



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Eighth Meeting Day

Thursday Afternoon

January 19, 2006

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

The Pledge of Allegiance to the Flag was led by Representative Sheila A. Klinker.

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

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown <input type="checkbox"/>	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry <input type="checkbox"/>	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	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	Tyler
Gutwein	Ulmer
E. Harris	VanHaafte
T. Harris	Walorski
Heim	Welch <input type="checkbox"/>
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 19: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 23, 2006 at 1:30 p.m.

RUPPEL

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1006, 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 20, delete "trusts." and insert "**trusts, subject to the following:**".

Page 2, between lines 20 and 21, begin a new line double block indented and insert:

"(A) School corporations that elect to pool assets for coverage must create a trust for the assets. The trust is subject to regulation by the department of insurance as follows:

(i) The trust must register with the department of insurance.

(ii) The trust shall obtain stop-loss insurance issued by an insurer authorized to do business with an aggregate retention of not more than one hundred twenty-five percent (125%) of the amount of expected claims for the following year.

(iii) Contributions by the school corporations must be set to fund one hundred percent (100%) of the aggregate retention plus all other costs of the trust.

(iv) The trust shall maintain a fidelity bond in an amount approved by the department of insurance, covering each person responsible for the trust, to protect against acts of fraud or dishonesty in servicing the trust.

(v) The trust is subject to IC 27-4-1-4.5 regarding claims settlement practices.

(vi) The trust shall file an annual financial statement in the form required by IC 27-1-3-13 by March 1.

(vii) The trust is not covered by the Indiana insurance guaranty fund created under IC 27-6-8. The liability of each school corporation is joint and several.

(viii) The trust is subject to examination by the department of insurance. All costs associated with an examination shall be borne by the trust.

(ix) The department of insurance may deny, suspend, or revoke the registration of a trust if the commissioner finds that the trust is in a hazardous financial condition, the trust refuses to be examined or produce records for examination, or the trust has failed to pay a final judgment rendered against the trust by a court within thirty (30) days.

(B) The department of insurance may adopt rules under IC 4-22-2 to implement this subdivision.

(2) Each school corporation, and more than one (1) school corporation acting jointly, may elect to be considered a single purchaser of natural gas energy by the school corporation's or school corporations' natural gas utility provider to qualify to purchase natural gas from any available natural gas seller. A rate schedule that is:

(A) filed by a natural gas utility; and
 (B) approved by the Indiana utility regulatory commission;
 must include provisions that allow a school corporation or school corporations acting jointly to elect to be billed as a single purchaser of natural gas energy under reasonable terms and conditions."

Page 2, line 21, delete "(2)" and insert "(3)".
 Page 2, delete lines 26 through 28.
 Page 2, line 29, delete "(D)" and insert "(C)".
 Page 2, line 30, delete "(E)" and insert "(D)".
 Page 2, line 30, delete "maintenance" and insert "management".
 Page 2, line 31, delete "(F)" and insert "(E)".
 Page 2, line 32, delete "(G)" and insert "(F)".
 Page 2, line 34, delete "(H)" and insert "(G)".
 Page 3, line 1, delete "facilities maintenance," and insert "facilities,".
 Page 3, line 14, delete "clusters of".
 Page 3, line 22, delete "An" and insert "School corporations and".
 Page 3, line 22, delete "center" and insert "centers".
 Page 3, line 24, delete "for school corporation actions".
 Page 3, line 40, delete "periodically" and insert "annually".
 Page 4, line 9, delete "budget," and insert "budget and school corporation officials,".
 Page 4, line 19, delete "clusters" and insert "common management,".
 Page 4, line 24, delete "budget and" and insert "budget,".
 Page 4, line 24, after "department," insert "and school corporation officials,".
 Page 4, line 29, delete "instructional activities expenditures, specifying all" and insert "academic achievement expenditures.".
 Page 4, delete lines 30 through 32.
 Page 4, line 33, delete "expenditures, including all" and insert "expenditures.".
 Page 4, delete lines 34 through 35.
 Page 4, line 36, delete "Operational expenditures, including all sums spent on or" and insert "Overhead and operational expenditures.".
 Page 4, delete line 37.
 Page 4, line 38, delete "expenditures, including all sums spent on" and insert "expenditures.".
 Page 4, delete lines 39 through 40.
 Page 5, line 7, delete "November 1," insert "December 31,".
 Page 5, line 22, after "recognize" insert "publicly".
 Page 5, line 26, after "budget" insert "and the division of finance of the department".
 Page 5, line 26, after "shall" insert "be available to".
 Page 5, line 31, after "public" insert "in the school corporation's annual performance report".
 Page 7, line 13, delete "system;" and insert "system, including a plan for the department to work with the officials in each school corporation who are responsible for the management of the school corporation's finances, organizations, and other resources to create programs and curricula to develop the officials' financial management skills and abilities as well as train them in the use of the system;".
 (Reference is to HB 1006 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: yeas 7, nays 5.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred House Bill 1018, 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.

J. LUTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1024, 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.

Page 2, delete lines 1 through 19, begin a new paragraph and insert:

"SECTION 1. IC 35-42-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person who knowingly or intentionally:

(1) confines another person without the other person's consent;
 or

(2) removes another person, by fraud, enticement, force, or threat of force, from one (1) place to another;
 commits criminal confinement. Except as provided in subsection (b), the offense of criminal confinement is a ~~Class D~~ Class C felony.

(b) The offense of criminal confinement defined in subsection (a) is:

(1) a ~~Class C~~ Class B felony if:

(A) the person confined or removed is less than fourteen (14) years of age and is not the confining or removing person's child; or

(B) it is committed by using a vehicle; and

(2) a ~~Class B~~ Class A felony if it:

(A) is committed while armed with a deadly weapon;
 (B) results in serious bodily injury to a person other than the confining or removing person; or
 (C) is committed on an aircraft."

Page 2, line 20, delete "IC 35-42-3-2 and".

Page 2, line 21, delete "both".

Page 2, line 21, delete "apply" and insert "applies".

Renumber all SECTIONS consecutively.

(Reference is to HB 1024 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1025, 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 20, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1049, 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.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1063, 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 2.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1073, 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 20, nays 4.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1074, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BORROR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1088, 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 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1101, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 4-1-11-3, AS ADDED BY P.L.91-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) As used in this chapter, "personal information" means **either of the following:**

- (1) **With respect to an individual's: individual:**
 - (A) **the individual's:**
 - (i) first name and last name; or ~~(B)~~
 - (ii) first initial and last name; and
 - ~~(A)~~ **(B) at least one (1) of the following data elements:**
 - ~~(A)~~ **(i) The individual's Social Security number.**
 - ~~(B)~~ **(ii) The individual's driver's license number or identification card number.**
 - ~~(C)~~ **(iii) Account number, credit card number, debit card number, security code, access code, or password of an the individual's financial account.**

(2) Information collected for the purpose of issuing a license or permit to a person that allows the person to engage in specific employment or perform a specific task in relation to employment in Indiana and that is:

- (A) required to be submitted as part of a license or permit application; or**
- (B) gathered as part of the license or permit application screening or approval process.**

(b) The term does not include the following:

- (1) The last four (4) digits of an individual's Social Security number.
- (2) Publicly available information that is lawfully made available to the public from records of a federal agency or local agency.
- (3) If a person has had a license or permit revoked, restricted, or suspended due to an action by the person that makes the person no longer suitable to hold an unrestricted license or permit, the:**
 - (A) person's full legal name;**
 - (B) person's city of residence;**
 - (C) type of license or permit held by the person; and**
 - (D) facts that caused the person's license or permit to be revoked, restricted, or suspended."**

Page 2, delete lines 1 through 22.

Page 2, line 25, delete "confidential." and insert "**confidential for purposes of IC 5-14-3-4.**"

Page 2, delete lines 26 through 31.

Page 4, between lines 32 and 33, begin a new line block indented and insert:

"(10) A person who engages in the business of waste collection, except to the extent the person holds a customer's personal information directly in connection with the business of waste collection.

(11) A person who maintains and complies with a disposal program under:

- (A) the federal USA Patriot Act (P.L.107-56);**
 - (B) Executive Order 13224;**
 - (C) the federal Driver's Privacy Protection Act (18 U.S.C. 2721 et seq.);**
 - (D) the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);**
 - (E) the federal Financial Modernization Act of 1999 (15 U.S.C. 6801 et seq.); or**
 - (F) the federal Health Insurance Portability and Accountability Act (HIPAA) (P.L.104-191);**
- if applicable."**

Page 4, line 33, after "who" insert ":".

