chapter and confirmed under section 6 of this chapter must include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section.

(c) The allocation provision must:

(1) apply to the entire airport development zone; and

(2) require that any property tax on taxable tangible property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes in the airport development zone be allocated and distributed as provided in subsections (d) and (e).

(d) Except in a county described in section 1(5) of this chapter, and as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(1) the assessed value of the tangible property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value;

shall be allocated and, when collected, paid into the funds of the respective taxing units.

(e) Except in a county described in section 1(5) of this chapter, all of the property tax proceeds in excess of those described in subsection (d) shall be allocated to the eligible entity for the airport development zone and, when collected, paid into special funds as follows:

(1) The commission may determine that a portion of tax proceeds shall be allocated to a training grant fund to be expended by the commission without appropriation solely for the purpose of reimbursing training expenses incurred by public or private entities in the training of employees for the qualified airport development project.

(2) ~~Except as provided in subsection (f), all remaining~~ **The commission may determine that a portion of** tax proceeds shall be allocated to a debt service fund and dedicated to the payment of principal and interest on revenue bonds of the airport authority for a qualified airport development project or to the payment of leases for a qualified airport development project.

(3) Except as provided in subsection (f), all remaining tax proceeds after allocations are made under subdivisions (1) and (2) shall be allocated to a project fund and dedicated to the reimbursement of expenditures made by the commission

for a qualified airport development project that is in the airport development zone or is serving the airport development zone.

(f) Except in a county described in section 1(5) of this chapter, if the tax proceeds allocated to the ~~debt service project fund in subsection (e)(3)~~ exceed the amount necessary to

~~(1) pay principal and interest on airport authority revenue bonds;~~

~~(2) pay lease rentals on leases of a qualified airport development project; or~~

~~(3) create, maintain, or restore a reserve for airport authority revenue bonds or for lease rentals or leases of a qualified airport development project;~~

satisfy amounts required under subsection (e), the excess in the project fund over that amount shall be paid to the respective taxing units in the manner prescribed by subsection (d).

(g) Except in a county described in section 1(5) of this chapter, when money in the debt service fund **and in the project fund** is sufficient to pay all outstanding principal and interest (to the earliest date on which the obligations can be redeemed) on revenue bonds issued by the airport authority for the financing of qualified airport development projects, ~~and~~ all lease rentals payable on leases of qualified airport development projects, **and all costs and expenditures associated with all qualified airport development projects**, money in the debt service fund **and in the project fund** in excess of ~~that amount~~ **those amounts** shall be paid to the respective taxing units in the manner prescribed by subsection (d).

(h) Except in a county described in section 1(5) of this chapter, property tax proceeds allocable to the debt service fund under subsection (e)(2) must, subject to subsection (g), be irrevocably pledged by the eligible entity for the purpose set forth in subsection (e)(2).

(i) Except in a county described in section 1(5) of this chapter, and notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable tangible property situated upon or in, or added to, the airport development zone effective on the next assessment date after the petition.

(j) Except in a county described in section 1(5) of this chapter, and notwithstanding any other law, the assessed value of all taxable tangible property in the airport development zone, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the tangible property as valued without regard to this section; or

(2) the base assessed value."

Page 22, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 28. IC 36-2-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 13. **(a) Except as provided in subsection (b),** the compensation of an elected county officer may not be changed in the year for which it is fixed. The compensation of other county officers, deputies, and employees or the number of each may be changed at any time on:

(1) the application of the county fiscal body or the affected officer, department, commission, or agency; and

(2) a majority vote of the county fiscal body.

(b) In the year in which a newly elected county officer takes office, the county fiscal body may at any time change the compensation for holding the county office for that year if:

(1) the county officer requests the compensation change or, in the case of the county executive body, a majority of the county executive body requests the change; and

(2) the county fiscal body votes to approve the change."

Page 24, delete lines 21 through 32.

Page 25, delete lines 9 through 24.

Page 25, delete lines 33 through 42.

Page 26, delete lines 1 through 24.

Page 28, line 6, after "revenue" delete "and".

Page 28, line 6, after "statements" delete ".".

Page 28, line 6, reset in roman "and the proposed".

Page 28, reset in roman line 7.

Page 31, delete lines 8 through 42.

Delete pages 32 through 33.

Page 34, delete lines 1 through 6.

Page 35, after line 6, begin a new paragraph and insert:

"SECTION 41. **An emergency is declared for this act.**"

Re-number all SECTIONS consecutively.

(Reference is to HB 1218 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SAUNDERS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1226, 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 7, delete lines 5 through 26, begin a new paragraph and insert:

"SECTION 13. IC 3-8-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 8. Removal of Name from Ballot of a Candidate for Legislative or State Offices at a General Election for Disqualification or Withdrawal

Sec. 1. (a) This chapter applies only to a candidate for election to any of the following:

(1) A legislative office.

(2) A state office other than a judicial office.

(b) This chapter applies notwithstanding any other law relating to challenges to the qualifications of a candidate to be elected at a general election.

Sec. 2. A candidate may not be challenged under this chapter if all of the following apply:

(1) The candidate's qualification was previously challenged under this chapter or other applicable law.

(2) This challenge would be based on substantially the same grounds as the previous challenge to the candidate.

(3) The commission conducted a hearing on the challenge and made a final determination in favor of the candidate.

Sec. 3. (a) An individual who challenges the qualification of a candidate for election to an office must be a registered voter of the election district the candidate seeks to represent.

(b) A challenge under this chapter must be filed with the election division not later than forty (40) days before the date of the general election at which a candidate to the office is to be elected.

(c) The challenger must file a sworn statement with the election division:

(1) questioning the qualification of a candidate to seek the office; and

(2) setting forth the facts known to the voter concerning this question.

Sec. 4. The commission shall do the following not later than three (3) business days after the challenger's sworn statement is filed under section 3 of this chapter:

(1) Meet to hear the challenge.

(2) Conclude the hearing.

Sec. 5. (a) Not later than one (1) business day after concluding the hearing, the commission shall announce its determination of the matter.

(b) If the commission does not announce a determination on the matter as provided in subsection (a), the commission is considered to have:

(1) dismissed the challenge; and

(2) taken final action on the challenge.

Sec. 6. The candidate or the challenger may appeal any final action:

(1) taken by the commission; or

(2) that the commission is considered to have taken under section 5 of this chapter;

to the court of appeals for errors of law under the same terms, conditions, and standards that govern appeals in ordinary civil

actions. An assignment of errors that the commission's final action is contrary to law is sufficient to present both the sufficiency of the facts found to sustain the commission's action and the sufficiency of the evidence to sustain the finding of facts upon which the commission's action was rendered.

Sec. 7. (a) Regardless of the status of a challenge before the commission or the court of appeals, on noon thirty (30) days before the general election the following apply:

(1) The challenge is terminated.

(2) The name of the challenged candidate may not be removed from the ballot.

(3) The name of another individual may not replace the name of the challenged candidate on the ballot.

(4) Any votes cast for the challenged candidate shall be canvassed, counted, and reported under the name of the challenged candidate.

(b) All of the following apply if a candidate attempts to withdraw as a candidate after noon thirty (30) days before the general election:

(1) The name of the candidate may not be removed from the ballot.

(2) The name of another individual may not replace the name of the candidate on the ballot.

(3) Any votes cast for the candidate shall be canvassed, counted, and reported under the name of the candidate.

Sec. 8. (a) This section applies if a candidate whose name remains on the ballot under section 7 of this chapter receives the most votes in the general election among all candidates for the office.

(b) If, after the election, it is determined as provided by law that the individual was not qualified to be elected to the office, it shall be considered that:

(1) an eligible candidate of the same political party, if any, as the ineligible candidate had been elected; and

(2) a vacancy in the office occurred after the election.

(c) The vacancy in the office shall be filled as otherwise provided by law."

Re-number all SECTIONS consecutively.

(Reference is to HB 1226 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

THOMAS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1429, 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, line 5, delete "shall" and insert "**may**".

Page 2, line 14, delete "shall" and insert "**may**".

(Reference is to HB 1429 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 5.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1434, 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, delete lines 27 through 42.

Delete page 3.

Page 4, delete lines 1 through 6.

Page 7, between lines 40 and 41, begin a new paragraph and insert:

"**Sec. 2. "ARE" refers to the Architectural Registration Exam.**"

Page 7, line 41, delete "2." and insert "3."

Page 8, line 14, delete "3." and insert "4."

Page 8, line 16, delete "4." and insert "5."

Page 8, line 18, delete "5." and insert "6."
 Page 8, line 28, delete "6." and insert "7."
 Page 8, line 34, delete "7." and insert "8."
 Page 8, line 37, delete "8." and insert "9."
 Page 8, line 39, delete "9." and insert "10."
 Page 8, line 41, delete "10." and insert "11."
 Page 9, line 29, after "interior" insert "**design**".
 Page 9, line 36, delete "NCIDQ." and insert "**NCIDQ or the ARE.**".

Page 9, line 42, delete "NCIDQ." and insert "**NCIDQ or documentation of the successful completion of the ARE.**".

Page 10, line 25, delete "NCIDQ;" and insert "**NCIDQ or the ARE;**".

Page 11, between lines 14 and 15, begin a new paragraph and insert:

"Sec. 10. Notwithstanding section 3 of this chapter, a person may be registered with the secretary of state and issued a certificate of registration after completion of the requirements of section 2 of this chapter if the person provides proof to the secretary of state that:

(1) the person has:

(A) received two (2) to four (4) years of education in interior design; and

(B) practiced in the field of interior design for at least ten (10) years; or

(2) the person has practiced interior design for at least fifteen (15) years.

However, a person registered under this section may not place a seal and signature on interior design construction documents as set forth in section 9(b) of this chapter for the purpose of obtaining a building permit unless the person has passed the examination administered by the NCIDQ or the ARE."

Page 13, delete lines 20 through 31.

Renumber all SECTIONS consecutively.

(Reference is to HB 1434 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1435, 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 local government and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3.5-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If on January 1 of a calendar year the county option income tax rate in effect for resident county taxpayers equals six tenths of one percent (0.6%), then the county income tax council of that county may after January 1 and before April 1 of that year pass an ordinance to increase its tax rate for resident county taxpayers. **Except as provided in section 9.6 of this chapter**, if a county income tax council passes an ordinance under this section, its county option income tax rate for resident county taxpayers increases by one tenth of one percent (0.1%) each succeeding July 1 until its rate reaches a maximum of one percent (1%).

(b) The auditor of the county shall record any vote taken on an ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 2. IC 6-3.5-6-9.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.6. Notwithstanding any other provision of this chapter, the county income tax council for a county containing a consolidated city may pass an ordinance to increase the county option income tax rate for resident county**

taxpayers by not more than three-tenths of one percent (0.3%) on the succeeding July 1, up to a maximum rate of one percent (1%).

SECTION 3. IC 6-3.5-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The county income tax council of any county may adopt an ordinance to permanently freeze the county option income tax rates at the rate in effect for its county on January 1 of a year.

(b) To freeze the county option income tax rates a county income tax council must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Income Tax Council permanently freezes the county option income tax rates at the rate in effect on January 1 of the current year."

(c) An ordinance adopted under the authority of this section remains in effect until rescinded. The county income tax council may rescind such an ordinance after January 1 but before April 1 of any calendar year. Such an ordinance shall take effect July 1 of that same calendar year.

(d) **Except as provided in section 9.6 of this chapter**, if a county income tax council rescinds an ordinance as adopted under this section the county option income tax rate shall automatically increase by one-tenth of one percent (0.01%) until:

(1) the tax rate is again frozen under another ordinance adopted under this section; or

(2) the tax rate equals six tenths of one percent (0.6%) (if the frozen tax rate equaled an amount less than six tenths of one percent (0.6%)) or one percent (1%) (if the frozen tax rate equaled an amount in excess of six tenths of one percent (0.6%)).

(e) The county auditor shall record any vote taken on an ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 4. IC 36-3-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) The following executive departments of the consolidated city are established, subject to IC 36-3-4-23:

(1) Department of administration **and equal opportunity.**

(2) Department of metropolitan development.

(3) Department of public safety.

(4) Department of public works.

(5) Department of transportation.

(6) Department of parks and recreation.

These departments and their divisions have all the powers, duties, functions, and obligations prescribed by law for them as of August 31, 1981, subject to IC 36-3-4-23.

(b) The department of public utilities established under IC 8-1-11.1 continues as an agency of the consolidated city, which is the successor trustee of a public charitable trust created under Acts 1929, c. 78. The department of public utilities is governed under IC 8-1-11.1 and is not subject to this article.

SECTION 5. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: **Sec. 6. Notwithstanding any other provision, the department of administration and equal opportunity is responsible for:**

(1) payroll functions; and

(2) other human resources and personnel functions;

for all city and county departments, offices, and agencies.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "commission" refers to the Marion County consolidation study commission established by subsection (b).**

(b) The Marion County consolidation study commission is established.

(c) The commission consists of the following members:

(1) Two (2) members of the house of representatives, not more than one (1) of whom may be a member of the same political party, appointed by the speaker of the house of representatives.

(2) Two (2) members of the senate, not more than one (1) of whom may be a member of the same political party, appointed by the president pro tempore of the senate.

(3) One (1) member appointed by the mayor of Indianapolis.

(4) One (1) member who is a township trustee in Marion

County, appointed by the chairman of the legislative council upon the recommendation of the Marion County Trustees Association.

(5) One (1) member who is an elected township assessor in Marion County, appointed by the chairman of the legislative council upon the recommendation of the Marion County Township Assessors Association.

(6) Two (2) members appointed by the chairman of the legislative council upon the recommendation of the president of Indianapolis Lodge No. 86, Fraternal Order of Police, Inc. One (1) member appointed under this subdivision must be a law enforcement officer employed by the Marion County Sheriff's Department, and one (1) member appointed under this subdivision must be a law enforcement officer employed by the Indianapolis Police Department.

(7) Two (2) members appointed by the chairman of the legislative council upon the recommendation of the president of Indianapolis Metropolitan Professional Firefighters Local 416. One (1) member appointed under this subdivision must be a full-time firefighter employed by a fire department in a Marion County township other than Center Township. One (1) member appointed under this subdivision must be a full-time firefighter employed by the Indianapolis Fire Department.

(d) The chairman of the legislative council shall appoint a member of the commission as the chair of the commission.

(e) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including the adoption of a final report.

(f) The legislative services agency shall provide staff support for the commission.

(g) Except as otherwise provided in this SECTION, the commission shall operate under the rules and procedures of the legislative council.

(h) The commission shall study the consolidation of local government in Marion County, including the consolidation of functions proposed in HB 1435-2005, as introduced, and in the "Indianapolis Works" plan.

(i) There is appropriated forty-five thousand dollars (\$45,000) to the legislative council from the state general fund for the period beginning July 1, 2005, and ending June 30, 2006, to hire consultants, including accountants, auditors, and actuaries, that are necessary to assist the commission in reviewing and verifying information and data concerning the consolidation of local government in Marion County. The chairman and vice chairman of the legislative council must approve the hiring of any consultants by the commission.

(j) Before July 1, 2005, the city of Indianapolis must submit information concerning the following to the commission, including any data or assumption used by the city in providing the information:

(1) The anticipated locations and staffing levels of offices in Marion County providing services related to property assessment and township assistance.

(2) The operational efficiencies that may be achieved from the consolidation of law enforcement and firefighting functions.

(3) The anticipated law enforcement staffing and patrolling patterns throughout Marion County.

(4) The anticipated staffing of each existing fire station in Marion County.

(5) The anticipated wages and benefits that would be paid to law enforcement officers and firefighters of the consolidated departments, including any information concerning the timing of expected wage increases for officers and firefighters currently earning less than other officers with comparable rank and experience.

(6) The anticipated pension payments to law enforcement officers and firefighters and the funding source of those payments.

(7) The amount of any reductions in administrative costs resulting from the consolidation of property assessment,

township assessment, law enforcement, and firefighting functions.

(8) The amount of any other savings that might occur if services currently provided by township assessors and township trustees (other than township assistance and firefighting services) were transferred to existing county and city departments.

(9) Any other information demonstrating the manner in which the consolidation proposed by HB 1435-2005, as introduced, would affect:

(A) the cost of providing local government services in Marion County;

(B) tax rates, tax levies, and budgets of units of local government in Marion County;

(C) the ability of local government to provide services; and

(D) the ability of citizens to interact with government officials.

(k) Any interested party may submit information and data described in subsection (j) to the commission.

(l) The commission shall issue a final report to the legislative council before December 1, 2005, concerning any findings and recommendations made by the commission.

(m) This SECTION expires December 31, 2005.

SECTION 7. [EFFECTIVE UPON PASSAGE] Notwithstanding IC 6-3.5-6, if the county income tax council for a county containing a consolidated city passes an ordinance described in IC 6-3.5-6-9.6, as added by this act, before June 1, 2005, the increased rate takes effect July 1, 2005.

SECTION 8. An emergency is declared for this act.