Page 4, between lines 34 and 35, begin a new line block indented and insert:

- "(1) has:**
- (A) received; or**
 - (B) contracted for;**
- the direct or indirect provision of goods or services from another person holding the person's personal information; or**
- (2) provides the person's personal information to another person in connection with a transaction with a nonprofit corporation or charitable organization."**

Page 4, delete lines 34 through 37.

Page 4, line 38, delete "holding the customer's personal information."

Page 4, line 38, beginning with "The" begin a new line blocked left.

Page 5, line 15, delete "IC 4-1-11-3." and insert "**IC 24-4.9-2-10.**"

Page 6, line 31, delete "IC 28-1-1-3;" and insert "**IC 28-1-1-3, other than a consumer finance institution licensed to make supervised or regulated loans under IC 24-4.5;**"

Page 9, line 34, after "Notice" insert "**or the Guidance on Response Programs for Unauthorized Access to Member Information and Member Notice, as applicable,**"

Page 10, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 7. IC 35-32-2-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. (a) Subject to subsection (b), a person who commits the offense of identity deception may be tried in a county in which:**

- (1) the victim resides; or**
 - (2) the person:**
 - (A) obtains;**
 - (B) possesses;**
 - (C) transfers; or**
 - (D) uses;**
- the information used to commit the offense.**

(b) If:

- (1) a person is charged with more than one (1) offense of identity deception; and**
- (2) either:**
 - (A) the victims of the crimes reside in more than one (1) county; or**
 - (B) the person performs an act described in subsection (a)(2) in more than one (1) county;**

the person may be tried in any county described in subdivision (2).

SECTION 8. IC 35-41-1-1, AS AMENDED BY P.L.115-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 1. (a) As used in this section, "Indiana" includes:

(1) the area within the boundaries of the state of Indiana, as set forth in Article 14, Section 1 of the Constitution of the State of Indiana;

(2) the portion of the Ohio River on which Indiana possesses concurrent jurisdiction with the state of Kentucky under Article 14, Section 2 of the Constitution of the State of Indiana; and

(3) the portion of the Wabash River on which Indiana possesses concurrent jurisdiction with the state of Illinois under Article 14, Section 2 of the Constitution of the State of Indiana.

(b) A person may be convicted under Indiana law of an offense if:

(1) either the conduct that is an element of the offense, the result that is an element, or both, occur in Indiana;

(2) conduct occurring outside Indiana is sufficient under Indiana law to constitute an attempt to commit an offense in Indiana;

(3) conduct occurring outside Indiana is sufficient under Indiana law to constitute a conspiracy to commit an offense in Indiana, and an overt act in furtherance of the conspiracy occurs in Indiana;

(4) conduct occurring in Indiana establishes complicity in the commission of, or an attempt or conspiracy to commit, an offense in another jurisdiction that also is an offense under Indiana law;

(5) the offense consists of the omission to perform a duty imposed by Indiana law with respect to domicile, residence, or a relationship to a person, thing, or transaction in Indiana;

(6) conduct that is an element of the offense or the result of conduct that is an element of the offense, or both, involve the use of the Internet or another computer network (as defined in IC 35-43-2-3) and access to the Internet or other computer network occurs in Indiana; or

(7) conduct:

(A) involves the use of:

(i) the Internet or another computer network (as defined in IC 35-43-2-3); or

(ii) another form of electronic communication;

(B) occurs outside Indiana and the victim of the offense resides in Indiana at the time of the offense; and

(C) is sufficient under Indiana law to constitute an offense in Indiana.

(c) When the offense is homicide, either the death of the victim or bodily impact causing death constitutes a result under subsection (b)(1). If the body of a homicide victim is found in Indiana, it is presumed that the result occurred in Indiana.

(d) If the offense is identity deception, the lack of the victim's consent constitutes conduct that is an element of the offense under subsection (b)(1). If a victim of identity deception resides in Indiana when a person knowingly or intentionally obtains, possesses, transfers, or uses the victim's identifying information, it is presumed that the conduct that is the lack of the victim's consent occurred in Indiana."

Renumber all SECTIONS consecutively.

(Reference is to HB 1101 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1107, 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 10, delete "sirens." and insert "**systems**".

Page 2, line 7, delete "sirens." and insert "**systems**".

Page 2, line 23, delete "sirens." and insert "**systems**".

SECTION 3. IC 36-9-38-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The following improvements may be made under this chapter:

(1) Sidewalks.

(2) Streets.

(3) Pedestrian ways or malls that are set aside entirely or partly, or during restricted hours, for pedestrian rather than vehicular traffic.

(4) Parking facilities.

(5) Lighting.

(6) Electric signals.

(7) Landscaping, including trees, shrubbery, flowers, grass, fountains, benches, statues, floodlighting, gaslighting, and structures of a decorative, an educational, or a historical nature.

(8) Emergency warning systems."

Renumber all SECTIONS consecutively.

(Reference is to HB 1107 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1108, 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 11, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1124, 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 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BORROR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1207, 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.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1222, 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 ", in the case of a second class city,".

Page 3, line 39, delete "This section applies only to second class cities."

Page 3, line 40, delete "(b)".

Page 3, run in lines 39 through 40.

Page 4, line 40, delete "(c)" and insert "**(b)**".

Page 5, line 2, delete "This section applies only to second class cities."

Page 5, line 3, delete "(b)".

Page 5, run in lines 2 through 3.
 Page 5, line 9, delete "(c)" and insert "(b)".
 Page 5, line 10, delete "(b)." and insert "(a)".
 Page 5, line 13, delete "(d)" and insert "(c)".
 Page 5, line 25, delete "This section applies only to second class cities."
 Page 5, line 26, delete "(b)".
 Page 5, run in lines 25 through 26.
 Page 6, line 4, delete "This section applies only to second class cities."
 Page 6, line 5, delete "(b)".
 Page 6, run in lines 4 through 5.
 Page 7, line 6, delete "This section applies only to second class cities."
 Page 7, line 7, delete "(b)".
 Page 7, run in lines 6 through 7.
 Page 7, line 16, delete "(c)" and insert "(b)".
 Page 7, line 38, delete "(d)" and insert "(c) and (d)".
 Page 7, line 39, delete "and (e)".
 Page 8, line 1, delete "(d)" and insert "(c)".
 Page 8, line 2, delete "(c)(7)" and insert "(b)(7)".
 Page 8, line 21, delete "(e)" and insert "(d)".
 Page 8, line 23, delete "(d)." and insert "(c)".
 Page 8, line 24, delete "(h)," and insert "(g)".
 Page 9, line 3, delete "(f)" and insert "(e)".
 Page 9, line 15, delete "(g)" and insert "(f)".
 Page 9, line 28, delete "(f)(2)." and insert "(e)(2)".
 Page 9, line 33, delete "(h)" and insert "(g)".
 Page 9, line 41, delete "(e)" and insert "(d)".
 (Reference is to HB 1222 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: yeas 9, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1234, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.
 Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1236, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:
 Page 1, between the enacting clause and line 1, begin a new paragraph and insert:
 "SECTION 1. IC 10-11-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. (a) The department shall maintain security and preserve the peace in and about the following:

- (1) The state capitol building.
- (2) A state office building.
- (3) A state parking facility.
- (4) A state motor pool garage.
- (5) A state warehouse.
- (6) The Indiana state library.
- (7) The governor's residence.
- (8) Any other building or property used by the state for any of the following purposes:
 - (A) Housing of personnel or activities of an agency or a branch of state government.
 - (B) Providing transportation or parking for state employees or persons having business with state government.
- (b) A special police employee of the department assigned to the security activities under this section, other than an officer or police employee of the department who possesses police powers under

section 21 of this chapter, possesses all of the common law and statutory powers of law enforcement officers except for the service of civil process.

(c) For purposes of IC 5-2-1, a special police employee assigned to the security activities under this section, other than a regular police employee of the department, is a special is a capitol police officer.

(d) Special police employees Capitol police officers shall enforce IC 4-20.5 and rules of the Indiana department of administration.

(e) The superintendent may adopt rules under IC 4-22-2 to do the following:

- (1) Enforce IC 4-20.5 and rules of the Indiana department of administration concerning the security of state property.
- (2) Carry out the responsibilities for security of state property under this section."

Page 1, line 3, delete "[EFFECTIVE UPON PASSAGE]" and insert "[EFFECTIVE JULY 1, 2006]".

Page 1, line 3, delete "2006," and insert "2007,".

Page 1, line 10, delete "person" and insert "capitol police officer".

Page 1, line 12, delete "person" and insert "capitol police officer".