(Reference is to HB 1435 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1439, 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, line 3, delete "UPON PASSAGE]" and insert "JULY 1, 2005]:".

Page 1, delete lines 5 through 17, begin a new line block indented and insert:

"(1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.

(2) The document shows a photograph of the individual to whom the document was issued.

(3) The document includes an expiration date, and the document:

(A) is not expired; or

(B) expired after the date of the most recent general election.

(4) The document was issued by the United States or the state of Indiana.

SECTION 2. IC 3-10-1-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.2. (a) A voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Before the voter proceeds to vote in a primary election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.4;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

SECTION 3. IC 3-11-8-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) A voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.4;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(~~g~~) (e) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.

(~~h~~) (f) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(~~c~~) This subsection applies after December 31, 2003.

(g) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required under subsection (b), a piece of identification described in subsection (~~h~~) (h) to the poll clerk.

(~~d~~) This subsection applies after December 31, 2003.

(h) As required by 42 U.S.C. 15483, in addition to the proof of identification required under subsection (b), a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

(1) a current and valid photo identification; or

(2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(~~e~~) This subsection applies after December 31, 2003.

(i) If a voter presents a document under subsection (~~h~~) (h), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(~~f~~) This subsection applies after December 31, 2003.

(j) If a voter required to present documentation under subsection (~~h~~) (h) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11-7-2.

(~~g~~) This subsection applies after December 31, 2003.

(k) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11-7.

(~~h~~) (l) This subsection does not apply to a precinct in a county with a computerized registration system whose inspector was:

(1) furnished with a list certified under IC 3-7-29; and

(2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(~~h~~) (m) If, in a precinct governed by subsection (~~h~~) (l):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;

the voter may then vote.

(~~h~~) (n) This section expires January 1, 2006.

SECTION 4. IC 3-11-8-25.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.1. (a) This section applies after December 31, 2005.

(b) A voter who desires to vote an official ballot at an election shall provide proof of identification.

(c) Before the voter proceeds to vote in the election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(d) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.4;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(e) If the voter executes a challenged voter's affidavit under section 22 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(~~h~~) (f) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection (~~h~~) (k), the voter's current residence address.

(~~c~~) (g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of

identification.

~~(d)~~ (i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

~~(e)~~ (j) If, in a precinct governed by subsection ~~(c)~~ (g):

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

~~(f)~~ (k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 5. IC 3-11-8-25.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.2. (a) This section applies after December 31, 2005.

(b) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, **in addition to the proof of identification required by section 25.1(b) of this chapter**, a piece of identification described in subsection (c) to the poll clerk.

(c) As required by 42 U.S.C. 15483, **and in addition to the proof of identification required by section 25.1(b) of this chapter**, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

- (1) A current and valid photo identification.
- (2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(d) If a voter presents a document under subsection (c), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(e) If a voter required to present documentation under subsection (c) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11-7-2.

(f) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11-7.

SECTION 6. IC 3-11-8-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.5. If an individual signs the individual's name and either:

- (1) signs the individual's address; or
- (2) after December 31, 2005, checks the "Address Unchanged" box;

on the poll list under section 25 **or 25.1** of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

SECTION 7. IC 3-11-8-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. (a) **This section does not apply to a list kept by a poll clerk under section 10.5 of this chapter.**

(b) A precinct election board may not keep a poll list other than the poll list required by section 25 **or 25.1** of this chapter.

SECTION 8. IC 3-11-10-1.2 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.2. An absentee voter is not required to provide proof of identification when:**

(1) mailing, delivering, or transmitting an absentee ballot under section 1 of this chapter; or

(2) voting before an absentee board under this chapter.

SECTION 9. IC 3-11-10-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) If an absentee ballot is challenged under section 21 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person. ~~In all other respects~~

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

(d) If a proper affidavit is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, then the absentee ballot shall be placed in the ballot box.

SECTION 10. IC 3-11.5-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person. ~~In all other respects;~~

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

~~(b)~~ (d) If a proper affidavit by a qualified person in the form required by IC 3-11-8-22 is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

~~(c)~~ (e) The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under section 11 of this chapter.

SECTION 11. IC 3-11.7-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The precinct election board shall affix to the envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.

(b) The form of the envelope is prescribed under IC 3-6-4.1-14. The envelope must permit a member of a precinct election board to indicate whether the voter has been issued a provisional ballot as the result of a challenge based on the voter's inability or declination to provide proof of identification.

~~(b)~~ (c) Except as provided in subsection ~~(c)~~ (d) and in accordance with 42 U.S.C. 15482, the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".

~~(c)~~ (d) This subsection applies to the sealed envelope and the affidavits affixed to the envelope of a provisional voter described in section 1(a)(3) of this chapter. As required by 42 U.S.C. 15482, the precinct election board shall keep the sealed envelope or container separate from the envelope or container described in subsection ~~(b)~~ (c). The envelope or container described in this subsection must be labeled "Provisional Ballots Issued After Regular Poll Closing Hours".

SECTION 12. IC 3-11.7-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in section 5 of this chapter, if the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

(1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.

(2) The provisional voter is a qualified voter of the precinct **and has provided proof of identification, if required, under IC 3-10-1 or IC 3-11-8.**

(3) Based on all the information available to the county election board, including:

- (A) information provided by the provisional voter;
- (B) information contained in the county's voter registration records; and
- (C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot. The board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) ~~This subsection applies after December 31, 2003.~~ Except as provided in section 5 of this chapter, a provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day.

SECTION 13. IC 3-11.7-5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. (a) A voter who:**

- (1) was challenged under IC 3-10-1 or IC 3-11-8 as a result of the voter's inability or declination to provide proof of identification; and
- (2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county election board not later than the deadline specified by section 1 of this chapter for the county election board to determine whether to count a provisional ballot.

(b) Except as provided in subsection (c) or (e), if the voter:

- (1) provides proof of identification to the circuit court clerk or county election board; and
- (2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:

- (1) the voter is the same individual who:
 - (A) personally appeared before the precinct election board; and
 - (B) cast the provisional ballot on election day; and
- (2) the voter:
 - (A) is:
 - (i) indigent; and
 - (ii) unable to obtain proof of identification without the payment of a fee; or
 - (B) has a religious objection to being photographed;

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board.

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

- (1) find that the voter's provisional ballot is valid; and
- (2) direct that the provisional ballot be:

(A) opened under section 4 of this chapter; and

(B) processed in accordance with this chapter.

(e) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

(1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and

(2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

(f) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) to:

(1) appear before the county election board; and

(2) execute an affidavit in the manner prescribed by subsection (b) or (c);

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 14. IC 3-11.7-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3. (a)** If the board determines that the affidavit executed by the provisional voter has not been properly executed, that the provisional voter is not a qualified voter of the precinct, **that the voter failed to provide proof of identification when required under IC 3-10-1 or IC 3-11-8**, or that the provisional voter did not register to vote at a registration agency under this article on a date within the registration period, the board shall make the following findings:

(1) The provisional ballot is invalid.

(2) The provisional ballot may not be counted.

(3) The provisional ballot envelope containing the ballots cast by the provisional voter may not be opened.

(b) If the county election board determines that a provisional ballot is invalid, a notation shall be made on the provisional ballot envelope: "Provisional ballot determined invalid".

Delete pages 2 through 6.

Renumber all SECTIONS consecutively.

(Reference is to HB 1439 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

THOMAS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1456, 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 10, nays 0.

SAUNDERS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1518, 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 18, delete "the Internet," and insert "**Internet Protocol enabled services**,".

Page 4, line 36, delete "and".

Page 4, line 38, delete "chapter." and insert "**chapter; and**".

Page 4, between lines 38 and 39, begin a new line block indented and insert:

"(4) **switched and special carrier access services**."

Page 8, line 36, delete "Through the period ending July 1, 2010, a" and insert "**A**".

Page 8, line 38, after "rate" insert "**with unlimited local calling**".

Page 8, line 41, delete "2007," and insert "**2010**".

Page 12, delete lines 29 through 42.

Page 13, delete lines 1 through 12.

Page 13, line 15, after "10." insert "(a)".

Page 13, line 16, after "law," insert "**including when conducting arbitration of interconnection agreements under the federal Telecommunications Act of 1996, 47 U.S.C. 251 et seq.,**".

Page 13, line 23, delete "In establishing pricing for unbundled network".

Page 13, delete lines 24 through 26, begin a new paragraph and insert:

"(b) The commission shall establish reasonable pricing for unbundled network elements, the resale of telecommunications services, and interconnection in accordance with the federal Telecommunications Act of 1996, 47 U.S.C 251 et seq., and all other federal laws and regulations.

(c) This chapter does not affect:

(1) the commission's continuing authority to resolve interconnection disputes between telecommunications carriers that arise under the federal Telecommunications Act of 1996, 47 U.S.C. 251 et seq.; or

(2) a provider's ability to file a complaint with the commission to have a dispute, after notice and hearing, decided by the commission."

Page 13, line 35, delete "Whenever a provider obtains information that a customer" and insert "**After a customer's telecommunications services have been ported,**".

Page 13, line 36, delete "has changed to another provider,".

Page 13, line 37, delete "," and insert "**and by IC 24-4.7-4,**".

Page 14, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 25. IC 8-1-19.5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) Notwithstanding IC 8-1-2.6, the commission may retain:

(1) jurisdiction over the rates, charges, and service quality of 211 services provided by telecommunications providers; and

(2) the authority to fulfill the commission's duties under this chapter.

(b) The commission may not impose a rule concerning the service quality of 211 services provided by a telecommunications provider unless the rule is imposed equally and uniformly on all telecommunications providers.

(c) Upon a petition by:

(1) a telecommunications provider; or

(2) a recognized 211 services provider;

the commission may formally or informally investigate a telecommunications provider's rates and charges to determine whether the rates and charges are just and reasonable. For purposes of this section, a rate is considered reasonable if the rate covers the telecommunications provider's costs and allows a reasonable profit."

Page 16, line 9, delete "At the same time a provider gives notice under subsection".

Page 16, delete lines 10 through 18.

Page 16, run in lines 9 through 19.

Page 16, delete lines 21 through 26.

Page 17, line 25, after "time," insert "**determined by the commission and**".

Page 17, line 25, delete "practices" and insert "**practices,**".

Page 17, delete line 26.

Page 17, line 27, delete "or standards of the commission,".

Page 17, delete line 36.

Page 17, line 37, delete "authorize as" and insert "**for a period determined by the commission to be**".

Page 19, line 36, delete "eighteen (18)" and insert "**twelve (12)**".

Page 20, line 3, delete "IC 8-1-2.6-6;".

Page 20, after line 3, begin a new paragraph and insert:

"SECTION 27. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(b) Not later than November 1, 2005, the regulatory flexibility committee established by IC 8-1-2.6-4 shall study the following issues:

(1) The rates and charges assessed for bundled or packaged

services that includes telecommunications services along with:

(A) information services;

(B) advanced services; or

(C) broadband services.

(2) The ability of consumers to compare the pricing of bundles or packages:

(A) that are offered by different providers; or

(B) that contain different combinations of services.

(c) The regulatory flexibility committee shall prepare a report on the committee's recommendations, if any, concerning the issues described in subsection (b) and shall submit the report to the legislative council in an electronic format under IC 5-14-6 not later than December 1, 2005."

Re-number all SECTIONS consecutively.

(Reference is to HB 1518 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

MURPHY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1601, 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 23, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1651, 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 9, after line 42, begin a new paragraph and insert:

"SECTION 18. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "coroner" refers to the coroner of Daviess County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of coroner at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of coroner at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of coroner at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

(c) This SECTION expires January 1, 2018."

Page 19, delete lines 27 through 42.

Page 20, delete lines 1 through 2.

Re-number all SECTIONS consecutively.

(Reference is to HB 1651 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

THOMAS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1714, 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 trade regulation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-4.8 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 4.8. PROHIBITED SPYWARE

Chapter 1. Definitions.

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Advertisement" means a communication that has the primary purpose of promoting a commercial product or service.

Sec. 3. (a) "Owner or operator" means the person who owns or leases a computer, or a person who uses a computer with the authorization of the person who owns or leases the computer.

(b) The term does not include a manufacturer, distributor, wholesaler, retail merchant, or any other person who owns or leases a computer before the first retail sale of the computer.

Sec. 4. (a) "Computer software" means a sequence of instructions written in any programming language that is executed on a computer.

(b) The term does not include computer software that is a web page, or a data component of a web page that is not executable independently of the web page.

Sec. 5. "Damage" means a significant impairment to the integrity or availability of data, computer software, a system, or information.

Sec. 6. "Execute" means to perform a function or carry out an instruction of computer software.

Sec. 7. "Intentionally deceptive means" means any of the following:

- (1) A materially false statement that a person knows to be false.
- (2) A statement or description made by a person who omits or misrepresents material information with the intent to deceive an owner or operator of a computer.
- (3) The failure to provide notice to an owner or operator of a computer regarding the installation or execution of computer software with the intent to deceive the owner or operator.

Sec. 8. "Internet" has the meaning set forth in IC 5-22-2-13.5.

Sec. 9. "Person" means an individual, a partnership, a corporation, a limited liability company, or another organization.

Sec. 10. "Personally identifying information" means the following information that refers to a person who is an owner or operator of a computer:

- (1) Identifying information (as defined in IC 35-43-5-1).
- (2) An electronic mail address.
- (3) Any of the following information in a form that personally identifies an owner or operator of a computer:
 - (A) An account balance.
 - (B) An overdraft history.
 - (C) A payment history.

Sec. 11. (a) Except as provided in subsection (b), "transmit" means to transfer, send, or otherwise make available computer software, or a computer software component, through a network, the Internet, a wireless transmission, or any other medium, including a disk or data storage device.

(b) "Transmit" does not include an action by a person who provides:

- (1) the Internet connection, telephone connection, or other means of connection for an owner or operator, including a compact disk or DVD on which computer software to establish or maintain a connection is made available;
- (2) the storage or hosting of computer software or an Internet web page through which the computer software was made available; or
- (3) an information location tool, including a directory, index, reference, pointer, or hypertext link, through which the owner or operator of the computer located the software; unless the person receives a direct economic benefit from the execution of the computer software.

Chapter 2. Prohibited Conduct

Sec. 1. This chapter does not apply to a person who monitors or interacts with an owner or operator's Internet connection, Internet service, network connection, or computer if the person is a telecommunications carrier, cable operator, computer hardware or software provider, or other computer service provider who monitors or interacts with an owner or operator's Internet connection, Internet service, network connection, or computer for one (1) or more of the following purposes:

- (1) Network security.
- (2) Computer security.
- (3) Diagnosis.
- (4) Technical support.
- (5) Maintenance.
- (6) Repair.
- (7) Authorized updates of software or system firmware.
- (8) Authorized remote system management.
- (9) Detection or prevention of the unauthorized, illegal, or fraudulent use of a network, service, or computer software, including scanning for and removing computer software that facilitates a violation of this chapter.

Sec. 2. A person who is not the owner or operator of the computer may not knowingly or intentionally:

- (1) transmit computer software to the computer; and
- (2) by means of the computer software transmitted under subdivision (1), do any of the following:

(A) Use intentionally deceptive means to modify computer settings that control:

- (i) the page that appears when an owner or operator opens an Internet browser or similar computer software used to access and navigate the Internet;
- (ii) the Internet service provider, search engine, or web proxy that an owner or operator uses to access or search the Internet; or
- (iii) the owner or operator's list of bookmarks used to access web pages.

(B) Use intentionally deceptive means to collect personally identifiable information:

- (i) through the use of computer software that records a keystroke made by an owner or operator and transfers that information from the computer to another person; or
- (ii) in a manner that correlates the personally identifiable information with data respecting all or substantially all of the web sites visited by the owner or operator of the computer, not including a web site operated by the person collecting the personally identifiable information.

(C) Extract from the hard drive of an owner or operator's computer:

- (i) a credit card number, debit card number, bank account number, or any password or access code associated with these numbers;
- (ii) a Social Security number, tax identification number, driver's license number, passport number, or any other government issued identification number; or
- (iii) the account balance or overdraft history of a person in a form that identifies the person.

(D) Use intentionally deceptive means to prevent reasonable efforts by an owner or operator to block or disable the installation or execution of computer software.

(E) Knowingly or intentionally misrepresent that computer software will be uninstalled or disabled by an owner or operator's action.

(F) Use intentionally deceptive means to remove, disable, or otherwise make inoperative security, antispyware, or antivirus computer software installed on the computer.

(G) Take control of another person's computer with the intent to cause damage to the computer or cause the owner or operator to incur a financial charge for a service that the owner or operator has not authorized, by:

- (i) accessing or using the computer's modem or Internet service; or

(ii) without the authorization of the owner or operator, opening multiple, sequential, standalone advertisements in the owner or operator's Internet browser that a reasonable computer user cannot close without turning off the computer or closing the browser.

(H) Modify:

(i) computer settings that protect information about a person with the intent of obtaining personally identifiable information without the permission of the owner or operator; or
(ii) security settings with the intent to cause damage to a computer.