Page 1, line, 15, after "rank" insert "of capitol police officers".

Page 2, delete line 7.

Renumber all SECTIONS consecutively.

(Reference is to HB 1236 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1238, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1249, 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 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1257, 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 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1266, 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 0.

BORROR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1279, 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 26, delete "or".

Page 3, line 29, after "subdivision (1);" insert "or".

Page 3, between lines 29 and 30, begin a new line block indented and insert:

"(3) provides commercial mobile radio service (as defined in 47 CFR 51.5);".

Page 3, line 31, delete "subdivisions (1)" and insert **"this section."**

Page 3, delete line 32.

Page 6, line 34, delete "or".

Page 6, between lines 34 and 35, begin a new line block indented and insert:

"(5) a CMRS provider (as defined in IC 36-8-16.5-6); or".

Page 6, line 35, delete "(5)" and insert **"(6)"**.

Page 7, line 13, delete "2007," and insert **"2006,"**.

Page 7, line 15, delete "service except as follows:" and insert **"service."**

Page 7, delete lines 16 through 29.

Page 9, between lines 20 and 21, begin a new paragraph and insert:

"(g) This section may not be construed to permit a provider to impose local measured service on the provider's basic telecommunications customers."

Page 11, line 27, after "customers" delete ";" and insert **", other than video provided under federally licensed bandwidth;"**.

Page 16, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 27. IC 8-1-2.8-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8.5. As used in this chapter, "provider" has the meaning set forth in IC 8-1-2.6-0.5."

Page 17, line 21, delete "LECs" and insert **"providers"**.

Page 17, line 23, delete "LECs;" and insert **"providers;"**.

Page 17, line 28, delete "LECs" and insert **"providers"**.

Page 18, line 18, delete "communications service".

Page 18, line 19, delete "(as defined in IC 8-1-32.6-6)".

Page 19, line 4, delete "communications service".

Page 19, line 36, delete "LEC" and insert **"provider"**.

Page 19, line 38, delete "LEC," and insert **"provider,"**.

Page 19, line 38, delete "LEC." and insert **"provider."**

Page 19, line 41, delete "LEC" and insert **"provider"**.

Page 20, line 20, delete "communications service".

Page 20, line 20, delete "(as)".

Page 20, line 21, delete "defined in IC 8-1-32.6-6)".

Page 20, line 42, delete "LEC" and insert **"provider"**.

Page 22, line 9, delete "not do any of the following:" and insert **"not,"**

Page 22, line 10, delete "(1) With" and insert **"with"**.

Page 22, run in lines 9 through 10.

Page 22, line 12, delete "anticompetitive or".

Page 22, delete lines 13 through 42, and insert **"discriminatory. For purposes of this subsection, a rate, term, or condition for retail service is unreasonably preferential, prejudicial, or discriminatory if the rate, term, or condition:**

(1) is not offered uniformly to all comparably situated customers in a metropolitan statistical area; or

(2) violates IC 8-1-2-103(a) or IC 8-1-2-105, to the extent that the provider is subject to IC 8-1-2-103(a) or IC 8-1-2-105."

Page 23, line 3, delete "an incumbent local exchange carrier" and insert **"a provider"**.

Page 23, line 4, delete "5(3)" and insert **"5"**.

Page 24, delete lines 23 through 24.

Page 24, line 25, delete "(B)" and insert **"(A)"**.

Page 24, line 36, delete "(C)" and insert **"(B)"**.

Page 27, line 27, delete "Telecommunications" and insert **"A telecommunications"**.

Page 27, line 28, after "153(46))" delete "." and insert **"other than commercial mobile radio service (as defined in 47 CFR 51.5)".**

Page 27, line 29, delete "Information" and insert **"An information"**.

Page 31, delete lines 5 through 42.

Delete page 32.

Page 33, delete lines 1 through 23.

Page 33, line 24, delete "17." and insert **"15."**

Page 36, line 2, after "to any" insert **"unit or"**.

Page 42, line 3, delete "view and video on demand charges" and insert **"view."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

MURPHY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1280, 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.

MURPHY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1307, 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 32, after "its" insert: **"regular or routine schedule of attorney's fees applicable to all claims filed on or after September 1, 2006, except as provided in subsection (e), to reflect the following attorney's fees:**

(1) A minimum of two hundred dollars (\$200).

(2) Twenty percent (20%) of the first fifty thousand dollars (\$50,000) of recovery.

(3) Fifteen percent (15%) of the recovery in excess of fifty thousand dollars (\$50,000).

(4) Ten percent (10%) of the value of:

(A) unpaid medical expenses;

(B) out-of-pocket medical expenses; or

(C) future medical expenses;

subject to the approval of the workers' compensation board of Indiana.

(e) The board maintains continuing jurisdiction over all attorney's fees in cases before the board and may order a different attorney's fee or allowance in a particular case."

Page 2, delete lines 33 through 42.

Page 3, delete lines 1 through 3.

(Reference is to HB 1307 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred House Bill 1332, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-4-10.9-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23.5. "Pollution control" means any technology or process that effectively reduces the emissions of certain pollutants per unit of work. The term includes any of the following, as determined by the office of the lieutenant governor:

(1) Precombustion processes.

(2) Combustion processes or technology.

(3) Postcombustion cleanup.

SECTION 2. IC 4-4-10.9-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. "Pollution control facility" means a facility for the abatement, reduction, or prevention of pollution or for the removal or treatment of any substances in materials being processed that otherwise would cause pollution when used. This includes the following:

- (1) Coal washing, coal cleaning, or coal preparation facilities designed to reduce the sulfur and ash levels of Indiana coal.
- (2) Coal-fired boiler facilities designed to reduce emissions while burning Indiana coal.
- (3) Pollution control equipment to allow for the environmentally sound use of Indiana coal.
- (4) **Facilities that convert biomass, including agricultural waste, industrial waste, and municipal solid waste, into energy or synthetic gas for beneficial use.**
- (5) **Pollution control equipment for the conversion of waste tires into energy or synthetic gas for beneficial use.**
- (6) **Manufacturing facilities that use coal combustion products:**

- (A) as defined by ASTM E-2201-02a; and
- (B) that are derived from burning Indiana coal; as a raw material for manufacturing another product."

Page 2, line 7, delete "and" and insert "or".

Page 2, line 10, delete "and" and insert "or".

Page 3, line 15, delete "for each taxable year the taxpayer owns" and insert "with respect to a taxable year in which the taxpayer purchases".

Page 3, line 16, delete "." and insert "in a retail transaction."

Page 3, line 18, delete "owned by the taxpayer" and insert "purchased by the taxpayer in a retail transaction".

Page 3, line 19, delete "the lesser of:" and insert "one thousand dollars (\$1,000)."

Page 3, delete lines 20 through 24.

Page 3, line 26, delete "ownership" and insert "purchase".

Page 3, line 29, after "was" insert "purchased by the taxpayer:

- (1) at wholesale for the purpose of resale to another person; or
- (2) in a retail transaction from another person who purchased the hybrid vehicle in a retail transaction."

Page 3, delete line 30.

Page 6, line 23, delete "a renewable" and insert "an E85 base".

Page 6, line 25, delete "a renewable" and insert "an E85 base".

Page 6, line 27, delete "renewable" and insert "E85 base".

Page 6, line 28, delete "renewable" and insert "E85 base".

Page 6, line 29, delete "a renewable" and insert "an E85 base".

Page 6, line 34, after "taxpayer's" insert "state".

Page 6, line 33, delete "A taxpayer that makes a qualified investment in Indiana is" and insert "A taxpayer that makes a qualified investment in an E85 base fuel compatible fueling station in Indiana is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the E85 base fuel compatible fueling station is placed in service for the dispensing of E85 base fuel, if the E85 base fuel compatible fueling station:

- (1) is placed in service in Indiana by the taxpayer for the dispensing of E85 base fuel before January 1, 2011; and
- (2) has not previously been placed in service in Indiana by the taxpayer or any other person, corporation, or pass through entity for the dispensing of E85 base fuel.

(c) The amount of the credit for each E85 base fuel compatible fueling station placed in service by the taxpayer is equal to the lesser of:

- (1) fifty percent (50%) of the amount of the taxpayer's qualified investment; or
- (2) two thousand dollars (\$2,000)."

Page 6, delete lines 34 through 42.

Page 7, delete lines 1 through 2.

Page 7, line 11, strike "the" and insert "a".

Page 8, line 13, delete "qualified investment" and insert "E85 base fuel compatible fueling station".

Page 8, line 18, delete "qualified investment" and insert "E85 base fuel compatible fueling station".