(I) Prevent reasonable efforts by an owner or operator to block or disable the installation or execution of computer software by:

(i) presenting an owner or operator with an option to decline installation of computer software knowing that the computer software will be installed even if the owner or operator attempts to decline installation; or
(ii) falsely representing that computer software has been disabled.

Sec. 3. A person who is not the owner or operator may not knowingly or intentionally do any of the following:

(1) Induce the owner or operator to install computer software on the owner or operator's computer by knowingly or intentionally misrepresenting the extent to which installing the computer software is necessary for:

(A) computer security;
(B) computer privacy; or
(C) opening, viewing, or playing a particular type of content.

(2) Use intentionally deceptive means to execute or cause the execution of computer software with the intent to cause the owner or operator to use the computer software in a manner that violates subdivision (1).

Chapter 3. Relief and Damages.

Sec. 1. In addition to any other remedy provided by law, an owner or operator, a provider of computer software, the owner of a web site, or the owner of a trademark who is adversely affected by reason of the violation may bring a civil action against a person who violates IC 24-4.8-2:

(1) to enjoin further violations of IC 24-4.8-2; and
(2) to recover the greater of:
(A) actual damages; or
(B) one hundred thousand dollars (\$100,000);

for each violation of IC 24-4.8-2.

Sec. 2. For purposes of section 1 of this chapter, conduct that violates more than one (1) subdivision, clause, or item of IC 24-4.8-2 constitutes a separate violation for each separate subdivision, clause, or item violated. However, a single action or course of conduct that causes repeated violations of a single subdivision, clause, or item of IC 24-4.8-2 constitutes one (1) violation.

(Reference is to HB 1714 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

MURPHY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1747, 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 22, line 9, delete "calculate a" and insert "**adjust the**".
Page 22, line 10, delete "." and insert "**under this section**".
Page 22, line 16, delete "." and insert "**without considering any deferral made under this chapter**".
Page 22, line 21, delete ";" and insert "**without considering any deferral made under this chapter**";.
Page 22, line 28, delete "STEP ONE amount" and insert

"**threshold amount for the immediately preceding year**".

Page 22, line 30, delete "STEP ONE amount" and insert "**threshold amount for the immediately preceding year**".

Page 26, line 1, delete "(1)" and insert "(2)".

(Reference is to HB 1747 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 1.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1750, 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 5, between lines 15 and 16, begin a new paragraph and insert:
"SECTION 4. IC 16-18-2-56.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 56.5. "Client", for purposes of IC 16-27-4, has the meaning set forth in IC 16-27-4-1.**"

Page 5, line 26, delete "IC 16-27-4-1." and insert "**IC 16-27-4-2**".

Page 5, delete lines 27 through 39 begin a new paragraph and insert:

"SECTION 6. IC 16-18-2-277.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 277.6. "Personal representative", for purposes of IC 16-27-4, has the meaning set forth in IC 16-27-4-3.**"

Page 6, delete lines 7 through 14.

Page 6, line 23, delete "either:" and insert "**either, are required by law to be**:".

Page 6, line 24, delete "are required by law to be".

Page 6, line 28, delete "may be".

Page 7, line 24, after "agency" insert "**or a personal services agency**".

Page 9, between lines 15 and 16, begin a new paragraph and insert:
"**Sec. 1. As used in this chapter, "client" means an individual who has been accepted to receive personal services from a personal services agency.**"

Page 9, line 16, delete "1." and insert "2.".

Page 9, delete lines 19 through 21, begin a new paragraph and insert:

"**Sec. 3. As used in this chapter, "personal representative" means a person who has legal authority to act on behalf of the client with regard to the action to be taken.**"

Page 9, line 22, delete "3." and insert "4.".

Page 9, line 23, after "attendant" insert "**care**".

Page 9, line 28, delete "patient," and insert "**client**".

Page 9, line 30, delete "patient at the patient's" and insert "**client at the client's**".

Page 10, line 2, delete "4." and insert "5.".

Page 10, line 7, after "services" insert "**only to the individual's family and**".

Page 10, line 8, delete "patients concurrently at the patient's residence." and insert "**individuals per residence and not more than a total of six (6) clients concurrently. As used in this subdivision, "family" means the individual's spouse, children, parent, parent-in-law, grandparent, grandchild, brother, brother-in-law, sister, sister-in-law, aunt, aunt-in-law, uncle, uncle-in-law, niece, and nephew.**"

Page 10, delete lines 19 through 26.

Page 10, line 40, after "within" insert "**a radius of**".

Page 10, line 40, delete "minutes driving" and insert "**miles**".

Page 10, line 41, delete "time".

Page 11, line 25, delete "patients" and insert "**clients**".

Page 11, line 26, delete "patient files." and insert "**client files. If the state department approves the application, the state department shall issue a license to the applicant.**"

Page 11, delete lines 35 through 39 and insert "**licensure, an application for license renewal, or an investigation and its onsite reviews in conjunction with those actions are limited to determining the personal service agency's compliance with the**

requirements of this chapter or permitting or aiding an illegal act in a personal services agency."

Page 11, line 41, after "(e)." insert "However, the state department may issue an initial license for a period of less than three (3) years to stagger the expiration dates."

Page 12, between lines 7 and 8, begin a new paragraph and insert: "(k) A personal services agency that is operated by a home health agency licensed under IC 16-27-1 is subject to the requirements of this chapter and not IC 16-27-1. The home health agency is not subject to the requirements of this chapter. A home health agency that is licensed under IC 16-27-1 is not required to obtain a license under this chapter."

Page 12, line 8, delete "(k)" and insert "(l)".

Page 12, line 22, delete "patient's" and insert "client's".

Page 12, line 23, delete "patient," and insert "client,".

Page 12, line 24, delete "patient's" and insert "client's personal".

Page 12, line 25, delete "patient," and insert "client,".

Page 12, line 25, delete "patient" and insert "client".

Page 12, line 27, delete "patient's" and insert "client's".

Page 12, line 30, delete "patient" and insert "client".

Page 12, line 32, delete "patient's" and insert "client's".

Page 12, line 42, delete "patient" and insert "client".

Page 13, line 1, delete "patient." and insert "client.".

Page 13, line 7, delete "patient" and insert "client".

Page 13, line 8, delete "patient's" and insert "client's".

Page 13, line 13, delete "patient" and insert "client".

Page 13, line 14, delete "patient" and insert "client".

Page 13, line 16, delete "patient" and insert "client".

Page 13, line 17, delete "patient" and insert "client".

Page 13, line 22, delete "patient" and insert "client".

Page 13, line 23, delete "patient's" and insert "client's personal".

Page 13, line 24, delete "patient" and insert "client".

Page 13, line 25, delete "patient." and insert "client.".

Page 13, line 25, delete "patient" and insert "client".

Page 13, line 27, delete "patient" and insert "client".

Page 13, line 27, delete "patient's" and insert "client's".

Page 13, line 29, delete "patient" and insert "client".

Page 13, line 32, delete "patient" and insert "client".

Page 13, line 36, delete "patient" and insert "client".

Page 13, line 40, delete "patient" and insert "client".

Page 14, line 3, delete "patient" and insert "client".

Page 14, line 7, delete "patient" and insert "client".

Page 14, line 20, delete "patient, the patient's family, or the patient's" and insert "client, the client's family, or the client's personal".

Page 14, line 23, delete "patient's" and insert "client's".

Page 14, line 28, delete "patient" and insert "client".

Page 14, line 31, delete "patient" and insert "client".

Page 14, line 36, delete "patient's" and insert "client's".

Page 15, line 6, delete "performing" and insert "performs".

Page 15, line 7, delete "patient" and insert "client".

Page 15, line 39, delete "chapter." and insert "chapter and document services provided to clients."

Page 15, line 40, after "documentation" insert "or copies of the documentation".

Page 15, line 40, after "maintained" insert "or be electronically accessible".

Page 16, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 18. IC 22-1-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 5. Home Care Consumers and Worker Protection

Sec. 1. As used in this chapter, "attendant care services" has the meaning set forth in IC 16-27-1-0.5.

Sec. 2. As used in this chapter, "companion type services" has the meaning set forth in IC 12-10-17-2(2).

Sec. 3. As used in this chapter, "consumer" means an individual who:

- (1) receives home care services given by a home care services worker in the individual's residence; or
- (2) pays for and directs the home care services for another

individual.

Sec. 4. As used in this chapter, "consumer notice" means the notice described in section 14 of this chapter.

Sec. 5. As used in this chapter, "department" means the department of labor created under IC 22-1-1-1.

Sec. 6. As used in this chapter, "home care services" means skilled and unskilled services provided to an individual at the individual's residence to enable the individual to remain in the residence safely and comfortably. The provision of at least two (2) of the following is included in home care services:

- (1) Nursing.
- (2) Therapy.
- (3) Attendant care.
- (4) Companion type services.
- (5) Homemaker services.

Sec. 7. As used in this chapter, "home care services worker" means an individual performing home care services for compensation.

Sec. 8. As used in this chapter, "homemaker services" means assistance with or performing household tasks that include housekeeping, shopping, laundry, meal planning and preparation, handyman services, and seasonal chores.

Sec. 9. As used in this chapter, "placement agency" means a person engaged in the business of securing home care services employment for an individual or securing a home care services worker for a consumer. The term:

- (1) includes an employment agency, a nurse registry, and an entity that places a home care services worker for compensation by a consumer in the consumer's residence to provide home care services; and
- (2) does not include a worker who solely and personally provides home care services to another individual at the residence of that individual.

Sec. 10. As used in this chapter, "skilled services" means services provided by a:

- (1) registered nurse (as defined in IC 25-23-1-1.1(a));
- (2) licensed practical nurse (as defined in IC 25-23-1-1.2); or
- (3) health care professional listed in IC 16-27-1-1.

Sec. 11. As used in this chapter, "worker notice" means the statement described in section 17 of this chapter.

Sec. 12. This chapter applies to a placement agency, but does not apply to a:

- (1) hospital (as defined in IC 16-18-2-179);
- (2) health facility (as defined in IC 16-18-2-167(a)); or
- (3) home health agency (as defined in IC 16-18-2-173).

Sec. 13. A placement agency:

- (1) must provide a consumer with a consumer notice each time a home care services worker is placed in the home of the consumer; but
- (2) is not required to provide a consumer notice when a new or different home care services worker is substituting for the regular home care services worker placed with the consumer.

Sec. 14. A consumer notice must include the following:

- (1) The duties, responsibilities and obligations of the placement agency to the:
 - (A) home care services worker; and
 - (B) consumer.
- (2) A statement identifying the placement agency as:
 - (A) an employer;
 - (B) a joint employer;
 - (C) a leasing employer; or
 - (D) not an employer.
- (3) A statement that notwithstanding the employment status of the placement agency, the consumer:
 - (A) may be considered an employer under state and federal employment laws; and
 - (B) may be responsible for:
 - (i) payment of local, state, or federal employment taxes;
 - (ii) payment for Social Security and Medicare contributions;
 - (iii) ensuring payment of at least the minimum wage;
 - (iv) overtime payment;

(v) unemployment contributions under IC 22-4-11; or
 (vi) worker's compensation insurance as required by
 IC 22-3-2-5 and IC 22-3-7-34;
 of the home care services worker.

(4) The appropriate telephone number, address, and
 electronic mail address of the department for inquiries
 regarding the contents of the notice.

The department shall determine the content and format of the
 consumer notice.

Sec. 15. The failure of a placement agency to provide a
 consumer notice to the consumer at the time a home care services
 worker is placed in the consumer's home does not relieve a
 consumer from the duties or obligations as an employer. If a
 placement agency fails to provide a consumer notice and the
 consumer is liable for payment of wages, taxes, worker's
 compensation insurance premiums, or unemployment
 compensation employer contributions, the consumer has a right
 of indemnification against the placement agency, which includes
 the actual amounts paid to or on behalf of the home care services
 worker as well as the consumer's attorney's fees and costs.

Sec. 16. A placement agency that will not be the actual
 employer of the home care services worker shall provide a
 worker notice as set forth in section 17 of this chapter to a home
 care services worker who is placed with a consumer. The worker
 notice must:

(1) be provided to the home care services worker upon
 placement in the consumer's home; and
 (2) specify the home care services worker's legal
 relationship with the placement agency and the consumer.

Sec. 17. The worker notice must contain the following:

(1) The duties, responsibilities, and obligations of the
 placement agency, the consumer, and the home care services
 worker if the home care services worker is determined to be
 an independent contractor, including:

(A) a statement of the party responsible for the payment
 of the home care services worker's wages, taxes, Social
 Security and Medicare contributions, unemployment
 contributions, and worker's compensation insurance
 premiums; and

(B) a statement identifying the party responsible for the
 home care services worker's hiring, firing, discipline, day
 to day supervision, assignment of duties, and provision of
 equipment or materials for use by the home care services
 worker.

(2) The telephone number, address, and electronic mail
 address of the department for inquiries regarding the
 contents of the notice.

The department shall determine the content and format of the
 consumer notice.

Sec. 18. The department may at any time and upon receiving
 a complaint from an interested person investigate an alleged
 violation of this chapter by a placement agency.

Sec. 19. The department may impose a civil penalty not to
 exceed one thousand dollars (\$1,000) against a placement agency
 that fails to provide a worker notice or a consumer notice at the
 times required under section 13 or 16 of this chapter. The civil
 penalty may be assessed by the department and, if necessary,
 shall be recovered by the prosecuting attorney of the county in
 which the violation has occurred or by the attorney general, as
 provided in IC 22-1-1-18."

Renumber all SECTIONS consecutively.

(Reference is to HB 1750 as introduced.)
 and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was
 referred House Bill 1835, 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 21, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was
 referred House Bill 1845, 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 12, nays 7.

ESPICH, Chair

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:45 p.m. with the Speaker in the Chair.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1001

Representative Espich called down Engrossed House Bill 1001 for
 third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning
 state and local administration 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?

On the motion of Representative Fry the previous question was
 called. Roll Call 146: yeas 52, nays 48. 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 R. Meeks and Kenley.

With consent of the members, the House returned to House Bills
 on second reading.

HOUSE BILLS ON SECOND READING

With consent of the members, the following bills were called down
 by their respective authors, were read a second time by title, and,
 there being no amendments, were ordered engrossed: House Bills
 1008, 1059, 1073, 1089, 1091, 1121, 1124, 1174, 1192, 1283, 1294,
 1300, 1322, 1351, 1367, 1386, 1409, 1413, 1452, 1496, 1567, 1573,
 1579, 1612, 1813, and 1821.

Representative Dvorak was excused.

House Bill 1145

Representative Avery called down House Bill 1145 for second
 reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1145-1)

Mr. Speaker: I move that House Bill 1145 be amended to read as
 follows:

Page 3, after line 35, begin a new line block indented and insert:
 "(5) A restriction on the hours of operation of a teen club."
 (Reference is to HB 1145 as printed February 16, 2005.)

AVERY

Motion prevailed. The bill was ordered engrossed.

House Bill 1188

Representative McClain called down House Bill 1188 for second
 reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1188-1)

Mr. Speaker: I move that House Bill 1188 be amended to read as
 follows:

Page 1, delete lines 17 through 18, begin a new line block indented and insert:

"(1) Ten (10) members appointed by the president pro tempore of the senate as follows:

(A) Six (6) members who are members of the senate. Not more than three (3) members appointed under this clause may be of the same political party. The president pro tempore shall appoint one (1) cochairperson who is a member of the senate not later than fifteen (15) days after the effective date of this SECTION.

(B) Four (4) lay members. Not more than two (2) members appointed under this clause may be of the same political party.

The president pro tempore of the senate must appoint the members under this subdivision not later than thirty (30) days after the cochairperson is appointed, five (5) of whom must be appointed with the advice and consent of the minority leader of the senate.

(2) Ten (10) members appointed by the speaker of the house of representatives as follows:

(A) Six (6) members who are members of the house of representatives. Not more than three (3) members appointed under this clause may be of the same political party. The speaker of the house of representatives shall appoint one (1) cochairperson, who is a member of the house of representatives, not later than fifteen (15) days after the effective date of this SECTION.

(B) Four (4) lay members. Not more than two (2) members appointed under this clause may be of the same political party.

The speaker of the house of representatives must appoint the members under this subdivision not later than thirty (30) days after the cochairperson is appointed, five (5) of whom must be appointed with the advice and consent of the minority leader of the house of representatives.

(3) Two (2) lobbyists (as defined by IC 2-7-1-10), who may not be of the same political party. One (1) member appointed under this subdivision shall be appointed by the president pro tempore of the senate not later than thirty (30) days after the cochairperson is appointed under subdivision (1). One (1) member appointed under this subdivision shall be appointed by the speaker of the house of representatives not later than thirty (30) days after the cochairperson is appointed under subdivision (2).

(d) The government efficiency commission shall operate under the policies governing study committees adopted by the legislative council."

Page 2, delete lines 1 through 31.

Page 2, line 32, delete "(i)" and insert "(e)".