Page 8, line 22, delete "qualified investment" and insert "E85 base fuel compatible fueling station".

Page 8, line 26, delete "qualified investment" and insert "E85 base fuel compatible fueling station".

Page 8, between lines 33 and 34, begin a new paragraph and insert: "SECTION 15. IC 6-3.1-29-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 4.5. As used in this chapter, "fluidized bed combustion technology" means a technology that involves the combustion of fuel in connection with a bed of inert material, such as limestone or dolomite, which is held in a fluid like state by the means of air or other gasses being passed through the materials."

Page 9, line 16, delete "facility;" and insert "facility or a fluidized bed combustion technology;"

Page 9, line 19, after "facility" insert "or a fluidized bed combustion technology".

Page 9, line 20, delete "facility." and insert "facility or fluidized bed combustion technology."

Page 9, line 31, after "facility" insert "or a fluidized bed combustion technology".

Page 10, line 3, after "15." insert "(a)".

Page 10, line 4, after "entitled" insert "for a qualified investment in an integrated coal gasification polygeneration facility".

Page 10, between lines 11 and 12, begin a new paragraph and insert:

"(b) Subject to section 16 of this chapter, the amount of the credit to which a taxpayer is entitled for a qualified investment in a fluidized bed combustion technology is equal to the sum of the following:

- (1) Seven percent (7%) of the taxpayer's qualified investment for the first five hundred million dollars (\$500,000,000) invested.
- (2) Three percent (3%) of the amount of the taxpayer's qualified investment that exceeds five hundred million dollars (\$500,000,000)."

Page 10, line 18, delete "facility." and insert "facility or a fluidized bed combustion technology."

Page 10, line 32, after "facility" insert "or fluidized bed combustion technology".

Page 10, line 42, after "facility" insert "or fluidized bed combustion technology".

Page 11, line 17, after "is" insert "an integrated coal gasification polygeneration facility".

Page 11, line 26, delete "A" and insert "For a project involving a qualified investment in a coal gasification polygeneration facility, a".

Page 11, line 38, after "that" insert ":

- (A) one hundred percent (100%) of the coal used:
 - (i) at the integrated coal gasification polygeneration facility, for a project involving a qualified investment in an integrated coal gasification polygeneration facility; or
 - (ii) as fuel in a fluidized bed combustion unit, in a project involving a qualified investment in a fluidized bed combustion technology; must be Indiana coal, if the facility or unit is dedicated primarily to serving Indiana retail electric utility consumers; or
- (B) seventy-five percent (75%) of the coal used:
 - (i) at the integrated coal gasification polygeneration facility, for a project involving a qualified investment in an integrated coal gasification polygeneration facility; or
 - (ii) as fuel in a fluidized bed combustion unit, in a project involving a qualified investment in a fluidized bed combustion technology; must be Indiana coal, if the facility or unit is not dedicated primarily to serving Indiana retail electric utility consumers."

Page 11, line 38, strike "the taxpayer shall use Indiana coal at the".

Page 11, line 39, strike "taxpayer's integrated coal gasification".

Page 11, delete line 40.

Page 12, line 1, delete "will require," and insert "will require:

- (A) the construction of the taxpayer's integrated coal

gasification polygeneration facility, in the case of a project involving a qualified investment in an integrated coal gasification polygeneration facility; or
(B) the installation of the taxpayer's fluidized bed combustion unit, in the case of a project involving a qualified investment in a fluidized bed combustion technology."

Page 12, line 1, strike "the construction of the".

Page 12, line 2, strike "taxpayer's integrated coal gasification".

Page 12, delete line 3.

Page 12, line 15, delete "facility." and insert "facility or a fluidized bed combustion technology."

Page 12, line 31, after "facility" insert "or a fluidized bed combustion technology".

Page 12, line 35, delete "facility;" and insert "facility or fluidized bed combustion technology;"

Page 12, line 38, delete "facility." and insert "facility or fluidized bed combustion technology."

Page 18, between lines 15 and 16, begin a new paragraph and insert:

"(d) For purposes of this subsection, "vehicle" refers to a passenger motor vehicle or a truck. The owner of a vehicle described in subsection (a)(2) is entitled to a credit against the excise tax imposed under this chapter for the year in which the vehicle's internal combustion engine is converted to use E85 base fuel if the vehicle converted will:

(1) be used by the owner; and

(2) not resold;

during the year the vehicle's engine is converted. The amount of the credit is equal to the amount of the tax that would otherwise be imposed for the year in which the vehicle's engine is converted. If the owner of the vehicle pays the excise tax for the year in which the vehicle's engine is converted before the engine is converted, the owner is entitled to a refund of the excise tax paid upon application to the bureau."

Renumber all SECTIONS consecutively.

(Reference is to HB 1332 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

J. LUTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1339, 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 0.

BORROR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1353, 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 0.

BORROR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1349, 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, between lines 30 and 31, begin a new paragraph and insert:
"SECTION 5. IC 14-22-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The

department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

(1) propagate in captivity; and

(2) possess, buy, or sell for this purpose only;

game birds, game mammals, or furbearing mammals protected by Indiana law.

(b) A cervidae livestock operation licensed under IC 14-22-20.5 is not required to obtain a game breeders license under this section.

SECTION 6. IC 14-22-20.5-2, AS ADDED BY P.L.93-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "cervidae livestock operation" means an operation that:

(1) has a ~~game breeders cervidae livestock operation~~ license issued by the department of natural resources; ~~under IC 14-22-20;~~

(2) contains privately owned cervidae; and

(3) involves the breeding, propagating, purchasing, selling, and marketing of cervidae or cervidae products;

but does not involve the hunting of privately owned cervidae.

SECTION 7. IC 14-22-20.5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The department shall, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license for a cervidae livestock operation."

Page 3, line 32, delete "A" and insert "(a) Except as provided in subsection (b), a".

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"(b) A person who in 2003 held a breeder's license under IC 14-22-20 for elk or deer may apply to the division for an animal hunting preserve license. However, the person must continue to maintain not less than the same number of contiguous acres that the person maintained for the deer and elk while operating under the breeder's license in 2003."

Page 3, line 42, after "preserve" insert "that allows the hunting of game birds".

Page 4, line 23, after "wire." insert "However, if the hunting preserve allows the hunting of deer or elk, the boundary must be marked by a fence that is at least eight (8) feet in height."

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"(e) An animal hunting preserve shall pay the following fees for each deer or elk harvested on the animal hunting preserve:

(1) Two hundred fifty dollars (\$250) per buck.

(2) Fifty dollars (\$50) per doe."

Page 6, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 18. IC 14-22-31-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. An animal hunting preserve that allows the hunting of deer or elk must comply with the following requirements:

(1) At least forty percent (40%) of the area of the animal hunting preserve must consist of escape cover.

(2) A hunting stand must be located at least seventy-five (75) yards from the boundary fence.

(3) A deer or elk must be released into the animal hunting preserve at least ten (10) days before it is hunted. Hunting of other deer and elk is not allowed on the animal hunting preserve during this period.

(4) The number of hunters on an animal hunting preserve at any time may not exceed one (1) hunter per twenty (20) acres.

(5) A deer or elk that has been taken on an animal hunting preserve must be examined and tagged before it is removed from the animal hunting preserve.

(6) The animal hunting preserve must comply with all rules of the board of animal health concerning cervidae, including rules concerning chronic wasting disease (CWD).

(7) The animal hunting preserve may not sell a specific deer or elk to the hunter. However, the animal hunting preserve may charge either:

(A) a basic hunting fee; or

(B) a fee based upon the antler size of the deer or elk taken by the hunter.

(8) Hunting is prohibited in an area within one hundred fifty (150) yards of an artificial feeding site.

SECTION 19. IC 14-22-31-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16. A deer or elk taken on an animal hunting preserve is not subject to the bag, sex, and size limits established under IC 14-22-2-6(a)(2).**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1349 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1391, 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 0.

RIPLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1392, 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 7, reset in roman "IC 27-8-8-1(a)".

Page 1, line 7, after "IC 27-8-8-1(a)" insert "or".

(Reference is to HB 1392 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RIPLEY, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1021

Representative Grubb called down Engrossed House Bill 1021 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 20: yeas 88, 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 Weatherwax and Lewis.

Engrossed House Bill 1023

Representative Ayres called down Engrossed House Bill 1023 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 21: 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 Heinold, Miller, and Tallian.

Engrossed House Bill 1103

Representative Yount called down Engrossed House Bill 1103 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 22: 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 Steele and Broden.