Page 2, line 37, delete "(j)" and insert "(f)".

Page 2, line 41, delete "(k)" and insert "(g)".

Page 3, line 3, delete "(l)" and insert "(h)".

Page 3, line 6, delete "(m)" and insert "(i)".

Page 3, line 8, delete "(n)" and insert "(j)".

Page 3, line 20, delete "(o)" and insert "(k)".

Page 3, delete lines 22 through 23, begin a new paragraph and insert:

"(k) The legislative services agency shall provide staff support to the government efficiency commission."

Page 3, line 24, delete "(p)" and insert "(l)".

Page 3, line 26, delete "(q)" and insert "(m)".

Page 3, line 33, delete "(r)" and insert "(n)".

Page 3, line 39, delete "(s)" and insert "(o)".

Page 3, line 42, delete "(t)" and insert "(p)".

(Reference is to HB 1188 as printed February 16, 2005.)

TINCHER

Upon request of Representatives Tincher and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 147: yeas 47, nays 51. Motion failed. The bill was ordered engrossed.

House Bill 1222

Representative Koch called down House Bill 1222 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1222-3)

Mr. Speaker: I move that House Bill 1222 be amended to read as follows:

Page 4, line 3, delete "the imposition of any".

Page 4, line 4, delete "penalty that could be imposed for" and insert **"liability resulting from an agency action relating to"**.

Page 4, line 10, after "to" insert ":

(i).

Page 4, line 11, after "rule;" insert **"and**

(ii) remediate the effects, if any, of noncompliance;".

Page 4, line 17, delete "the imposition of a".

Page 4, line 18, delete "penalty that could be imposed for" and insert **"liability relating to"**.

Page 4, after line 27, begin a new paragraph and insert:

"(e) Information provided by a small business, including activities and documents that identify or describe the small business, to an agency in providing notice of the small business's actual or potential violation of a rule adopted by the agency is confidential, unless a clear and immediate danger to the public health, safety, welfare or environment exists. Information described in this subsection may not be made available for use by the agency for purposes other than the purposes of this section without the consent of the small business.

(f) Voluntary notice of an actual or a potential violation of a rule provided by a small business under subsection (c) is not admissible as evidence in a proceeding, other than an agency proceeding, to prove liability for the rule violation or the effects of the rule violation."

(Reference is to HB 1222 as printed February 15, 2005.)

MAYS

Motion prevailed. The bill was ordered engrossed.

House Bill 1282

Representative Foley called down House Bill 1282 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1282-1)

Mr. Speaker: I move that House Bill 1282 be amended to read as follows:

Page 2, between lines 37 and 38, begin a new paragraph and insert:

"(f) The amount of a lien shall be placed on the tax duplicate by the auditor. The total amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are collected and shall be disbursed to the general fund of the municipal corporation."

Page 2, line 38, delete "(f)" and insert "(g)".

Page 2, line 41, delete "municipality" and insert **"municipal corporation"**.

Page 3, line 6, delete "(g)" and insert "(h)".

Page 3, line 6, delete "municipality" and insert **"municipal corporation"**.

Page 3, line 17, delete "(h)" and insert "(i)".

Page 3, line 20, delete "(g)." and insert "(h)".

(Reference is to HB 1282 as printed February 18, 2005.)

FOLEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1297

Representative Whetstone called down House Bill 1297 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1297-2)

Mr. Speaker: I move that House Bill 1297 be amended to read as follows:

Page 4, between lines 25 and 26, begin a new line block indented and insert:

"(6) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand

(145,000).

(7) A town having a population of more than one thousand five hundred (1,500) but less than one thousand nine hundred (1,900) located in a county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).

(8) A town located in a township that borders the Muscatatuck River."

(Reference is to HB 1297 as printed February 18, 2005.)

WHETSTONE

Motion prevailed.

HOUSE MOTION
(Amendment 1297-1)

Mr. Speaker: I move that House Bill 1297 be amended to read as follows:

Page 5, after line 8, begin a new paragraph and insert:

"(f) Except as provided in subsection (g), territory annexed under this section may not be considered a part of the municipality for purposes of involuntarily annexing additional territory.

(g) Territory annexed under this section shall be considered a part of the municipality for purposes of annexing additional territory under section 5 or section 5.1 of this chapter."

(Reference is to HB 1297 as printed February 18, 2005.)

WHETSTONE

Motion prevailed.

HOUSE MOTION
(Amendment 1297-3)

Mr. Speaker: I move that House Bill 1297 be amended to read as follows:

Page 5, after line 8, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2005] An annexation ordinance adopted under IC 36-4-3 before July 1, 2000 is void if the annexation ordinance is not in effect on the effective date of this act".

(Reference is to HB 1297 as printed February 18, 2005.)

ALDERMAN

Upon request of Representatives GiaQuinta and Moses, the Speaker ordered the roll of the House to be called. Roll Call 148: yeas 53, nays 44. Motion prevailed. The bill was ordered engrossed.

House Bill 1301

Representative Saunders called down House Bill 1301 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1301-1)

Mr. Speaker: I move that House Bill 1301 be amended to read as follows:

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the department of local government finance. The statement shall contain:

- (1) information concerning the assessed valuation in the political subdivision for the next calendar year;
- (2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;
- (3) the current assessed valuation as shown on the abstract of charges;
- (4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years, excluding years in which a general reassessment occurs, determined according to procedures established by the department of local government finance; and
- (5) information concerning credits applicable under IC 6-1.1-21-5.7 to taxes first due and payable in the next calendar year; and

(5) (6) any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.

(b) The estimate of taxes to be distributed shall be based on:
(1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and

(2) any other information at the disposal of the county auditor which might affect the estimate.

(c) The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision.

(d) The officers of a political subdivision shall adjust the assessed value used in setting rates for the taxes first due and payable in a calendar year in which credits apply under IC 6-1.1-21-5.7 to eliminate or minimize levy reductions that would otherwise result from the application of those credits.

SECTION 3. IC 6-1.1-21-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.7. (a) The following definitions apply throughout this section:

(1) "General reassessment" refers to a general reassessment of real property under IC 6-1.1-4-4.

(2) "Homestead" has the meaning set forth in IC 6-1.1-20.9-1(2).

(3) "Net property tax bill" means the amount of property taxes currently due and payable in a particular calendar year after the application of all deductions and credits, except for the credit provided by this section, as evidenced by the tax statements required under IC 6-1.1-22-8.

(4) "Physical characteristics" refers to physical characteristics of a homestead that bear on the determination of the assessed value of the homestead.

(5) "Preceding year tax" means the amount of the net property tax bill for a homestead in the calendar year that immediately precedes the calendar year in which property taxes are first due and payable based on a general reassessment.

(6) "Qualifying homestead" means:

(A) if subsection (g) does not apply, a homestead for which the reassessment tax is at least one hundred seventy-five percent (175%) of the preceding year tax; and

(B) if subsection (g) applies, a homestead for which the amount determined under subsection (g) of the reassessment tax is at least one hundred seventy-five percent (175%) of the amount determined under subsection (g) of the preceding year tax.

(7) "Qualifying individual" means an individual who is liable for the payment of the:

(A) preceding year tax; and

(B) reassessment tax.

(8) "Reassessment tax" means the amount of the net property tax bill for a homestead in the calendar year in which property taxes are first due and payable based on a general reassessment.

(b) A qualifying individual may receive a credit against the net property tax bill with respect to the qualifying individual's qualifying homestead in:

(1) the calendar year in which reassessment tax is first due and payable; and

(2) subsequent calendar years;

as provided in subsections (c) through (e).

(c) Subject to subsection (g), if the reassessment tax is at least one hundred seventy-five percent (175%) but less than two hundred fifty percent (250%) of the preceding year tax, the amount of the credit is the percentage from the following table multiplied by the amount by which the reassessment tax exceeds the preceding year tax:

YEAR IN RELATION TO THE YEAR OF LIABILITY FOR REASSESSMENT TAX	PERCENTAGE
Current year	50%

First following year and subsequent years 0%

(d) Subject to subsection (g), if the reassessment tax is at least two hundred fifty percent (250%) but less than three hundred twenty-five percent (325%) of the preceding year tax, the amount of the credit is the percentage from the following table multiplied by the amount by which the reassessment tax exceeds the preceding year tax:

YEAR IN RELATION TO THE YEAR OF LIABILITY FOR REASSESSMENT TAX	PERCENTAGE
Current year	67%
First following year	33%
Second following year and subsequent years	0%

(e) Subject to subsection (g), if the reassessment tax is at least three hundred twenty-five percent (325%) of the preceding year tax, the amount of the credit is the percentage from the following table multiplied by the amount by which the reassessment tax exceeds the preceding year tax:

YEAR IN RELATION TO THE YEAR OF LIABILITY FOR REASSESSMENT TAX	PERCENTAGE
Current year	75%
First following year	50%
Second following year	25%
Third following year and subsequent years	0%

(f) Subject to subsection (g), the county auditor shall compute and apply the credit under this section for each qualifying individual entitled to the credit.

(g) If a change in physical characteristics occurred:

- (1) after the assessment date for which the preceding year tax was determined; and
- (2) on or before the assessment date for which the reassessment tax was determined;

the county auditor shall compute the credit under this subsection. If the change has the effect of increasing the assessed value of the homestead, the county auditor shall determine the reassessment tax for purposes of subsections (c), (d), and (e) based on a homestead assessed value that excludes the assessed value resulting from the change. If the change has the effect of decreasing the assessed value of the homestead, the county auditor shall determine the preceding year tax for purposes of subsections (c), (d), and (e) based on a homestead assessed value that would have applied if the change occurred before the assessment date for which the preceding year tax is determined. The township assessor shall assist the county auditor in determining assessed values used in this subsection.

(h) If the qualifying individual resides in the homestead with the qualifying individual's spouse, those individuals are together entitled to one (1) credit under this section for the homestead.

SECTION 4. IC 6-1.1-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Notwithstanding IC 6-1.1-26, any taxpayer who is entitled to a credit under this chapter or who has properly filed for and is entitled to a credit under IC 6-1.1-20.9, and who, without taking the credit, pays in full the taxes to which the credit applies, is entitled to a refund, without interest, of an amount equal to the amount of the credit. However, if the taxpayer, at the time a refund is claimed, owes any other taxes, interest, or penalties payable to the county treasurer to whom the taxes subject to the credit were paid, then the credit shall be first applied in full or partial payment of the other taxes, interest, and penalties and the balance, if any, remaining after that application is available as a refund to the taxpayer.

(b) Any taxpayer entitled to a refund under this section other than a refund based on a credit under section 5.7 of this chapter shall be paid that refund from proceeds of the property tax replacement fund. However, with respect to any refund attributable to a homestead credit, the refund shall be paid from that fund only to the extent that the percentage homestead credit the taxpayer was entitled to receive for a year does not exceed the percentage credit allowed in IC 6-1.1-20.9-2(d) for that same year. Any refund in excess of that

amount shall be paid from the county's revenue distributions received under IC 6-3.5-6.

(c) The state board of accounts shall establish an appropriate procedure to simplify and expedite the method for claiming these refunds and for the payments thereof, as provided for in this section, which procedure is the exclusive procedure for the processing of the refunds. The procedure shall, however, require the filing of claims for the refunds by not later than June 1 of the year following the payment of the taxes to which the credit applied.

SECTION 5. [EFFECTIVE UPON PASSAGE] IC 6-1.1-21-5.7, as added by this act, applies only to a general reassessment of real property under IC 6-1.1-4-4 that occurs after July 30, 2005."

Renumber all SECTIONS consecutively.

(Reference is to HB 1301 as printed February 18, 2005.)

MAHERN

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

The question then was on the motion of Representative Mahern.

Motion prevailed. The bill was ordered engrossed.

House Bill 1350

Representative Burton called down House Bill 1350 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1350-3)

Mr. Speaker: I move that House Bill 1350 be amended to read as follows:

Page 1, line 3, delete "the" and insert "a title insurance agent or a title insurance underwriter."

Page 1, delete line 4.

Page 1, line 5, delete "transaction."

Page 1, line 10, delete "a federally" and insert "or payable through an".

Page 2, line 1, delete "with a federally" and insert "established by an agent with an".

Page 2, line 6, after "deposit" insert "and disbursement".

Page 2, line 6, delete "transferred".

Page 2, delete line 7.

Page 2, line 8, delete "instruments that are received by the agent to effect" and insert "for".

Page 2, line 11, delete ", for the purpose of effecting and".

Page 2 delete lines 12 through 15.

Page 2, line 16, delete "thing of value to an agent to be held by the agent" and insert "deposits with an agent funds that are to be held".

Page 2, line 18, delete ";" and insert ".".

Page 2, delete lines 19 through 22.

Page 2, line 23, delete "As used in this section, "negotiable instrument has the" and insert "Funds received for an escrow transaction must be deposited in an escrow account unless the parties to the escrow transaction agree in writing to another arrangement."

Page 2, delete lines 24 through 27.

Page 2, line 28, delete "(h)" and insert "(g)".

Page 2, line 28, delete "knowingly".

Page 2, line 29, delete "on behalf of another person".

Page 3, line 14, delete "(i)" and insert "(h)".

(Reference is to HB 1350 as printed February 4, 2005.)

BURTON

Motion prevailed.

HOUSE MOTION
(Amendment 1350-1)

Mr. Speaker: I move that House Bill 1350 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Each year a person who is a resident of this state may receive a deduction from the

assessed value of:

- (1) mortgaged real property, an installment loan financed mobile home that is not assessed as real property, or an installment loan financed manufactured home that is not assessed as real property that ~~he~~ **the person** owns; or
- (2) real property, a mobile home that is not assessed as real property, or a manufactured home that is not assessed as real property that ~~he~~ **the person** is buying under a contract, with the contract or a memorandum of the contract recorded in the county recorder's office, which provides that ~~he~~ **the person** is to pay the property taxes on the real property, mobile home, or manufactured home.

(b) Except as provided in section 40.5 of this chapter, the total amount of the deduction which the person may receive under this section for a particular year is:

- (1) the balance of the mortgage or contract indebtedness on the assessment date of that year;
- (2) one-half (1/2) of the assessed value of the real property, mobile home, or manufactured home; or
- (3) ~~three~~ **six** thousand dollars (~~\$3,000~~); (**\$6,000**);

whichever is least.

(c) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract which provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home."

Page 3, line 12, after "in" delete "a" and insert "an".

Page 3, after line 26, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2005] **IC 6-1.1-12-1, as amended by this act, applies only to property taxes first due and payable after December 31, 2006.**"

Re-number all SECTIONS consecutively.

(Reference is to HB 1350 as printed February 4, 2005.)

CROOKS

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

Representative Dvorak, who had been excused, was present. Representative Hinkle was excused for the rest of the day.

House Bill 1534

Representative Torr called down House Bill 1534 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1534-2)

Mr. Speaker: I move that House Bill 1534 be amended to read as follows:

Page 4, between lines 24 and 25, begin a new paragraph and insert:

"(f) **An interlocal agreement made by the participating units under subsection (e) must provide that:**

- (1) **each of the participating units is represented by at least one (1) member of the governing board; and**
- (2) **the membership of the governing board is established on a bipartisan basis so that the number of the members of the governing board who are members of one (1) political party may not exceed the number of members of the governing board required to establish a quorum.**

(g) **A majority of the governing board constitutes a quorum, and the concurrence of a majority of the governing board is necessary to authorize any action.**"

Page 4, line 25, delete "(f)" and insert "(h)".

Page 4, line 29, delete "(g)" and insert "(i)".

Page 4, line 33, delete "(h)" and insert "(j)".

Page 5, line 3, delete "(i)" and insert "(k)".

(Reference is to HB 1534 as printed February 18, 2005.)

MAYS

Motion prevailed.

HOUSE MOTION
(Amendment 1534-1)

Mr. Speaker: I move that House Bill 1534 be amended to read as follows:

Page 4, delete line 4.

(Reference is to HB 1534 as printed February 18, 2005.)

ORENTLICHER

Motion prevailed. The bill was ordered engrossed.

House Bill 1574

Representative McClain called down House Bill 1574 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1583

Representative T. Brown called down House Bill 1583 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1584

Representative Becker called down House Bill 1584 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1584-1)

Mr. Speaker: I move that House Bill 1584 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 18. (a) Each township assessor of a county shall periodically report to the county assessor and the county auditor with respect to the returns and properties of taxpayers which the township assessor has examined. The township assessor shall submit these reports in the form and on the dates prescribed by the department of local government finance.

(b) Each year, on or before the time prescribed by the department of local government finance, each township assessor of a county shall deliver to:

(1) the county assessor:

(A) a copy of each business personal property return which the taxpayer is required to file in duplicate under section 7(c) of this chapter; and

(B) a copy of any supporting data supplied by the taxpayer with the return; and

(2) **the department of local government finance a copy of each business personal property return on which the taxpayer makes an election under IC 6-1.1-3-23.**"

Page 1, line 3, strike "For purposes of" and insert "**The following definitions apply throughout**".

Page 1, between lines 5 and 6, begin a new line block indented and insert:

"(2) **"department" means the department of local government finance;**"

Page 1, line 6, strike "(2)" and insert "(3)".

Page 1, line 8, strike "(3)" and insert "(4)".

Page 1, line 11, strike "(4)" and insert "(5)".

Page 1, line 15, strike "(5)" and insert "(6)".

Page 2, line 1, strike "(6)" and insert "(7)".

Page 2, line 3, strike "(7)" and insert "(8)".

Page 2, line 18, strike "(8)" and insert "(9)".

Page 2, line 20, strike "(9)" and insert "(10)".

Page 2, line 24, after "IAC 4.2-4-7," insert "**and except as provided in subsection (h),**".

Page 3, strike line 20.

Page 3, line 21, strike "date." and insert "**to implement this section.**".

Page 3, between lines 31 and 32, begin a new paragraph and insert: "**(h) Except as provided in subsection (i), a taxpayer may not make an election under subsection (f) on a business personal property tax return filed for a calendar year if during that year the taxpayer transfers from Indiana to another country jobs**"

involving production or manufacturing:

- (1) at a special integrated steel mill or an oil refinery/petrochemical company; or
- (2) related to special integrated steel mill or oil refinery/petrochemical company equipment.
- (i) Subsection (h) does not apply if:
- (1) the transfer of jobs referred to in subsection (h) is not part of a plan to permanently transfer jobs from Indiana to another country; or
- (2) the taxpayer employs at least as many employees in jobs involving production or manufacturing in Indiana during the calendar year for which the election is made as the taxpayer employs during the calendar year that immediately precedes the calendar year for which the election is made.
- (j) The department shall disallow an election under subsection (f) for a taxpayer if the taxpayer displaces jobs during the calendar year for which the election is made. The department shall determine whether a taxpayer is eligible for an election under subsection (f) not later than January 15 of the calendar year that immediately succeeds the calendar year for which the election is made. The election is allowed if the department does not make a final determination to disallow the election by that date.

(k) If the department proposes to disallow an election under subsection (f), the department shall give the taxpayer, the county assessor, and the township assessor at least ten (10) days notice by mail of a hearing on the proposed disallowance. The notice must clearly state the department's reasons for proposing to disallow the election. After the hearing, the department shall give notice by mail of its determination to the taxpayer, the township assessor, and the county assessor.

(l) If the department disallows a taxpayer's election under subsection (k), the taxpayer, the county assessor, or the township assessor may appeal the determination of the department by filing a petition with the Indiana board not more than forty-five (45) days after the department gives notice of the determination. A petition filed under this subsection is considered a petition filed under IC 6-1.1-15-3 for purposes of petition and review under IC 6-1.1-15.

(m) A taxpayer whose election is disallowed under subsection (k) may:

- (1) file an amended business personal property tax return not later than thirty (30) days after the date of the department's determination under subsection (k) to disallow the election; and
- (2) claim on the amended return filed under subdivision (1) depreciation and obsolescence, including abnormal obsolescence, as if the taxpayer did not make an election under subsection (b), notwithstanding any other law.
- (n) A township assessor, county assessor, or county property tax assessment board of appeals may not disallow a taxpayer's election under subsection (b)."

Page 3, line 33, delete "act," and insert "act with respect to the definition of integrated steel mill,".

Page 3, line 34, after "2004." insert "IC 6-1.1-3-18, as amended by this act, and IC 6-1.1-3-23, as otherwise amended by this act, apply only to property taxes first due and payable after December 31, 2006."

Renumber all SECTIONS consecutively.

(Reference is to HB 1584 as printed February 18, 2005.)

AGUILERA

Upon request of Representatives Aguilera and Summers, the Speaker ordered the roll of the House to be called. Roll Call 149: yeas 16, nays 77. Motion failed. The bill was ordered engrossed.

House Bill 1599

Representative Lehe called down House Bill 1599 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1599-2)

Mr. Speaker: I move that House Bill 1599 be amended to read as follows:

Page 3, line 14, delete "audioprosthologist .

Page 3, line 17, reset in roman "nonmedical and .

Page 4, line 9, after "from insert ":

(A) .

Page 4, line 11, delete ". and insert "; and

(B) using the title hearing aid specialist or any similar title or description of service. .

Page 5, line 8, delete "5(a)(5) and insert **5(2)(B)(ii) or 6(3)(B) .**

Page 5, line 22, delete "sections 5(a)(1) and 5(a)(2) and insert **sections 5(1) and 5(2) or 6(1) and 6(2) .**

Page 5, line 26, delete "5" and insert **or 6".**

Page 9, line 18, delete "performs a and insert **performs an .**

Page 9, line 19, delete "speech-language pathology .

Page 9, line 29, after "10. insert **(a) .**

Page 9, line 30, delete "audiological .

Page 9, after line 33 , begin a new paragraph and insert:

"(b) An audiologist shall administer tests of vestibular function only to patients who have been referred by an individual licensed under IC 25-22.5. .

(Reference is to HB 1599 as printed February 18, 2005.)

LEHE

Motion prevailed. The bill was ordered engrossed.

House Bill 1745

Representative Budak called down House Bill 1745 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1745-5)

Mr. Speaker: I move that House Bill 1745 be amended to read as follows:

Page 3, line 39, before "and a" delete "distributor" and insert **"distributor, including any affiliated group (as defined in Section 1504 of the Internal Revenue Code) of which the wholesale distributor is a member,".**

Page 3, line 41, delete "or".

Page 4, line 1, delete "distributors." and insert **"distributors; or".**

Page 4, between lines 1 and 2, begin a new line block indented and insert:

"(3) has a verifiable account with the manufacturer and a minimal transaction or volume requirement limit of:

(A) five thousand (5,000) units per company in the previous twelve (12) months; or

(B) twelve (12) purchases at the manufacturer's minimum purchasing requirement per invoice in the previous twelve (12) months.".

Page 4, line 8, delete "or".

Page 4, between lines 8 and 9, begin a new line block indented and insert:

"(4) a drug approved by the federal Food and Drug Administration; or".

Page 4, line 9, delete "(4)" and insert "(5)".

Page 7, line 35, delete "document" and insert **"statement or record".**

Page 7, line 37, after "manufacturer" insert **"or, except for drugs on the specified list of susceptible products, from the last authorized distributor of record".**

Page 8, line 5, delete "and".

Page 8, line 6, after "number;" insert **"and".**

Page 8, between lines 6 and 7, begin a new line double block indented and insert:

"(G) proprietary and established name;".

Page 8, line 41, delete "designated by the board," and insert **"established by the board, the board's agent,".**

Page 9, line 6, strike "distribution of" and insert **"to distribute".**

Page 9, line 9, after "sale" insert **"or transfer".**

Page 9, line 40, strike "or".

Page 10, line 1, delete "pharmacy." and insert "pharmacy;".

Page 10, between lines 1 and 2, begin a new line block indented and insert:

"(11) drug returns by a hospital, health care entity, or charitable institution conducted under 21 CFR 203.23; or

(12) the sale of minimal quantities of drugs by retail pharmacies to licensed practitioners for office use."

Page 11, line 30, delete "December 31," and insert "June 30,".

Page 12, line 38, after "board," insert "including insurance, an irrevocable letter of credit, or funds deposited in a trust account or financial institution,".

Page 13, between lines 4 and 5, begin a new line blocked left and insert:

"However, a separate surety bond or an equivalent means of security is not required for a separate location or a company of the wholesale drug distributor."

Page 13, line 6, after "year" insert "after the wholesale drug distributor's license is no longer valid or sixty (60) days".

Page 16, line 27, after "siblings," insert "Information collected under this subdivision is confidential."

Page 19, line 16, delete "products." and insert "products or that leaves the normal distribution chain of custody from the manufacturer to a wholesale drug distributor, to a pharmacy, and to the patient or the patient's agent."

Page 19, line 21, delete "Effective" and insert "After".

Page 19, line 21, after "2007," insert "at the board's discretion, for each legend drug received and distributed by the wholesale drug distributor,".

Page 19, line 23, delete "for each legend drug received" and insert "to authenticate, track, and trace legend drugs. The standards and requirements of the board may indicate the information required to be part of the electronic pedigree."

Page 19, delete line 24.

Page 24, line 10, delete "including," and insert "including".

Page 24, line 11, delete "effective January 1, 2007,".

Page 24, line 11, after "in" insert "accordance with standards and requirements of the board under subdivision (3)(C)(iii)".

Page 24, delete lines 12 through 14.

Page 36, between lines 31 and 32, begin a new paragraph and insert:

"(b) The Indiana board of pharmacy established by IC 25-26-13-3 may establish an electronic pedigree pilot program to authenticate, track, and trace legend drugs and devices. The pilot program must include participation of drug manufacturers, wholesale drug distributors, and pharmacies that are licensed in Indiana. The board may establish the requirements and guidelines for the pilot program."

Page 36, line 32, delete "(b)" and insert "(c)".

(Reference is to HB 1745 as printed January 26, 2005.)

BUDAK

Motion prevailed.

HOUSE MOTION (Amendment 1745-2)

Mr. Speaker: I move that House Bill 1745 be amended to read as follows:

Page 36, after line 32, begin a new paragraph and insert the following:

"SECTION 45. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "program" refers to the I-SaveRx prescription drug program established by the state of Illinois.

(b) The state shall request to join and shall join with the state of Illinois and other states in participating in the program. An Indiana resident may purchase prescription drugs through the program from inspected and approved pharmacies in Canada, Ireland, the United Kingdom, and any other country approved to participate in the program.

(c) Not later than July 1, 2005, the Indiana board of pharmacy created by IC 25-26 shall verify the inspection reports completed by the state of Illinois concerning a participating pharmacy to ensure safety in the prescription drugs purchased under the program. The board shall report the board's findings concerning the verification of the state of Illinois' determination that the participating pharmacies are safe to the legislative council and to the office of the secretary of family and social services.

(d) Upon the verification and determination by the board in subsection (c) that the participating pharmacies in the program are safe, the office of the secretary of family and social services

shall provide enrollment information for the program on the agency's Internet website. The website must include general information about the program and information concerning enrollment procedures for the program.

(e) This SECTION expires December 31, 2008.

SECTION 46. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1745 as printed January 26, 2005.)

KERSEY

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Kersey's amendment (1745-2) is not germane to House Bill 1745.

Rule 80 provides a member the right to amend a bill on subjects germane to the subject of the bill under consideration. Amendment 2 is germane to House Bill 1745 because both measures concern the regulation of prescription drugs.

PELATH
KERSEY

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? On the motion of Representative Fry the previous question was called. Roll Call 150: yeas 50, nays 47. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments, the bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:50 p.m. with the Speaker in the Chair.

Representative Becker was excused for the rest of the day.

The Speaker ordered a roll call to establish the presence of a quorum. Roll Call 151: 69 present. The Speaker announced that a quorum was present.

HOUSE BILLS ON SECOND READING

House Bill 1848

Representative Friend called down House Bill 1848 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1848-1)

Mr. Speaker: I move that House Bill 1848 be amended to read as follows:

Page 7, line 40, after "IC 36-1-12-2)" insert "or system".

Page 8, line 1, after "to" insert "provide billable revenue increases or".

Page 11, line 28, after "to" insert "increase the political subdivision's billable revenues or".

Page 11, line 35, after "amount" insert "of increased billable revenues or the amount".

Page 12, line 31, after "the" insert ":

(i)".

Page 12, line 31, after "in" delete ":

Page 12, line 32, delete "(i)".

Page 12, line 32, delete ";" and insert ",".

Page 12, line 33, delete "(ii)".

Page 12, line 33, delete ";" and insert ",".

Page 12, line 34, delete "(iii)".

Page 12, line 34, after "costs;" insert "**and**".

Page 12, between lines 34 and 35, begin a new line triple block indented and insert:

"(ii) increase in billable revenues;".

Page 13, between lines 35 and 36, begin a new line block indented and insert:

"(3) The amounts by which billable revenues will be increased."

Page 14, line 10, after "savings" insert "**and increased billable revenues**".

Page 15, line 4, after ";" delete "or".

Page 15, line 5, after ";" insert "**and**".

Page 15, between lines 5 and 6, begin a new line triple block indented and insert:

"(iii) billable revenues, if any;".

Page 15, between lines 31 and 32, begin a new line block indented and insert:

"(10) Billable revenue increases."

Page 15, line 32, delete "(10)" and insert "**(11)**".

Page 15, line 33, strike "(8)." and insert "**(9)**".

(Reference is to HB 1848 as printed February 18, 2005).

FRIEND

Motion prevailed. The bill was ordered engrossed.

With consent of the members, the House returned to House Bills on third reading.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1099

Representative Messer called down Engrossed House Bill 1099 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 152: 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 Merritt.

Engrossed House Bill 1126

Representative Foley called down Engrossed House Bill 1126 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil 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 153: 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 Riegsecker.

Engrossed House Bill 1175

Representative Burton called down Engrossed House Bill 1175 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 154: yeas 85, nays 9. 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 Waltz.

Engrossed House Bill 1224

Representative Koch called down Engrossed House Bill 1224 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 155: 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 sponsor: Senator Ford.

Engrossed House Bill 1241

Representative T. Harris called down Engrossed House Bill 1241 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 156: 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 Bray and Zakas.

Engrossed House Bill 1265

Representative Pond called down Engrossed House Bill 1265 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 157: 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 Dillon, Merritt, M. Young, and Rogers.

Engrossed House Bill 1289

Representative Thomas called down Engrossed House Bill 1289 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 158: yeas 63, nays 33. 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 C. Lawson.

Engrossed House Bill 1314

Representative Behning called down Engrossed House Bill 1314 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 159: 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 Lubbers.

Engrossed House Bill 1315

Representative Goodin called down Engrossed House Bill 1315 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 160: yeas 91, 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 sponsors: Senators Lewis and Weatherwax.

Engrossed House Bill 1398

Representative Foley called down Engrossed House Bill 1398 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning technical corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 161: 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 and Kenley.

Engrossed House Bill 1446

Representative Grubb called down Engrossed House Bill 1446 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 162: 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 Harrison, Skinner, Clark, and Lanane.

Engrossed House Bill 1453

Representative Richardson called down Engrossed House Bill 1453 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 163: 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 Clark.

Engrossed House Bill 1488

Representative Behning called down Engrossed House Bill 1488 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 164: 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 Miller, Lubbers, and Rogers.

Engrossed House Bill 1501

Representative Yount called down Engrossed House Bill 1501 for

third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 165: 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 Server and Lanane.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed House Bill 1525

Representative Alderman called down Engrossed House Bill 1525 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 166: yeas 85, nays 7. 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 M. Young.

Engrossed House Bill 1540

Representative Woodruff called down Engrossed House Bill 1540 for third reading:

A BILL FOR AN ACT 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 167: 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 Long and Lewis.

Engrossed House Bill 1646

Representative Ripley called down Engrossed House Bill 1646 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 168: yeas 94, 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 sponsors: Senators M. Young and Lewis.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1649

Representative Friend called down Engrossed House Bill 1649 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals 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 169: 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 Lewis.

Engrossed House Bill 1666

Representative Stutzman called down Engrossed House Bill 1666 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals 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 170: 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 Jackman.

Engrossed House Bill 1822

Representative Austin called down Engrossed House Bill 1822 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 171: 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 Lanane and Ford.

With consent of the members, the House returned to reports from committees

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1030, 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 JULY 1, 2005] (a) As used in this SECTION, "committee" refers to the interim study committee on vehicle registration suspension and forfeiture of license plates established by this SECTION.

(b) There is established the interim study committee on vehicle registration suspension and forfeiture of license plates. The committee shall study:

(1) the means by which the registration and license plate for a motor vehicle registered to an individual who has had a suspension of the individual's driving privileges under IC 9-30-5 may be suspended and the license plate subject to forfeiture as an additional penalty; and

(2) the method by which a reinstatement of the registration and a reissuance of the license plate may be made, upon application, by a member of the individual's household who possesses a valid driver's license.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(e) This SECTION expires November 1, 2005.

(Reference is to HB 1030 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1038, 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 17, begin a new paragraph and insert:

"SECTION 1. IC 9-30-5-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5.5. A law enforcement agency shall report to an intake officer under IC 31-34-7-1 that a child who is a passenger in a motor vehicle may be a child in need of services if:**

(1) a person is arrested for violating section 1, 2, 3, 4, or 5 of this chapter;

(2) at the time of arrest, the person had a passenger in the person's motor vehicle who was a child less than eighteen (18) years of age; and

(3) the person who was arrested is the:

(A) parent;

(B) guardian; or

(C) custodian;

of the child described in subdivision (2).

SECTION 2. IC 31-34-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person may give an intake officer written information indicating that a child is a child in need of services. If the intake officer has reason to believe that the child is a child in need of services, the intake officer shall make a preliminary inquiry to determine whether the interests of the child require further action. Whenever practicable, the preliminary inquiry should include information on the child's background, current status, and school performance.