Engrossed House Bill 1106

Representative Crouch called down Engrossed House Bill 1106 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 23: 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 Becker, Breaux, and Dillon.

Engrossed House Bill 1111

Representative T. Brown called down Engrossed House Bill 1111 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 24: yeas 79, nays 15. 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 Kenley.

Engrossed House Bill 1114

Representative Foley called down Engrossed House Bill 1114 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 25: yeas 92, 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 Steele.

Engrossed House Bill 1150

Representative Crooks called down Engrossed House Bill 1150 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 26: yeas 92, 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 Kruse and Skinner.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 23

Representative Burton introduced House Concurrent Resolution 23:

A CONCURRENT RESOLUTION urging the department of

transportation to rename the section of Interstate Highway 65 running through Johnson County the Pearl Harbor Memorial Highway.

Whereas, It is important and fitting for our society to recognize and honor the contributions of those citizens who have served this nation in times of war;

Whereas, The December 7, 1941, attack on Pearl Harbor was a devastating attack on our nation's homeland that cost the lives of more than 2,000 American civilians, soldiers, sailors, and marines;

Whereas, As the Pearl Harbor Memorial Highway, Interstate 65 throughout Johnson County could stand as a tribute to those heroic men and women who gave their lives in defense of the United States of America and the freedom of its citizens; and

Whereas, In these times of danger throughout America, it is vital to remember the bravery of those citizens who made the ultimate sacrifice for their country and to ensure that all Americans will be ever vigilant so that tragedies like the attack on Pearl Harbor do not happen again: 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 General Assembly urges the Indiana department of transportation to rename the part of Interstate Highway 65 that runs through Johnson County the Pearl Harbor Memorial Highway.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana department of transportation.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 24

Representatives Klinker, Woodruff, Budak, and Micon introduced House Concurrent Resolution 24:

A CONCURRENT RESOLUTION urging the Legislative Council to assign to a committee for further study the topic of requiring the use of respectful, "people first" language when referring to people with disabilities in all Indiana laws.

Whereas, People with disabilities make up our nation's largest minority group;

Whereas, This group is inclusive and diverse, representing both genders and all ages, religions, socioeconomic levels, and ethnicities;

Whereas, Old and inaccurate medical descriptors and the inappropriate use of these descriptors help to preserve negative stereotypes;

Whereas, When people are described by their medical diagnoses, they are devalued and disrespected as individuals;

Whereas, It is the responsibility of the state of Indiana to ensure that our laws do not perpetuate negative stereotypes or disrespect Hoosiers with disabilities; and

Whereas, In order to ensure that all people are treated respectfully, it is necessary to determine if our laws use respectful language when referring to people with disabilities: 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 legislative council is urged to assign to a committee for further study the topic of requiring the use of respectful, "people first" language when referring to people with disabilities in all Indiana laws.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 25

Representative McClain introduced House Concurrent Resolution 25:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the bridge over the Wabash River in Delphi the Carroll County Veterans Memorial Bridge.

Whereas, The General Assembly recognizes the great sacrifices made by Indiana veterans in the service of their country in time of war;

Whereas, The ultimate cost of freedom is paid by many of those in the military who sacrifice their very lives in defense of liberty;

Whereas, The State of Indiana owes an eternal debt of gratitude to the men and women who bravely answer their country's call, and the people of Carroll County wish to recognize their bravery by designating the bridge over the Wabash River in Delphi in honor of the Carroll County veterans; and

Whereas, It is therefore fitting that the proper signage be placed on the bridge over the Wabash River in Delphi to recognize the designation of this bridge as the Carroll County Veterans Memorial Bridge in honor of these veterans: 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 General Assembly urges the Indiana Department of Transportation to name the bridge over the Wabash River in Delphi the Carroll County Veterans Memorial Bridge.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 26

Representative Hoy introduced House Concurrent Resolution 26:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study the effects of decorative lights on vehicles.

Whereas, Vehicle lighting should allow drivers to see the road ahead and make vehicles clearly visible to other drivers on the road without causing a hazard;

Whereas, Decorative lights on vehicles may be distracting and endanger other road users because the lights may divert drivers' attention from their driving;

Whereas, With the increased use of decorative lighting on vehicles on Indiana roadways, it would behoove the state of Indiana to further study the issue of decorative lighting on vehicles: 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 legislative council is urged to establish a committee to study the effects of decorative lights on vehicles.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 1

Representative Friend introduced House Resolution 1:

A HOUSE RESOLUTION expressing the will of the Indiana House of Representatives to protect the content of prayer and the right to address God in accordance with the dictates of conscience in the Indiana House of Representatives.

Whereas, The official invocation has been an unbroken tradition in the Indiana House of Representatives for 189 years;

Whereas, The Indiana House of Representatives has long had a policy of permitting members to give, or to invite clergy to give, the invocation prayer in a manner consistent with the religious beliefs and the freedom of conscience of the person giving the invocation;

Whereas, This privilege of invocation prayer has been extended over the years to a diverse group of Hoosiers representing a wide variety of creeds, faiths and traditions;

Whereas, During the past session of the General Assembly the invocation was offered by clerics representing the Catholic, Jewish and Muslim faiths as well as those with no formal religious affiliation;

Whereas, The Indiana House of Representatives views the invocation as an opportunity to solemnize the proceedings of the House and to permit individual House members and their invited constituents to seek divine guidance on behalf of the House in a manner consistent with, and not repugnant to, their abiding beliefs;

Whereas, The members of the Indiana House of Representatives are subject to the unique pressures and duties of their office and of the burdens of the legislative environment, which frequently requires that they be absent from their own homes, families, and religious congregations;

Whereas, The ministry of visiting clerics and the offering of invocations accommodates the spiritual needs of the members of the Indiana House of Representatives and facilitates the voluntary exercise of their faith, providing them with spiritual encouragement while they are away from their homes, families, and religious congregations;

Whereas, The members of the Indiana House of Representatives accept that in our pluralistic society it is not possible that every faith or belief system be represented in each invocation;

Whereas, The members of the Indiana House of Representatives affirm as the foundational principle of religious tolerance that differences in faith or beliefs should be freely acknowledged and not be hidden, discouraged or suppressed through governmental order, coercion or officially imposed orthodoxy;

Whereas, The invocation prayer has traditionally been an opportunity to promote greater understanding among persons of all faiths;

Whereas, It has been the consistent tradition and practice of the members of the Indiana House of Representatives to stand in respectful silence as the invocation prayer was offered by a fellow Hoosier, regardless of whether the members have shared the religious views expressed by the individual delivering the invocation;

Whereas, Despite these salutary benefits of the Indiana House's invocation prayer, the United States District Court for the Southern District of Indiana, has issued an injunction which restrains religious liberty and the freedom of conscience and, in conflict with the historic and cherished rights of Americans, purports to control the specific content of prayers;

Whereas, This intolerable order of the United States District Court states that prayers given as part of the official proceedings of the Indiana House "should not use Christ's name or title or any other denominational appeal" and should not "proclaim or otherwise communicate the beliefs that Jesus of Nazareth was the Christ, the Messiah, the Son of God, or the Savior, or that he was resurrected, or that he will return on Judgment Day or is otherwise divine";

Whereas, This order is inconsistent with the settled beliefs and deepest convictions of many Hoosiers;

Whereas, Because it attempts to control the content of prayer, this order undermines the rights of all Hoosiers regardless of their theological convictions;

Whereas, This order is contrary to the principles of religious liberty upon which this Nation was founded and which are embodied in the First Amendment to the United States Constitution;

Whereas, In *Marsh v. Chambers* in 1983 the United States Supreme Court considered our Nation's more than 200 hundred year history of legislative prayers, including prayers that invoke the name of Jesus Christ, and found that "In light of the unambiguous and unbroken history of more than 200 years, there can be no doubt that the practice of opening legislative sessions with prayer has become part of the fabric of our society. To invoke Divine guidance on a public body entrusted with making the laws is not, in these circumstances, an "establishment" of religion or a step toward

establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country."

Whereas, As the United States Supreme Court's decisions make clear, public officials are not competent, in our constitutional order, to make the fine theological distinctions and comparisons necessary for one to declare that a prayer is sufficiently "inclusive" or "nonsectarian" to satisfy the court's injunction and the content of prayer is a matter solely for the religious conscience of the cleric or representative offering it;

Whereas, This order violates the fundamental rights of men and women conferred upon them by their Creator to always and freely seek the guidance and blessings of their Creator in accordance with the dictates of their conscience;

Whereas, The members of the Indiana House of Representatives believe that the United States District Court for the Southern District of Indiana has transcended the line between co-equal sovereigns in our federal system of government and has improperly intruded upon the affairs of the legislative branch of Indiana State Government by attempting to dictate the content of our prayers;

Whereas, The members of the Indiana House of Representatives have taken an oath to uphold the Constitution of the United States, and the members have considered the constitutionality of the practice under challenge and have concluded that it is fully consistent with the Establishment Clause of the First Amendment to the United States Constitution: Therefore,

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

SECTION 1. That it is the judgment of the Indiana House of Representatives that the order of the United States District Court for the Southern District of Indiana is contrary to the word and spirit of the First Amendment.