(b) A law enforcement agency shall report to an intake officer under IC 9-30-5-5.5 that a child who is a passenger in a motor vehicle may be a child in need of services if:

(1) a person is arrested for violating IC 9-30-5-1 through IC 9-30-5-5;

(2) at the time of arrest, the person had a passenger in the person's motor vehicle who was a child less than eighteen (18) years of age; and

(3) the person who was arrested is the:

(A) parent;

(B) guardian; or

(C) custodian;

of the child described in subdivision (2)."

Delete pages 2 through 3.

(Reference is to HB 1038 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

BUDAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1042, 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 9, nays 1.

ALDERMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1173, 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 10, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1186, 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 25, delete "one dollar (\$1)" and insert "a fee to be determined by the bureau not to exceed four dollars (\$4), in conformance with IC 5-14-3-8,".

(Reference is to HB 1186 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1245, 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. IC 6-3-1-29 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]:

Chapter 29. Coal Gasification Technology Investment Tax Credit

Sec. 1. As used in this chapter, "commission" refers to the Indiana utility regulatory commission.

Sec. 2. As used in this chapter, "corporation" refers to the Indiana economic development corporation established by IC 5-28-3-1.

Sec. 3. As used in this chapter, "department" refers to the department of state revenue.

Sec. 4. As used in this chapter, "Indiana coal" has the meaning set forth in IC 4-4-30-4.

Sec. 5. As used in this chapter, "integrated coal gasification powerplant" means a facility that satisfies all of the following requirements:

- (1) The facility is a newly constructed energy generating plant.
- (2) The facility converts coal into synthesis gas that can be used as a fuel to generate energy.
- (3) The facility uses the synthesis gas as a fuel to generate electric energy.
- (4) The facility is dedicated primarily to serving Indiana retail electric utility consumers.

Sec. 6. As used in this chapter, "pass through entity" means:

- (1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);
- (2) a partnership;
- (3) a limited liability company; or
- (4) a limited liability partnership.

Sec. 7. As used in this chapter, "qualified investment" means a taxpayer's expenditures for:

- (1) all real and tangible personal property incorporated in and used as part of an integrated coal gasification powerplant; and
- (2) transmission equipment and other real and personal property located at the site of an integrated coal gasification powerplant that is employed specifically to serve the integrated coal gasification powerplant.

Sec. 8. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

- (1) IC 6-2.3 (the utility receipts tax);
- (2) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);
- (3) IC 6-5.5 (the financial institutions tax); and
- (4) IC 27-1-18-2 (the insurance premiums tax);

as computed after the application of the credits that under IC 6-3-1-1-2 are to be applied before the credit provided by this chapter.

Sec. 9. As used in this chapter, "taxpayer" means a person, corporation, partnership, or other entity that has any state tax liability.

Sec. 10. A taxpayer that:

(1) is awarded a tax credit under this chapter by the corporation; and

(2) complies with the conditions set forth in this chapter and the agreement entered into by the corporation and the taxpayer under this chapter;

is entitled to a credit against the taxpayer's state tax liability for a taxable year in which the taxpayer places into service an integrated coal gasification powerplant and for the taxable years provided in section 12 of this chapter.

Sec. 11. Subject to section 12 of this chapter, the amount of the credit to which a taxpayer is entitled is equal to the sum of the following:

(1) Ten percent (10%) of the taxpayer's qualified investment for the first five hundred million dollars (\$500,000,000) invested.

(2) Five percent (5%) of the amount of the taxpayer's qualified investment that exceeds five hundred million dollars (\$500,000,000).

Sec. 12. (a) A credit awarded under section 11 of this chapter must be taken in ten (10) annual installments, beginning with the year in which the taxpayer places into service an integrated coal gasification powerplant.

(b) The amount of an annual installment of the credit awarded under section 11 of this chapter is equal to the lesser of:

(1) the credit amount determined under section 11 of this chapter, divided by ten (10); or

(2) the greater of:

(A) the taxpayer's total state tax liability for the taxable year, multiplied by twenty-five percent (25%); or

(B) the taxpayer's liability for the utility receipts tax imposed under IC 6-2.3 for the taxable year.

(c) If the credit allowed by this chapter is available to a member of an affiliated group of corporations filing a consolidated return under IC 6-2.3-6-5 or IC 6-3-4-14, the credit shall be applied against the state tax liability of the affiliated group.

Sec. 13. A person that proposes to place a new integrated coal gasification powerplant into service may apply to the corporation before the taxpayer makes the qualified investment to enter into an agreement for a tax credit under this chapter. The corporation shall prescribe the form of the application.

Sec. 14. After receipt of an application, the corporation may enter into an agreement with the applicant for a credit under this chapter if the corporation determines that the taxpayer's proposed investment satisfies the requirements of this chapter.

Sec. 15. (a) The corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all the following:

(1) A detailed description of the project that is the subject of the agreement.

(2) The first taxable year for which the credit may be claimed.

(3) The maximum tax credit amount that will be allowed for each taxable year.

(4) A requirement that the taxpayer shall maintain operations at the project location for at least ten (10) years during the term that the tax credit is available.

(5) A specific method for determining the number of new employees employed during a taxable year who are performing jobs not previously performed by an employee.

(6) A requirement that the taxpayer shall annually report to the corporation the number of new employees who are performing jobs not previously performed by an employee, the average wage of the new employees, and the average wage of all employees at the location where the qualified investment is made.

(7) A requirement that the corporation is authorized to verify with the appropriate state agencies the amounts reported under subdivision (6), and that after doing so shall issue a certificate to the taxpayer stating that the amounts have been verified.

(8) A requirement that the taxpayer shall pay an average wage to its employees at the integrated coal gasification powerplant, other than highly compensated employees, in

each taxable year that a tax credit is available that equals at least one hundred fifty percent (150%) of the average county wage in the county in which the integrated coal gasification powerplant is located.

(9) A requirement that the taxpayer will maintain at the location where the qualified investment is made during the term of the tax credit a total payroll that is at least equal to the payroll level that existed before the qualified investment was made.

(10) A requirement that the taxpayer shall provide written notification to the corporation not later than thirty (30) days after the taxpayer makes or receives a proposal that would transfer the taxpayer's state tax liability obligations to a successor taxpayer.

(11) A requirement that the taxpayer shall use Indiana coal at the taxpayer's integrated coal gasification powerplant.

(12) A requirement that the taxpayer obtain from the commission a determination under IC 8-1-8.5-2 that public convenience and necessity require, or will require, the construction of the taxpayer's integrated coal gasification powerplant.

(b) A taxpayer must comply with the terms of the agreement described in subsection (a) to receive an annual installment of the tax credit awarded under this chapter. The corporation shall annually determine whether the taxpayer is in compliance with the agreement. If the corporation determines that the taxpayer is in compliance, the corporation shall issue a certificate of compliance to the taxpayer.

Sec. 16. If a pass through entity does not have state tax liability against which the tax credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

Sec. 17. To receive the credit awarded by this chapter, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department a copy of the commission's determination required under section 15 of this chapter, a copy of the taxpayer's certificate of compliance issued under section 15 of this chapter, and all information that the department determines is necessary for the calculation of the credit provided by this chapter.

SECTION 2. [EFFECTIVE JANUARY 1, 2006] IC 6-3.1-29, as added by this act, applies to taxable years beginning after December 31, 2005.

(Reference is to HB 1245 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1374, 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 "occasion;" and insert "**occasion**."

Page 2, delete line 4.

Page 2, between lines 14 and 15, begin a new line block indented and insert:

"(3) A person who fails to exercise reasonable care in connection with the direction or control of an event."

(Reference is to HB 1374 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1406, 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. IC 7.1-2-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~Qualifications and Appointment~~. The prosecutor shall be appointed by the governor for a term of four (4) years to be served at the pleasure of the governor. The prosecutor shall be a resident of the state and a practicing member of the Indiana bar. ~~for at least five (5) years preceding his appointment.~~

SECTION 2. IC 7.1-3-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A permit of any type issued by the commission, except as provided in subsections (b) and (f) or unless otherwise provided in this title, shall be in force for one (1) calendar year only, including the day upon which it is granted. At the end of the one (1) year period the permit shall be fully expired and null and void.

(b) Notwithstanding subsection (a), in a county containing a consolidated city, a permit that is subject to section 5.5 or 5.6 of this chapter is effective for two (2) calendar years, including the day upon which the permit is granted. However, a local board may recommend to the commission that the permit be issued or renewed for only a one (1) year period. The commission may issue or renew a permit for the period recommended by the local board.

(c) A permittee who is granted a two (2) year permit under subsection (b) or subsection (f) is liable for any annual fees assessed by the commission. The annual fee is due on the annual anniversary date upon which the permit was granted.

(d) If the commission grants a two (2) year permit, the commission may ask a local board to hold a hearing to reconsider the duration of a permittee's permit. A hearing held under this subsection is subject to section 5.5 or 5.6 of this chapter. A local board shall hold the hearing requested by the commission within thirty (30) days before the permittee's next annual anniversary date and forward a recommendation to the commission following the hearing.

(e) If a permittee is granted a permit for more than one (1) year, the commission may require the permittee to file annually with the commission the information required for an annual permit renewal.

(f) Notwithstanding subsection (a), the following are effective for two (2) calendar years, including the day upon which the permit is granted:

- (1) A beer wholesaler's permit issued under IC 7.1-3-3-1.
- (2) A wine wholesaler's permit issued under IC 7.1-3-13-1.
- (3) A liquor wholesaler's permit issued under IC 7.1-3-8-1.
- (4) ~~A beer, wine, or liquor retailer or dealer's permit.~~

SECTION 3. IC 7.1-3-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. ~~Applications for Permits: Disclosures~~. An application for a permit to sell alcoholic beverages of any kind ~~and the required publication of notice~~, shall disclose the name of the applicant and the specific address where the alcoholic beverages are to be sold, and any assumed business name under which the business will be conducted. The application ~~and notice~~ also shall disclose the names and addresses of the president and secretary of the corporation, club, association or organization who will be responsible to the public for the sale of the alcoholic beverage if the applicant is a corporation, club, association, or other type of organization.

SECTION 4. IC 7.1-3-4-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) ~~A beer retailer may allow customers to sample beer and flavored malt beverages.~~

(b) ~~Sampling is allowed only:~~

- (1) ~~on the beer retailer's permit premises; and~~
- (2) ~~during the beer retailer's regular business hours.~~

(c) ~~A beer retailer may not charge for samples provided to the customers.~~

(d) ~~A sample size of beer or flavored malt beverage may not exceed six (6) ounces.~~

SECTION 5. IC 7.1-3-5-4 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) This section applies to the holder of a beer dealer's permit who is the proprietor of a drug store or grocery store.**

(b) All beer sales must be made by or under the direct supervision of at least (1) employee of the holder who holds an employee's permit issued under IC 7.1-3-18.

SECTION 6. IC 7.1-3-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. ~~Three-Way Permits:~~** The commission may issue a liquor retailer's permit only to a person who also is, and continues to be, the holder of both a beer retailer's permit and a wine retailer's permit. However, applications for each of the three (3) types of permits may be made at the same time or in one (1) application combining requests for each of the three (3) types of permits. ~~The publication of the notice of the applications may be combined, in any case, if the applications are pending simultaneously. The notices also may be combined in one (1) publication with notices of the application of other applicants for a permit.~~

SECTION 7. IC 7.1-3-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. (a) A liquor retailer may allow customers to sample the following:**

- (1) Beer.
- (2) Flavored malt beverage.**
- ~~(2) (3) Wines.~~
- ~~(3) (4) Liquors.~~
- ~~(4) (5) Liqueurs and cordials (as defined in 27 CFR 5.22(h)).~~
- (b) Sampling is permitted only:
 - (1) on the liquor retailer's permit premises; and
 - (2) during the permittee's regular business hours.
- (c) A liquor retailer may not charge for the samples provided to customers.
- (d) Sample size of wines may not exceed one (1) ounce.
- (e) In addition to the other provisions of this section, a liquor retailer who allows customers to sample liquors, liqueurs, or cordials shall comply with all of the following:
 - (1) A liquor retailer may allow a customer to sample only a combined total of two (2) liquor, liqueur, or cordial samples per day.
 - (2) Sample size of liqueurs or cordials may not exceed one-half (1/2) ounce.
 - (3) Sample size of liquors may not exceed four-tenths (0.4) ounce.
- (f) A sample size of beer may not exceed six (6) ounces.
- (g) A sample size of flavored malt beverage may not exceed six (6) ounces.**

SECTION 8. IC 7.1-3-10-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) A liquor dealer permittee who is a proprietor of a package liquor store may allow customers to sample the following:**

- (1) Beer.
- (2) Flavored malt beverage.**
- ~~(2) (3) Wines.~~
- ~~(3) (4) Liquors.~~
- ~~(4) (5) Liqueurs and cordials (as defined in 27 CFR 5.22(h)).~~
- (b) Sampling is permitted:
 - (1) only on the package liquor store permit premises; and
 - (2) only during the store's regular business hours.
- (c) No charge may be made for the samples provided to the customers.
- (d) Sample size of wines may not exceed one (1) ounce.
- (e) In addition to the other provisions of this section, a proprietor who allows customers to sample liquors, liqueurs, or cordials shall comply with all of the following:
 - (1) A proprietor may allow a customer to sample not more than a combined total of two (2) liquor, liqueur, or cordial samples per day.
 - (2) Sample size of liqueurs or cordials may not exceed one-half (1/2) ounce.
 - (3) Sample size of liquors may not exceed four-tenths (0.4) ounce.
- (f) Sample size of beer may not exceed six (6) ounces.
- (g) Sample size of flavored malt beverage may not exceed six**

(6) ounces.

SECTION 9. IC 7.1-3-10-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) This section applies to the holder of a liquor dealer's permit who is the proprietor of a drug store or grocery store.**

(b) All liquor sales must be made by or under the direct supervision of at least (1) employee of the holder who holds an employee's permit issued under IC 7.1-3-18.

SECTION 10. IC 7.1-3-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. Prerequisites:** The commission may issue or refuse a wine retailer's permit, in its discretion, with or without requiring an investigation before a local board. ~~However, publication of notice need not be given if the commission does require an investigation before a local board.~~

SECTION 11. IC 7.1-3-15-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) This section applies to the holder of a wine dealer's permit who is the proprietor of a drug store or grocery store.**

(b) All wine sales must be made by or under the direct supervision of at least (1) employee of the holder who holds an employee's permit issued under IC 7.1-3-18.

SECTION 12. IC 7.1-3-16.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) The commission may issue a supplemental retailer's permit only to a person**

(1) who is, and continues to be, the holder of a beer retailer's permit, a liquor retailer's permit, or a wine retailer's permit.

(2) whose business:

- (A) has had annual gross sales of food and beverages of at least one hundred thousand dollars (\$100,000); of which at least fifty percent (50%) was in the retail sale of food; or**
- (B) has had annual gross retail sales of food of at least one hundred thousand dollars (\$100,000);**

for the year immediately preceding the person's application for the permit; and

(3) whose business operates during seven (7) or more months of the year:

(b) Notwithstanding subsection (a); the commission may issue a supplemental retailer's permit to a person whose business operates during fewer than seven (7) months of the year if:

(1) the person is; and continues to be; the holder of a beer retailer's permit, a liquor retailer's permit, or a wine retailer's permit; and

(2) the person's business; for each month of business during the year immediately preceding the application for a permit has had:

- (A) average monthly gross sales of food and beverages of at least eight thousand five hundred dollars (\$8,500); of which at least fifty percent (50%) was in the retail sale of food; or**
- (B) average monthly gross retail sales of food of at least eight thousand five hundred dollars (\$8,500);**

(c) Notwithstanding subsection (a); The commission may issue a supplemental retailer's permit to a person who meets the following requirements:

(1) Is the proprietor of a recreational facility such as a golf course; bowling center; or similar facility;

(2) Has the recreational activity and not the sale of food and beverages as the principal purpose or function of the person's business;

(3) Is; and continues to be; the holder of a beer retailer's permit, a liquor retailer's permit, or a wine retailer's permit;

(4) Has had at the person's business annual gross sales of food and beverages of at least twenty-five thousand dollars (\$25,000); of which at least twelve thousand five hundred dollars (\$12,500) was in the retail sale of food;

(d) (b) The commission may issue a supplemental retailer's permit to a person who is, and continues to be, the holder of a farm winery permit under IC 7.1-3-12.

SECTION 13. IC 7.1-3-18-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. (a) The commission may issue a temporary bartender's permit to any person who is at least twenty-one (21) years of age for any of the following**

purposes:

(1) To be a bartender at any activity or event for which a temporary permit is issued under IC 7.1-3-6 (beer) or IC 7.1-3-16 (wine).

(2) To be a bartender at a nonprofit club for a maximum of four (4) days in a year during the same time that a fair or festival is held in the community where the club is located. However, the commission may only issue a maximum of twenty (20) temporary bartender's licenses for use in one (1) club during one (1) fair or festival.

(b) A temporary bartender's permit is the only license that is required for persons to serve as bartenders for the purposes described in subsection (a).

(c) A temporary bartender at a club may dispense any alcoholic beverage that the club's permit allows the club to serve.

(d) The fee for a temporary bartender's permit is ~~four ten~~ **dollars (\$4)** **(\$10)**.

(e) The commission may by rule provide procedures for the issuance of a temporary bartender's permit.

(f) The commission shall revoke a permit issued to a bartender under this section if the bartender is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a).

SECTION 14. IC 7.1-3-18.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person who desires a certificate must provide the following to the commission:

(1) The applicant's name and mailing address and the address of the premises for which the certificate is being issued.

(2) A fee of ~~fifty dollars (\$50)~~ **two hundred dollars (\$200)**.

(b) A separate certificate is required for each location where the tobacco products are sold or distributed.

(c) The fees collected under this section shall be deposited in the enforcement and administration fund under IC 7.1-4-10.

SECTION 15. IC 7.1-3-18.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A certificate issued by the commission under this chapter must contain the following information:

(1) The certificate number.

(2) The certificate holder's name.

(3) The permanent location of the business or vending machine for which the certificate is issued.

(4) The expiration date of the certificate.

(b) A certificate is:

(1) valid for ~~one (1) year~~ **three (3) years** after the date of issuance, unless the commission suspends the certificate; and

(2) nontransferable.

SECTION 16. IC 7.1-3-18.5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) **As used in this section "tobacco retailer" means a person who sells or otherwise distributes tobacco products at retail.**

(b) **A person who sells or distributes tobacco products to a tobacco retailer who does not hold a valid tobacco sales certificate issued by the commission commits a Class A infraction.**

(c) **Each violation of this section constitutes a separate offense.**

SECTION 17. IC 7.1-3-19-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~Prerequisites:~~ The commission, unless otherwise provided in this title, shall not grant an application and issue a retailer's or dealer's permit of any type until ~~the publication of notice~~ the investigation before the local board and the other proceedings required by this chapter have been completed.

SECTION 18. IC 7.1-3-19-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. ~~New Permits in Residential Districts. Exceptions:~~ The provisions of IC 7.1-3-19-13 ~~7.1-3-19-14~~, and 7.1-3-19-15 do not apply to the renewal of existing retailer's permits, nor to the renewal of existing liquor dealer's permits, nor to a nationally chartered veteran's organization which has occupied the same premises for ten (10) years prior to making application for a club permit.

SECTION 19. IC 7.1-3-20-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.5. Notwithstanding sections 12 and 13 of this chapter and

IC 7.1-3-16.5-2(c), ~~and IC 7.1-3-16.5-3(c)~~, there is no annual or monthly gross food sales requirement to obtain a three-way permit or a supplemental retailer's permit for the sale of alcoholic beverages in a restaurant that is:

(1) open to the general public; and

(2) located on:

(A) the grounds of a regulation size golf course that has at least nine (9) holes; or

(B) the premises of a tennis club that has at least eight (8) regulation size tennis courts.

SECTION 19. IC 7.1-3-20-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport which is served by a scheduled commercial passenger airline certified to enplane and deplane passengers on a scheduled basis by a federal aviation agency. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

(1) was formerly used as part of a union railway station;

(2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and

(3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

(1) on land; or

(2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

(1) was formerly used as part of a passenger and freight railway station; and

(2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on premises consumption at a cultural center for the visual and performing arts to a town that:

(1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(2) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(g) **The commission may issue a three-way permit for the sale of alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within an economic development district under IC 6-1.1-39 that is designated by the fiscal body of:**

(1) **a town with a population of more than twenty thousand (20,000); or**

(2) **a city with a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400);**

located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000). The commission may issue not more than five (5) licenses under this section to premises within each municipality. Notwithstanding any other law, the nonrefundable application fee for an initial license under this subsection is twenty-five thousand dollars (\$25,000), and the renewal fee for a license under this subsection is five thousand dollars (\$5,000). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

SECTION 20. IC 7.1-3-23-43 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 43. (a) The commission may suspend the permit of a permit holder if:

- (1) the permit holder has not paid the person who sold the permit to the permit holder in accordance with the terms of the sale;
- (2) the seller of the permit receives a judgment against the permit holder in an action to obtain payment for the permit in accordance with the terms of the sale; and
- (3) the seller of the permit sends a certified copy of the judgment to the commission.

(b) Before suspending a certificate under this section, the commission shall provide written notice to the permit holder and conduct a hearing. The commission shall provide written notice of the suspension to the permit holder.

(c) If a person who sells a permit:

- (1) sends a judgment to the commission under subsection (a); and
- (2) subsequently receives full payment of the judgment;

the seller shall notify the commission in a manner prescribed by the commission that the seller has received full payment of the judgment not later than ten (10) days after receiving the payment.

SECTION 21. IC 7.1-3-25 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 25. Product Transfer Between Wholesalers

Sec. 1. As used in this chapter, "existing wholesaler" means a beer wholesaler who distributes a product at the time a successor primary source of supply acquires rights to a product under section 5 of this chapter.

Sec. 2. As used in this chapter, "product" means an existing brand of:

- (1) beer (as defined in IC 7.1-1-3-6); or
- (2) flavored malt beverage (as defined in IC 7.1-1-3-16.7).

Sec. 3. As used in this chapter "successor" means a primary source of supply that acquires rights to a product under section 5 of this chapter.

Sec. 4. As used in this chapter, "successor's designee" means one (1) or more beer wholesalers designated by a successor to replace the existing wholesaler, for all or part of the existing wholesaler's territory, in the distribution of the existing product.

Sec. 5. A successor:

- (1) who acquires the rights to manufacture or distribute an existing product; and
- (2) who:
 - (A) does not reappoint the existing wholesaler to distribute the product;
 - (B) reduces the existing wholesaler's territory for the product; or
 - (C) offers to compensate the existing wholesaler in an amount less than the fair market value determined under section 7 of this chapter;

must comply with this chapter. A successor's designee must also comply with this chapter.

Sec. 6. The successor shall notify the existing wholesaler of the successor's intent not to appoint the existing wholesaler for all or a part of the existing wholesaler's territory for the product. The successor shall mail the notice of termination by certified mail, return receipt requested, to the existing wholesaler. The successor

shall include in the notice the names, addresses, and telephone numbers of the successor's designees.

Sec. 7. A successor's designee shall negotiate with the existing wholesaler to determine the fair market value of the existing wholesaler's right:

- (1) to distribute the product in the existing wholesaler's territory immediately before the successor acquired rights to the product under section 5 of this chapter; and
- (2) as determined in an arms length transaction entered into without duress or threat of termination of the initial wholesaler's right described in subdivision (1).

Sec. 8. The existing wholesaler shall continue to distribute the product until payment of the compensation agreed to under section 7 of this chapter or awarded under section 11 of this chapter is received.

Sec. 9. (a) The successor's designee and the existing wholesaler shall negotiate in good faith. If the parties fail to reach an agreement not later than thirty (30) days after the existing wholesaler receives the notice under section 6 of this chapter, the successor's designee or the existing wholesaler may send a written notice to the:

- (1) other party; and
- (2) American Arbitration Association or its successor in interest;

declaring the party's intention to proceed with final and binding arbitration administered by the American Arbitration Association under the American Arbitration Association's Commercial Arbitration Rules.

(b) Notice of intent to arbitrate shall be sent, as provided in subsection (a), not later than thirty-five (35) days after the existing wholesaler receives notice under section 6 of this chapter. The arbitration proceedings shall conclude not later than forty-five (45) days after the date the notice of intent to arbitrate is mailed to a party.

Sec. 10. (a) The arbitration shall be conducted in the city within Indiana that:

- (1) is closest to the existing wholesaler; and
- (2) has a population of more than fifty thousand (50,000).

(b) The arbitration shall be conducted before one (1) impartial arbitrator to be selected by the American Arbitration Association. The arbitration shall be conducted in accordance with the rules and procedures of the American Arbitration Association.

Sec. 11. The arbitrator's award must be monetary only and may not enjoin or compel conduct. The arbitration is instead of all other remedies and procedures.

Sec. 12. (a) The cost of the arbitrator and any other direct costs of the arbitration shall be equally divided by the parties engaged in the arbitration. All other costs shall be paid by the party incurring them.

(b) The arbitrator shall render a decision not later than thirty (30) days after the conclusion of the arbitration unless this time period is extended by mutual agreement of the parties or by the arbitrator. The decision of the arbitration is final and binding on the parties. Under no circumstances may the parties appeal the decision of the arbitrator.

(c) A party who fails to participate in the arbitration hearings waives all rights the party would have had in the arbitration and is considered to have consented to the determination of the arbitrator.

Sec. 13. If the existing wholesaler does not receive payment from the successor of the compensation under section 7 or 11 of this chapter not later than thirty (30) days after the date of the settlement or arbitration award:

- (1) the existing wholesaler shall remain the distributor of the product in the existing wholesaler's territory to at least the same extent that the existing wholesaler distributed the product immediately before the successor acquired rights to the product; and
- (2) the existing wholesaler is not entitled to the settlement or arbitration award.

Sec. 14. Nothing in this chapter shall be construed to limit or prohibit good faith settlements voluntarily entered into by the parties.

Sec. 15. Nothing in this chapter shall be construed to give the existing wholesaler or a successor wholesaler any right to compensation if the existing wholesaler or successor wholesaler is terminated by the primary source of supply or predecessor source supplier either for failure to comply with any provision in the agreement to distribute the product or in accordance with IC 7.1-5-5-9.

SECTION 22. IC 7.1-4-4.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~The following~~ **A biennial license fee of fifteen dollars (\$15)** is imposed for an employee's permit ~~(1) Five dollars (\$5)~~ if the permit is used only to perform volunteer service that benefits a nonprofit organization. ~~(2) Thirty dollars (\$30) if subdivision (1) does not apply.~~ The term of a biennial employee's license is two (2) years.

SECTION 23. IC 7.1-4-4.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A ~~biennial~~ license fee of ~~twenty one hundred dollars (\$20)~~ **(\$100)** is imposed for a salesman's license. The term of a ~~biennial~~ salesman's license is ~~two (2)~~ **four (4)** years.

SECTION 24. IC 7.1-4-4.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section applies to the following ~~seasonal or annual~~ **biennial** permits:

- (1) Beer retailer's permit.
- (2) Liquor retailer's permit.
- (3) Wine retailer's permit.
- (4) One-way permit.
- (5) Two-way permit.
- (6) Three-way permit.
- (7) Airplane beer permit.
- (8) Airplane liquor permit.
- (9) Airplane wine permit.
- (10) Boat beer permit.
- (11) Boat liquor permit.
- (12) Boat wine permit.
- (13) Dining car beer permit.
- (14) Dining car liquor permit.
- (15) Dining car wine permit.
- (16) Hotel seasonal permit.
- (17) Supplemental retailer's permit.

(b) The commission shall charge a single fee for the issuance of any combination of retailer's permits issued for the same location or conveyance. Except as provided in sections 10 and 11 of this chapter, the fee is equal to the sum of the amount determined under subsection (c) and the amount determined under subsection (d).

(c) ~~An annual~~ **A biennial** permit fee in the following amount is imposed on a retailer:

- (1) ~~Two hundred fifty dollars (\$250); Seven hundred fifty dollars (\$750)~~, if the retailer serves only beer or only wine.
- (2) ~~Five hundred dollars (\$500); One thousand two hundred fifty dollars (\$1,250)~~, if the retailer serves both beer and wine but no liquor.
- (3) ~~Seven hundred fifty dollars (\$750); Two thousand dollars (\$2,000)~~, if the retailer serves beer, wine, and liquor.

(d) An additional fee ~~in the following amount of three thousand dollars (\$3,000)~~ is imposed on a retailer

- (1) ~~Two hundred fifty dollars (\$250);~~ if the retailer under the authority of ~~IC 7.1-3-16.5~~ sells food and any combination of beer, wine, or liquor on Sunday;
- (2) ~~one thousand five hundred dollars (\$1,500)~~ if the retailer who is not under the authority of ~~IC 7.1-3-16.5~~, sells any combination of beer, wine, or liquor on Sunday.

SECTION 25. IC 7.1-4-4.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to the following permits:

- (1) Beer dealer's permit.
- (2) Liquor dealer's permit.
- (3) Malt dealer's permit.
- (4) Wine dealer's permit.

(b) The commission shall charge a single fee for the issuance of any combination of dealers' permits issued for the same location. The fee is equal to the sum of the amount determined under subsection (c).

(c) ~~An annual~~ **A biennial** permit fee in the following amount is imposed on a dealer:

(1) ~~Two hundred fifty dollars (\$250); Seven hundred fifty dollars (\$750)~~, if the dealer sells only beer, only liquor, or only wine.

(2) ~~Five hundred dollars (\$500); One thousand two hundred fifty dollars (\$1,250)~~, if the dealer sells:

- (A) both beer and wine but no liquor;
- (B) both wine and liquor but no beer; or
- (C) both beer and liquor but no wine.

(3) ~~Seven hundred fifty dollars (\$750); Two thousand dollars (\$2,000)~~ if the dealer sells beer, wine, and liquor.

SECTION 26. IC 7.1-4-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~Collection of Annual License Fees:~~ The chairman shall collect the required ~~annual~~ license fee paid in connection with the issuance of a brewer's permit, a beer wholesaler's permit, a temporary beer permit, a dining car permit of any type, a boat permit of any type, a distiller's permit, a rectifier's permit, a liquor wholesaler's permit, a vintner's permit, a farm winery permit, a farm winery brandy distiller's permit, a wine wholesaler's permit, a wine bottler's permit, a temporary wine permit, a salesman's permit, and a carrier's alcoholic permit.

SECTION 27. IC 7.1-4-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (b), the chairman and the department shall deposit the money collected under sections 1, 2, and 3 of this chapter daily with the treasurer of state, and not later than the fifth day of the following month shall cover: ~~them~~

(1) forty percent (40%) of the money collected under section 1 of this chapter into the enforcement and administration fund established under IC 7.1-4-10-1; and

(2) sixty percent (60%) of the money collected under sections 2 and 3 of this chapter into the state general fund of state for state general fund purposes.

(b) The chairman and the department shall deposit ~~the all~~ money collected under IC 7.1-2-5-3, IC 7.1-2-5-8, IC 7.1-3-17.5, IC 7.1-3-17.7, IC 7.1-3-22-9, and IC 7.1-4-4.1-5 daily with the treasurer of state, and not later than the fifth day of the following month shall cover ~~them~~ **the money** into the enforcement and administration fund established under IC 7.1-4-10-1.

SECTION 28. IC 7.1-4-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~Collection of Annual License Fees:~~ The chairman shall collect the required ~~annual~~ **biennial** license fee paid in connection with the issuance of a beer retailer's permit, a beer dealer's permit, a liquor retailer's permit, a supplemental caterer's permit, a liquor dealer's permit, a wine retailer's permit, and a wine dealer's permit, and a supplemental retailer's permit.

SECTION 29. IC 7.1-4-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Fees ~~Deposited in Excise Fund:~~ (a) **Except as provided in subsection (b)**, the chairman shall deposit the monies collected under the authority of this chapter daily with the treasurer of the state, and not later than the fifth day of the following month shall cover them into the "excise fund" to be distributed as provided in this chapter.

(b) The chairman shall deposit the money received from the collection of the fees for a three-way permit under IC 7.1-3-20-16 daily with the treasurer of state, and not later than the fifth day of the following month shall transfer the money into the enforcement and administration fund of the commission under IC 7.1-4-11.

SECTION 30. IC 7.1-4-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Distribution to State General Fund:~~ ~~Thirty-three and one-third percent (33 1/3%)~~ **Twenty-five percent (25%)** of the ~~monies~~ **money** in the excise fund shall be deposited in the state general fund on the first day of June and the first day of December of each year.

SECTION 31. IC 7.1-4-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~Distribution to Cities and Towns:~~ ~~Sixty-six and two-thirds percent (66 2/3%)~~ **Twenty-five percent (25%)** of the ~~monies~~ **money** in the excise fund shall, upon warrant of the state auditor, be paid into the general fund of the treasury of the city or town in which the retailer's or dealer's licensed premises are located. The money shall be paid to the

treasurer of the county in which the retailer's or dealer's premises are located if they are located outside the corporate limits of a city or town.

SECTION 32. IC 7.1-4-9-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. Fifty percent (50%) of the money in the excise fund shall be deposited in the enforcement and administration fund under IC 7.1-4-10 on the first day of June and the first day of December of each year.**

SECTION 33. IC 7.1-4-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The sums realized from the collection of the biennial license fees imposed by IC 7.1-4-4.1-3 and IC 7.1-4-4.1-5 shall be paid first, and are hereby appropriated, to the state excise police retirement fund. The board of trustees of the public employees' retirement fund shall determine the amount to be appropriated. The amount to be appropriated shall be sufficient, when added to the funds already held by the retirement fund, for the payment of benefits to enforcement officers to pay the aggregate liability of the retirement fund for the payment of benefits and administration costs to the end of the fiscal year. The appropriation of funds shall be credited to the state excise police retirement fund in equal installments at the end of each month during each fiscal year.