SECTION 2. That the Speaker of the Indiana House of Representatives is urged to use the authority granted to him to prosecute all possible appeals of the order and to use all other lawful means at his disposal to seek the invalidation of that order.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Indiana General Assembly, the United States Congress and the President of the United States.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 24, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-5-41 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 41. (a) As used in this section, "motion picture or audio production" means:**

- (1) a feature length film, including a short feature and an independent or studio production, or a documentary; or
- (2) a television or radio series, program, or feature;

produced for any combination of theatrical or television viewing, other media broadcast, or as a television pilot. The term includes preproduction, production, and postproduction work. However, the term does not include a motion picture that is obscene (under the standard set forth in IC 35-49-2-1) or television or radio coverage of news or athletic events.

(b) Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for the person's direct use in a motion

picture or audio production in Indiana.

(c) For purposes of this section, the following are not considered to be directly used in the production of a motion picture or audio production:

- (1) Food services.
- (2) A vehicle used to transport actors and crew.
- (3) Gasoline used in a vehicle used to transport actors and crew.
- (4) Lodging."

Page 10, delete lines 2 through 42.

Delete pages 11 through 19.

Page 20, delete lines 1 through 14.

Page 21, delete lines 4 through 23.

Page 22, delete lines 8 through 42, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] IC 6-2.5-5-41, as added by this act, applies to transactions occurring after December 31, 2005.

SECTION 6. An emergency is declared for this act."

Delete pages 23 through 24.

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 1.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1009, 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, delete lines 39 through 40, begin a new paragraph and insert:

"Sec. 1. Districts created for the house of representatives, the senate, and the United States House of Representatives must comply with the standards of this chapter."

Page 7, delete lines 7 through 9, begin a new paragraph and insert:

"Sec. 5. The population of a house or a senate district must be as close as possible to the ideal district population."

(Reference is to HB 1009 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 Elections and Apportionment, to which was referred House Bill 1011, 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, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 52. IC 3-10-1-4.5, AS AMENDED BY P.L.230-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) Except as provided in section 4.6 of this chapter, precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2006 and every four (4) years thereafter.

(b) The rules of a political party may specify whether a precinct committeeman elected under subsection (a) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.

SECTION 53. IC 3-10-1-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.6. (a) This section applies to precinct committeemen elected by the Indiana Republican Party.

(b) Precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2008 and every four (4) years thereafter.

(c) The rules of the Indiana Republican Party may specify

whether a precinct committeeman elected under subsection (a) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5."

Page 55, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 108. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding IC 3-10-1-4.5, before its amendment by this act, the successors of the precinct committeemen of the Indiana Republican Party elected at the May 2006 primary election shall be elected at the May 2008 primary election."

Renumber all SECTIONS consecutively.

(Reference is to HB 1011 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 Government and Regulatory Reform, to which was referred House Bill 1261, 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 12, between lines 3 and 4, begin a new paragraph and insert: "SECTION 12. IC 4-4-33 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 33. Miscellaneous Community Development Programs
Sec. 1. The lieutenant governor shall administer the following:

(1) The Housing Assistance Act of 1937 (42 U.S.C. 1437).

(2) Community services programs, including the Community Services Block Grant under 42 U.S.C. 9901 et seq.

(3) Home energy assistance programs, including the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq.

(4) Weatherization programs, including weatherization programs and money received under 42 U.S.C. 6851 et seq.

(5) Food and nutrition programs, including food and nutrition programs and money received under 7 U.S.C. 612, 7 U.S.C. 7501 et seq., and 42 U.S.C. 9922 et seq.

(6) Migrant and farm worker programs and money under 20 U.S.C. 6391 et seq., 29 U.S.C. 49 et seq., and 42 U.S.C. 1397 et seq.

(7) Emergency shelter grant programs and money under 42 U.S.C. 11371 et seq.

(8) Shelter plus care programs and money under 42 U.S.C. 11403 et seq.

SECTION 13. IC 4-4-34 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 34. Home Energy Assistance Programs

Sec. 1. As used in this chapter, "eligible household" means a household determined by the lieutenant governor to be eligible in the state plan for the program period.

Sec. 2. As used in this chapter, "eligible individual" means:

(1) a person who was systematically persecuted for racial or religious reasons by Nazi Germany or any other Axis regime; or

(2) an heir of a person described in subdivision (1).

Sec. 3. As used in this chapter, "Holocaust victim's settlement payment" means a payment received:

(1) as a result of the settlement of the action entitled "In re Holocaust Victims' Asset Litigation", (E.D. NY) C.A. No. 96-4849;

(2) under the German Act Regulating Unresolved Property Claims;

(3) under any other foreign law providing payments for Holocaust claims; or

(4) as a result of the settlement of any other Holocaust claim, including:

(A) insurance claims;

- (B) claims relating to looted art;
- (C) claims relating to looted financial assets; or
- (D) claims relating to slave labor wages.

Sec. 4. As used in this chapter, "home energy" means electricity, oil, gas, coal, propane, or any other fuel for use as the principal source of heating or cooling in residential dwellings.

Sec. 5. As used in this chapter, "home energy supplier" means a person, including a trustee or receiver appointed by a court, engaged in the furnishing or selling of home energy in Indiana.

Sec. 6. The home energy assistance programs must provide assistance, including emergency assistance, to low income households in Indiana to:

- (1) defray home energy costs; and
- (2) provide assistance to low income households;

for home energy conservation measures.

Sec. 7. The lieutenant governor shall do the following:

- (1) Administer an appropriation made for the purposes specified in section 7 of this chapter.
- (2) Receive and administer money that may be available to the state for energy and conservation assistance from the federal government.
- (3) Establish criteria to determine eligibility for assistance under this chapter.

Sec. 8. The lieutenant governor may determine the amount of assistance that an eligible household may receive.

Sec. 9. (a) The criteria for determining the amount of assistance may include the following:

- (1) The age of an applicant for assistance.
- (2) Whether the applicant is employed.
- (3) Household income during the past one hundred eighty (180) days.
- (4) Household size.
- (5) Type of fuel used for primary heating or cooling.
- (6) The need for assistance.
- (7) Residency.
- (8) The age and energy efficiency of the applicant's dwelling and heating plant.

(b) Unless prohibited by federal law, the criteria for determining the amount of assistance must include a consideration of an applicant's housing status. The lieutenant governor shall give weight to an applicant's housing status in the following order, from greatest weight to least weight:

- (1) An applicant who resides in nonsubsidized housing.
- (2) An applicant who resides in subsidized housing in which home energy costs are not included in the rent.
- (3) An applicant who resides in subsidized housing in which home energy costs are included in the rent.

(c) The lieutenant governor shall annually:

- (1) review the formula used by the lieutenant governor to determine the amount of assistance awarded under this chapter; and
- (2) prepare a report that includes:
 - (A) the following information for the most recent federal fiscal year:
 - (i) The number of applicants for assistance under this chapter.
 - (ii) The number of assistance awards made under this chapter.
 - (iii) The average amount of assistance awarded under this chapter for all recipients and by category of housing status; and
 - (B) a statement of:
 - (i) the formula that the lieutenant governor is currently using to determine the amount of assistance under this chapter; and
 - (ii) the lieutenant governor's intention regarding any change in the formula described in item (i).

(d) The lieutenant governor shall file the report required under subsection (c)(2) in an electronic format under IC 5-14-6 with the legislative council before April 1 each year.

Sec. 10. Except as provided by federal law, if an individual receives a state or federal higher education award that is paid directly to an approved institution of higher learning (as defined in IC 20-12-21-3) for that individual's benefit:

- (1) the individual is not required to report the award as income or as a resource of the individual when applying for assistance under this chapter; and
- (2) the award may not be considered as income or a resource of the individual in determining initial or continuing eligibility for assistance under this chapter.

Sec. 11. The lieutenant governor may require a home energy supplier or an agency of state or local government or may contract with another public or private agency to do the following:

- (1) Disseminate information about the program.
- (2) Receive or aid in the preparation of applications for assistance.
- (3) Assist in determining eligibility for assistance.

Sec. 12. An application must be made on standardized forms provided by the lieutenant governor and in accordance with procedures established by the lieutenant governor.

Sec. 13. The lieutenant governor shall establish methods for providing assistance to eligible households. Methods may include the following:

- (1) Direct payments by cash or check to eligible households.
- (2) Direct vendor payments.
- (3) Lines of credit to home energy suppliers.
- (4) The use of coupons and vouchers redeemable by the state.

Sec. 14. The lieutenant governor may require the following:

- (1) A home energy supplier to accept vendor payments, lines of credit, or coupons and vouchers as full or partial payment for the cost of home energy consumed by eligible households.
- (2) An operator of residential housing units to accept vendor payments or coupons and vouchers as full or partial payment of rent by eligible households making undesignated payments for home energy costs in the form of rent payments.

Sec. 15. The lieutenant governor shall establish procedures for the conduct of hearings and appeals upon request from applicants who have been denied assistance.

Sec. 16. A recipient may not transfer or assign assistance under this chapter except as allowed by the lieutenant governor.

Sec. 17. The lieutenant governor may recover from a recipient the amount of assistance that the lieutenant governor determines the recipient was not entitled to receive.

Sec. 18. If a recipient obtained excessive assistance fraudulently, the recipient shall pay a penalty equal to twenty percent (20%) of the excessive assistance.

Sec. 19. A claim under this chapter may be recovered from the recipient or the recipient's estate by civil action and is a preferred claim against the estate of a recipient under IC 29-1-14-9(6).

Sec. 20. A:

- (1) home energy supplier;
- (2) landlord; or
- (3) building operator;

that uses the name of an applicant or a recipient or information contained in applications made under this chapter for any purpose other than as specified by the lieutenant governor commits a Class B misdemeanor.

Sec. 21. The lieutenant governor may take actions necessary to implement this chapter, including the establishment of conditions regulating service termination to eligible households that the lieutenant governor determines to be appropriate and necessary to ensure the availability of federal financial assistance."

Page 12, line 34, delete "Indiana housing and community development authority" and insert "lieutenant governor".

Page 12, line 35, delete "authority's" and insert "lieutenant governor's".

Page 19, line 34, strike "and".

Page 19, line 37, delete "IC 8-9.5-9-7." and insert "IC 8-9.5-9-7;".

Page 19, between lines 37 and 38, begin a new line block indented and insert:

"(30) to promote and foster low income housing, the rehabilitation of communities and the creation of commercial development to promote social welfare through the relief of the poor and distressed or of the

underprivileged, and to combat community deterioration;
 (31) to provide a range of services and activities having a measurable and potentially major impact on the cause of poverty;

(32) to provide activities designed to assist low income participants, including the elderly poor, to:

(A) secure and retain meaningful employment;

(B) attain an adequate education;

(C) make better use of available income;

(D) obtain and maintain adequate housing and a suitable living environment;

(E) obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, energy assistance, nutritious food, housing, and employment related assistance;

(F) remove obstacles and solve problems that block the achievement of self-sufficiency;

(G) achieve greater participation in the affairs of the community; and

(H) make more effective use of other programs related to the purposes of this chapter;

(33) to provide on an emergency basis for the provision of supplies, nutritious foodstuffs, and related services that are necessary to counteract conditions of starvation and malnutrition among the poor;

(34) to coordinate and establish linkages between governmental and other social services programs to ensure the effective delivery of services to low income individuals;

(35) to encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community;

(36) to coordinate the provision of available services for migrant farmworkers;

(37) to study housing conditions and needs throughout Indiana to determine in what areas congested and unsanitary housing conditions constitute a menace to the health, safety, welfare, and reasonable comfort of citizens;

(38) to recommend programs for correcting the causes of poverty;

(39) to collect and distribute information relative to housing;

(40) to investigate all matters affecting the cost of construction or production of dwellings;

(41) to study means of lowering rents of dwellings through economy in the construction and arrangement of buildings;

(42) to recommend the areas within which or adjacent to which the construction of housing projects by housing authorities may be undertaken;

(43) to cooperate with local housing officials and plan commissions in the development of projects that the officials or commissions have under consideration;

(44) to make special studies and recommendations for the rehabilitation of areas affected by floods or other disasters;

(45) to administer energy assistance programs and any appropriation made for the purpose of providing energy assistance;

(46) to receive and administer money that may be available to the state for energy and conservation assistance from the federal government;

(47) to establish criteria to determine eligibility for energy assistance;

(48) to administer the low income home weatherization programs;

(49) to provide community services, crime prevention, and job training (as defined in IC 6-3.1-9-1);

(50) to take actions necessary to implement its powers that the authority determines to be appropriate and necessary to ensure the availability of state or federal financial assistance; and

(51) to administer any program or money designated by the state or available from the federal government or other sources that is consistent with the authority's powers and duties."

Page 21, delete lines 28 through 32.

Page 33, delete lines 9 through 42.

Delete pages 34 through 37.

Page 38, delete lines 1 through 39.

Page 39, line 13, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 39, line 16, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 42, line 24, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 42, line 32, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 48, line 6, delete "Indiana housing and community development" and insert "lieutenant governor".

Page 48, line 7, delete "authority".

Page 48, line 7, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 48, line 12, delete "Indiana" and insert "lieutenant governor under IC 4-4-34".

Page 48, delete lines 13 through 14.

Page 48, line 20, delete "Indiana housing and community development authority" and insert "lieutenant governor".

Page 48, line 21, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 48, line 24, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 48, line 26, delete "Indiana" and insert "lieutenant governor".

Page 48, line 27, delete "housing and community development authority".

Page 48, line 28, delete "IC 5-20-7," and insert "IC 4-4-34".

Page 48, line 32, delete "authority" and insert "lieutenant governor".

Page 48, line 35, delete "IC 5-20-7." and insert "IC 4-4-34".

Re-number all SECTIONS consecutively.

(Reference is to HB 1261 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1327, 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 10, after "2004," insert "and before January 1, 2006,".

Page 2, line 14, delete "2004);" and insert "2004) and for taxable years beginning after December 31, 2005, one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c) of the Internal Revenue Code for a dependent that qualifies as a qualified child (as defined in Section 152 of the Internal Revenue Code);".

(Reference is to HB 1327 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1362, 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 40, delete "for which the voters have adopted a public question" and insert "in which:

(1) a resolution has been adopted under IC 36-1.5-4-10; or

(2) a petition has been filed under IC 36-1.5-4-11.".

Page 3, delete line 41.

Page 4, line 18, delete "an agreement or".

Page 4, line 28, delete "an agreement or".

Page 4, line 32, delete "an agreement or".

Page 5, line 2, delete "an agreement or".

Page 5, line 6, delete "agreement or".

Page 6, line 14, delete "participating" and insert "reorganizing".

Page 6, delete lines 27 through 42.

Delete page 7.

Page 8, delete lines 1 through 36.

Page 8, line 37, delete "15." and insert "5."

Page 8, line 41, delete "finally adopted plan of" and insert "joint certification from the county election board in each county in which reorganizing political subdivisions are located that indicates that the reorganization has been approved by the voters of each reorganizing political subdivision".

Page 8, line 42, delete "reorganization".

Page 8, line 42, delete "28" and insert "31".

Page 9, line 5, delete "30" and insert "36".

Page 9, line 26, delete "16." and insert "6."

Page 10, delete lines 5 through 20.

Page 10, line 21, delete "18." and insert "7."

Page 10, line 27, after "or" insert ", if authorized in the plan of reorganization,".

Page 10, line 36, after "or" insert ", if authorized in the plan of reorganization,".

Page 10, delete lines 40 through 41, begin a new paragraph and insert:

"Sec. 8. The department of local government finance may prescribe forms for petitions, resolutions, certifications, and other writings required under this chapter. A petition, resolution, certification, or other writing related to a reorganization must be substantially in the form prescribed by the department of local government finance.

Sec. 9. A reorganization may be initiated by:

- (1) adopting a resolution under section 10 of this chapter; or
- (2) filing a petition under section 11 of this chapter.

Sec. 10. (a) The legislative body of a political subdivision may initiate a proposed reorganization under this chapter by adopting a resolution that:

- (1) proposes a reorganization; and
- (2) names the political subdivisions that would be reorganized in the proposed reorganization.

(b) The clerk of the political subdivision adopting the resolution shall certify the resolution to the clerk of each political subdivision named in the resolution.