SECTION 34. IC 7.1-4-11-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. The chairman shall deposit the money received from the collection of the fees for a three-way permit under IC 7.1-3-20-16 daily with the treasurer of state, and not later than the fifth day of the following month shall transfer the money into the enforcement and administration fund.**

SECTION 35. IC 7.1-5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) It is unlawful for a permittee in a sale or contract to sell alcoholic beverages to discriminate between purchasers by granting a price, discount, allowance, or service charge which is not available to all purchasers at the same time. However, this section does not authorize or require a permittee to sell to a person to whom he is not authorized to sell under this title.

(b) A premises that operates at least two (2) restaurants that are separate and distinct from each other on the same premises may provide for a different schedule of prices in each restaurant if each restaurant conforms to all other laws and rules of the commission regarding pricing and price discrimination in its separate and distinct areas.

(c) This section does not apply to the holder of an excursion and adjacent landsite permit that complies with IC 7.1-3-17.5-6.

(d) **Notwithstanding subsection (a), a beer wholesaler may offer a special discount price to a beer dealer or beer retailer for beer or flavored malt beverage, if the beer or flavored malt beverage:**

(1) is a brand or package the beer wholesaler has discontinued; or

(2) will expire in not more than:

(A) twenty (20) days for packaged beer or packaged flavored malt beverage; and

(B) ten (10) days for draft beer or draft flavored malt beverage.

(e) **The special discount under subsection (d) only applies to beer or flavored malt beverage that will expire and be subject to removal from retailer or dealer shelves in accordance with the primary source of supply's coding data clearly identified on the container.**

(f) **Any beer or flavored malt beverage sold at a special discount price under subsection (d) shall be accompanied by an invoice clearly designating, in addition to all other information required by law, all the following information:**

(1) The date of delivery.

(2) The expiration date of each brand, package type, and quantity delivered.

(3) The per unit price for each package.

SECTION 36. IC 7.1-5-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. ~~Unconscionable Termination of Contract Prohibited:~~ It is unlawful for a beer

wholesaler or a brewer in this state; or a brewer or other person located outside this state who sells beer to a permittee in this state for the purpose of importation and resale within this state primary source of supply to:

(1) coerce, or attempt to coerce, or persuade a beer wholesaler to enter into an agreement, or to take an action, which will violate, or tend to violate, a provision of this title or of the rules and regulations of the commission; or,

(2) cancel or terminate an agreement or contract between a beer wholesaler and a brewer primary source of supply for the sale of beer, unfairly and without due regard for the equities of the other party.

SECTION 37. IC 7.1-5-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in ~~subsection~~ subsections (c) and (d), it is unlawful for a manufacturer of alcoholic beverages or a permittee authorized to sell and deliver alcoholic beverages to:

(1) give, supply, furnish, or grant to another permittee who purchases alcoholic beverages from him a rebate, sum of money, accessory, furniture, fixture, loan of money, concession, privilege, use, title, interest, lease, or rental of premises; or

(2) except as provided in IC 7.1-3-2-9 and IC 7.1-3-3-5(f), have a business dealing with the other permittee.

(b) This section shall not apply to the sale and delivery and collection of the sale price of an alcoholic beverage in the ordinary course of business.

(c) If the promotional program is approved under the rules adopted by the commission and is conducted in all wholesaler establishments through which the manufacturer distributes alcoholic beverages in Indiana, a manufacturer of alcoholic beverages may award bona fide promotional prizes and awards to any of the following:

(1) A person with a wholesaler's permit issued under IC 7.1-3.

(2) An employee of a person with a wholesaler's permit issued under IC 7.1-3.

(d) **A manufacturer may offer on a nondiscriminatory basis bona fide incentives to wholesalers when the incentives are determined based on sales to retailers or dealers occurring during specified times for specified products. The incentive may be conditioned on the wholesaler selling a:**

(1) specified product at a specified price or less than a specified price; or

(2) minimum quantity of a specified product to a single customer in a single transaction.

The incentive may not be conditioned on a wholesaler having total sales of a minimum quantity of a specified product during the applicable period.

SECTION 38. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 7.1-3-1-18; IC 7.1-3-16.5-3; IC 7.1-3-16.5-4; IC 7.1-3-19-5; IC 7.1-3-19-6; IC 7.1-3-19-7; IC 7.1-3-19-14.

SECTION 39. **An emergency is declared for this act.**

(Reference is to HB 1406 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

ALDERMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1410, 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 18, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1419, 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 16, nays 0.

AYRES, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1423, 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 10, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1508, 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 concerning the general assembly.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "committee" refers to the interim study committee on motor vehicle driver inattention established by this SECTION.

(b) There is established the interim study committee on motor vehicle driver inattention. The committee shall study:

(1) the causes and effects of motor vehicle driver inattention; and

(2) measures that may be taken to encourage and increase motor vehicle driver safety.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(e) This SECTION expires November 1, 2005.

(Reference is to HB 1508 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 4.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1566, 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 21, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1568, 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, line 3, after "taxpayers" insert "**or one (1) taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision**".

Page 2, line 9, after "petition" insert "**, or to the taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision, in the case of an appeal initiated by that taxpayer,**".

Page 2, line 11, delete "and".

Page 2, between lines 11 and 12, begin a new line block indented and insert:

"(2) conduct a hearing on the objection; and".

Page 2, line 12, delete "(2)" and insert "**(3)"**.

Page 2, line 18, beginning with "to", begin a new line double block indented.

Page 2, line 19, after "petition" delete "." and insert "**, or to the taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision, in the case of an appeal initiated by that taxpayer.**".

Page 2, delete lines 22 through 25, begin a new paragraph and insert:

"(c) The department of local government finance shall:

(1) provide written notice to:

(A) the first ten (10) taxpayers whose names appear on the petition; or

(B) the taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision, in the case of an appeal initiated by that taxpayer; and

(2) publish notice of the hearing;

at least five (5) days before the date of the hearing."

Page 4, line 1, strike "and".

Page 4, line 3, after "subdivision" delete "." and insert ";".

Page 4, between lines 3 and 4, begin a new line block indented and insert:

"(3) the first ten (10) taxpayers whose names appear on a petition filed under section 13 of this chapter; and

(4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision."

Page 4, between lines 13 and 14, begin a new line block indented and insert:

"(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision."

(Reference is to HB 1568 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SAUNDERS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1668, 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 2, delete "ten" and insert "**one**".

Page 3, line 3, delete "(10%)" and insert "**(1%)**".

Page 3, line 13, delete "five percent (5%)" and insert "**one percent (1%)**".

Page 6, line 6, delete "twenty" and insert "**one**".

Page 6, line 7, delete "(20%)." and insert "**(1%).**".

Page 6, line 17, delete "sixty" and insert "**one**".

Page 6, line 18, delete "(60%)" and insert "**(1%)**".

(Reference is to HB 1668 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1699, 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 9, line 2, delete "(a)," and insert "(a) **concerning a child,**".

Page 9, line 4, strike "the record" and insert "**all records concerning the child that are held by the entity**".

Page 13, line 38, strike "(c)," and insert "**(d),**".

Page 14, between lines 24 and 25, begin a new paragraph and insert:

"(c) The court is not required to order a probation officer or caseworker to conduct a criminal history check under subsection

(b) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state."

Page 14, line 25, strike "(c)" and insert "(d)".

Page 15, line 15, strike "(d)" and insert "(e)".

Page 15, line 15, strike "(c)," and insert "(d),".

Page 15, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 15. IC 31-34-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The court shall determine:

(1) whether the child's case plan, services, and placement meet the special needs and best interests of the child;

(2) whether the county office of family and children has made reasonable efforts to provide family services; and

(3) a projected date for the child's return home, the child's adoption placement, the child's emancipation, or the appointment of a legal guardian for the child under section ~~7.5(1)(E)~~ **7.5(d)(1)(E)** of this chapter.

(b) The determination of the court under subsection (a) must be based on findings written after consideration of the following:

(1) Whether the county office of family and children, the child, or the child's parent, guardian, or custodian has complied with the child's case plan.

(2) Written documentation containing descriptions of:

(A) the family services that have been offered or provided to the child or the child's parent, guardian, or custodian;

(B) the dates during which the family services were offered or provided; and

(C) the outcome arising from offering or providing the family services.

(3) The extent of the efforts made by the county office of family and children to offer and provide family services.

(4) The extent to which the parent, guardian, or custodian has enhanced the ability to fulfill parental obligations.

(5) The extent to which the parent, guardian, or custodian has visited the child, including the reasons for infrequent visitation.

(6) The extent to which the parent, guardian, or custodian has cooperated with the county office of family and children or probation department.

(7) The child's recovery from any injuries suffered before removal.

(8) Whether any additional services are required for the child or the child's parent, guardian, or custodian and, if so, the nature of those services.

(9) The extent to which the child has been rehabilitated.

(10) If the child is placed out-of-home, whether the child is in the least restrictive, most family-like setting, and whether the child is placed close to the home of the child's parent, guardian, or custodian.

(11) The extent to which the causes for the child's out-of-home placement or supervision have been alleviated.

(12) Whether current placement or supervision by the county office of family and children should be continued.

(13) The extent to which the child's parent, guardian, or custodian has participated or has been given the opportunity to participate in case planning, periodic case reviews, dispositional reviews, placement of the child, and visitation.

(14) Whether the county office of family and children has made reasonable efforts to reunify or preserve a child's family unless reasonable efforts are not required under section 5.6 of this chapter.

(15) Whether it is an appropriate time to prepare or implement a permanency plan for the child under section 7.5 of this chapter."

Page 15, line 25, strike "(d)," and insert "(e)".

Page 15, line 26, strike "(c)(1)(D)" and insert "(d)(1)(D)".

Page 15, line 26, strike "(c)(1)(E)" and insert "(d)(1)(E)".

Page 15, line 29, strike "(c)(1)(D)" and insert "(d)(1)(D)".

Page 15, line 29, strike "(c)(1)(E);" and insert "(d)(1)(E);".

Page 15, line 31, strike "(c)(1)(D)" and insert "(d)(1)(D)".

Page 15, line 31, strike "(c)(1)(E)" and insert "(d)(1)(E)".

Page 16, between lines 10 and 11, begin a new paragraph and

insert:

"(c) The court is not required to order a probation officer or caseworker to conduct a criminal history check under subsection (b) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state."

Page 16, line 11, strike "(c)" and insert "(d)".

Page 17, line 9, strike "(d)" and insert "(e)".

Page 17, line 37, strike "(e)" and insert "(f)".

Page 17, line 37, strike "(d)," and insert "(e),".

Page 18, line 39, strike "(c)," and insert "(d),".

Page 19, between lines 27 and 28, begin a new paragraph and insert:

"(c) The court is not required to order a probation officer or caseworker to conduct a criminal history check under subsection (b) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state."

Page 19, line 28, strike "(c)" and insert "(d)".

Page 20, line 20, strike "(d)" and insert "(e)".

Page 20, line 20, strike "(c)," and insert "(d),".

Renumber all SECTIONS consecutively.

(Reference is to HB 1699 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

BUDAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1724, 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, line 8, delete "or IC 6-3-2-20." and insert ".".

Page 13, delete lines 7 through 42.

Delete pages 14 through 23.

Page 24, delete lines 1 through 14.

Page 24, line 15, delete "(a)".

Page 24, delete lines 18 through 19.

Renumber all SECTIONS consecutively.

(Reference is to HB 1724 as printed February 15, 2005.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

ESPICH, Chair

Report adopted.

With consent of the members, the House returned to House Bills on second reading.

HOUSE BILLS ON SECOND READING

House Bill 1842

Representative Noe called down House Bill 1842 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1842-1)

Mr. Speaker: I move that House Bill 1842 be amended to read as follows:

Page 2, line 2, delete "and".

Page 2, line 3, after "transporting" insert ", and otherwise interacting with".

Page 2, between lines 4 and 5, begin a new line block indented and insert:

"(6) The availability of and application procedures to obtain grants and other funding for the state police department and other law enforcement agencies for programs to train law enforcement officers in procedures described in subdivision (5).

(7) Procedures for and feasibility of using the state police salary matrix for state fire marshal investigators, criminal investigators from the department of state revenue, officers

from the government facilities unit of the state police department, motor carrier inspectors, officers from the Indiana war memorials commission, and inspectors from the state fire marshal's office, based on years of service and rank."

Page 2, line 5, delete "(6)" and insert "(8)".

(Reference is to HB 1842 as printed February 18, 2005.)

RUPPEL

Motion prevailed.

HOUSE MOTION
(Amendment 1842-2)

Mr. Speaker: I move that House Bill 1842 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning homeland security.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 11. A voter may not be required to show either of the following as a condition to being admitted to the polls or to voting:**

(1) A driver's license issued under IC 9-24-11.

(2) An identification card issued under IC 9-24-16.

SECTION 2. IC 3-5-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a)~~ The statement required by section 1 of this chapter must contain the following:

(1) A statement of the qualifications that an individual must meet to vote in Indiana, including qualifications relating to registration.

(2) A statement describing the circumstances that permit a voter who has moved from the precinct where the voter is registered to return to that precinct to vote.

(3) A statement that an individual who meets the qualifications and circumstances listed in subdivisions (1) and (2) may vote in the election.

(4) A statement describing how a voter who is challenged at the polls may be permitted to vote.

(5) The date of the election and the hours during which the polls will be open, as required by 42 U.S.C. 15482.

(6) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot, as required by 42 U.S.C. 15482.

(7) Instructions for mail-in registrants and first time voters under IC 3-7-33-4.5 and 42 U.S.C. 15483, as required under 42 U.S.C. 15482.

(8) General information on voting rights under applicable federal and state laws, including the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated, as required under 42 U.S.C. 15482.

(9) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation, as required under 42 U.S.C. 15482.

(10) A statement informing the voter what assistance is available to assist the voter at the polls.

(11) A statement informing the voter what circumstances will spoil the voter's ballot and the procedures available for the voter to request a new ballot.

(12) A statement describing which voters will be permitted to vote at the closing of the polls.

(13) A statement that a voter may not be required to show either of the following as a condition to being admitted to the polls or to voting:

(A) A driver's license issued under IC 9-24-11

(B) An identification card issued under IC 9-24-16.

~~(13)~~ (14) Other information that the commission considers important for a voter to know.

~~(b) The voter's bill of rights is not required to contain the information described in subsection (a)(5); (a)(6); (a)(7); (a)(8); and (a)(9) before January 1, 2004."~~

Renumber all SECTIONS consecutively.

(Reference is to HB 1842 as printed February 18, 2005.)

CRAWFORD

Upon request of Representatives T. Brown and Crawford, the Speaker ordered the roll of the House to be called. Roll Call 172: yeas 46, nays 49. Motion failed. The bill was ordered engrossed.

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 Bill 175, 603, and 626 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1009 and 1695 had been referred to the Committee on Ways and Means.

Referrals to Ways and Means withdrawn

The Speaker announced that the referral of House Bills 1333 and 1454 to the Committee on Ways and Means, pursuant to Rule 127, had been withdrawn.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representative Mays be added as coauthor of House Bill 1005.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Fry, Becker, and C. Brown be added as coauthors of House Bill 1089.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Ulmer be added as coauthors of House Bill 1099.

MESSER

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 Bischoff, Dodge, Richardson, Stilwell, and Kersey be added as coauthors of House Bill 1121.

J. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1202.

V. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heim be added as coauthor of House Bill 1224.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Borders and Klinker be added as coauthors of House Bill 1245.

WOODRUFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be added as coauthor of House Bill 1258.

SUMMERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pflum and Welch be added as coauthors of House Bill 1299.

WHETSTONE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as coauthor of House Bill 1314.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hoy be added as coauthor of House Bill 1454.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Davis be added as coauthor of House Bill 1478.

T. ADAMS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Brown be added as coauthor of House Bill 1483.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ripley be added as coauthor of House Bill 1487.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1488.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Walorski and Dvorak be removed as author and coauthor, Representative Dvorak be added as author and Representative Walorski as coauthor of House Bill 1496.

WALORSKI

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 Representative Koch be added as coauthor of House Bill 1518.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Brown be added as coauthor of House Bill 1587.

PELATH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Messer be added as coauthor of House Bill 1601.

WHETSTONE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Thomas and Cherry be added as coauthors of House Bill 1612.

BUCK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1681.

DOBIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1698.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cherry be added as coauthor of House Bill 1714.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Neese be added as coauthor of House Bill 1718.

MAHERN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Grubb and Lehe be added as coauthors of House Bill 1724.

BUCK

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 Friend, Micon, Behning, V. Smith. and Noe be added as coauthors of House Bill 1839.

PORTER

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Hoffman, the House adjourned at 11:00 p.m., this twenty-first day of February, 2005, until Tuesday, February 22, 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