Sec. 11. (a) The voters of a political subdivision may initiate a proposed reorganization by filing a written petition, substantially in the form prescribed by the department, with the clerk of the political subdivisions that:

- (1) proposes a reorganization; and
- (2) names the political subdivisions that would be reorganized in the proposed reorganization.

(b) If the written petition is signed by at least ten percent (10%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election, the clerk of the political subdivision shall certify the petition to the legislative body of the political subdivision.

Sec. 12. (a) If a petition is certified to the legislative body of a political subdivision under section 11 of this chapter, the legislative body shall conduct a public hearing on the proposed reorganization not sooner than five (5) days after publishing a notice of the public hearing under IC 5-3-1. Not more than thirty (30) days after the conclusion of the public hearing the legislative body shall adopt a resolution, substantially in the form prescribed by the department of local government finance, to do any of the following:

- (1) Deny the petition.
- (2) Propose a reorganization with the political subdivisions named in the petition.
- (3) Propose a reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in the petition.

(b) The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

Sec. 13. (a) The legislative body of a political subdivision that receives a certified resolution under section 10 or 12 of this chapter may do any of the following:

- (1) Take no action.

(2) Adopt a resolution declining to participate in a proposed reorganization

(3) Adopt a substantially identical resolution proposing to participate in a proposed reorganization with the political subdivisions named in a resolution certified to the political subdivision.

(4) Adopt a resolution proposing to participate in a proposed reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in a resolution certified to the political subdivision.

(b) The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

Sec. 14. The legislative body of a political subdivision may revise a resolution certified under section 10, 12, or 13 of this chapter by adding or deleting proposed parties to the reorganization until all of the political subdivisions named in the resolution have adopted substantially identical reorganization resolutions."

Page 10, line 42, delete "reorganization under this chapter," begin a new paragraph and insert:

"Sec. 15. Not later than thirty (30) days after the clerk of the last political subdivision to adopt a reorganization resolution under this chapter has certified the resolution to all of the political subdivisions named in the resolution,".

Page 11, line 2, delete "20" and insert "16".

Page 11, delete lines 5 through 10.

Page 11, line 11, delete "20." and insert "16."

Page 11, line 13, delete "under section 17" and insert "by the reorganizing political subdivisions."

Page 11, line 14, delete "of this chapter."

Page 11, line 39, delete "under" and insert "by the reorganizing political subdivisions,".

Page 11, line 40, delete "section 17 of this chapter,".

Page 12, line 3, delete "under section 17" and insert "by the reorganizing political subdivisions;".

Page 12, line 4, delete "of this chapter;".

Page 12, line 7, delete "21." and insert "17."

Page 12, line 18, delete "22." and insert "18."

Page 13, line 1, delete "34" and insert "40".

Page 13, line 9, delete ", in an agreement under section 17 of this".

Page 13, line 10, delete "chapter,".

Page 13, line 17, delete "voters" and insert "clerk of the last political subdivision to adopt a reorganization resolution under this chapter has certified the resolution to all of the political subdivisions named in the resolution."

Page 13, delete line 18.

Page 13, line 19, delete "23." and insert "19."

Page 13, line 33, delete "24." and insert "20."

Page 13, line 34, delete "23" and insert "19".

Page 14, line 3, delete "25." and insert "21."

Page 14, line 7, delete "26." and insert "22."

Page 14, line 8, delete "action" and insert "any of the actions described in section 20 of this chapter".

Page 14, line 13, delete "27." and insert "23."

Page 14, delete lines 24 through 30, begin a new paragraph and insert:

"Sec. 24. The legislative body of the reorganizing political subdivision with the largest population shall provide for a certified copy of the plan of reorganization to be filed with each of the following at the same time certifications are made under section 23 of this chapter:

- (1) The county recorder of each county in which a reorganizing political subdivision is located.
- (2) The department of local government finance.
- (3) If any of the reorganizing political subdivisions is a school corporation, the department of education.
- (4) If the plan of reorganization changes any election district or abolishes an elected office, the clerk of the circuit court in each county affected by the election district or elected office."

Page 14, line 31, delete "28." and insert "25."

Page 14, line 32, delete "27" and insert "23".

Page 14, between lines 34 and 35, begin a new paragraph and insert:

"Sec. 26. When a county recorder has received certifications under this chapter from all of the reorganizing political subdivisions, the county recorder shall notify the county election board of each county in which a reorganizing political subdivision is located that a public question on a plan of reorganization is eligible to be placed on the ballot for consideration of the voters of each of the reorganizing political subdivisions.

Sec. 27. After the county recorder of each county in which a reorganizing political subdivision is located has notified the county election board that a public question on a plan of reorganization is eligible to be placed on the ballot, the county election board shall place the public question on the ballot in accordance with IC 3-10-9 on the first regularly scheduled election that will occur in all of the precincts of the reorganizing political subdivisions at least sixty (60) days after the required notices are received.

Sec. 28. A public question under this chapter shall be placed on the ballot in all of the precincts that are located in the reorganizing political subdivisions in substantially the following form:

"Shall _____ (insert name of political subdivision) and _____ (insert name of political subdivision) reorganize as a single political subdivision?"

Sec. 29. IC 3 applies to the election at which a public question under this chapter is considered.

Sec. 30. At the same time that election results are certified under IC 3, the circuit court clerk of each of the counties in which a public question under this chapter is on the ballot shall jointly issue, in the form prescribed by the state election board, a certificate declaring whether the public question is approved or rejected by a majority of the voters voting on the public question in each of the reorganizing political subdivisions. In addition to any other requirements in IC 3 concerning filing of the certification, the certification shall be sent to each of the following:

- (1) The clerk of each of the reorganizing political subdivisions.
- (2) The county auditor of each county in which a reorganizing political subdivision is located.
- (3) The county recorder of each county in which a reorganizing political subdivision is located.
- (4) The state board of accounts.
- (5) The department of local government finance.
- (6) The department of state revenue.
- (7) The budget agency.
- (8) If any of the reorganizing political subdivisions is a school corporation, the department of education.

Sec. 31. Each county recorder receiving a certification from a county election board under section 30 of this chapter shall file the certification without charge with the plan of reorganization recorded under section 25 of this chapter.

Sec. 32. A reorganization as specified in the plan of reorganization is approved if a majority of the voters in each reorganizing political subdivision approve the public question on the reorganization. The vote of voters of a reorganizing political subdivision, (for example, a township) who also are voters in another political subdivision (for example, a county) shall be included in the tally of votes for each reorganizing political subdivision in which the voters reside.

Sec. 33. If a reorganization is not approved by the majority of the voters in each reorganizing political subdivision, the reorganization is terminated. A political subdivision in which voters of the political subdivision approved the reorganization may continue with a reorganization with another political subdivision in which the reorganization was approved only if a new plan of reorganization is approved by the voters of each political subdivision in the manner provided by this chapter. The reorganization committee shall adopt a plan to specify how matters related to the termination of the reorganization shall be handled.

Sec. 34. (a) This section applies if the majority of the voters of each of the reorganizing political subdivisions approves the public question concerning the reorganization.

(b) Except as provided in subsection (c), the political subdivisions are reorganized in the form and under the conditions specified by the legislative bodies of the reorganizing political subdivisions in the plan of reorganization filed with the county recorder under this chapter."

Page 14, line 35, delete "29." and insert "35."

Page 15, line 6, delete "30." and insert "36."

Page 15, line 6, delete "15" and insert "5".

Page 15, line 37, delete "31." and insert "37."

Page 16, line 7, delete "32." and insert "38."

Page 16, line 9, delete "the reorganizing" and insert "if authorized by the plan of reorganization approved by the voters in a public question under this chapter, the".

Page 16, delete line 10.

Page 16, line 14, delete "33." and insert "39."

Page 16, line 22, delete "34." and insert "40."

Page 16, line 22, delete "subsection (b)" and insert "subsections (b) and (c)".

Page 16, between lines 37 and 38, begin a new paragraph and insert:

"(b) Except as provided in subsection (c), if any indebtedness of a reorganizing political subdivision exists after the reorganization and before the reorganization revenue from a local income tax, excise tax, or sales tax revenue was pledged by the political subdivision to pay any part of the indebtedness, the fiscal body of the reorganized political subdivision shall annually impose the local income tax, excise tax, sales tax, or, if permitted by the original obligation, another tax until the indebtedness is fully paid. The tax rate may not exceed the tax rate necessary to repay the indebtedness and interest on the indebtedness. The tax shall be imposed in:

- (1) the area served by the reorganizing political subdivision before the reorganization; or
- (2) if permitted in the plan of reorganization, the entire area of the reorganized political subdivision.

In addition, the reorganized political subdivision may provide for the sharing of the revenue of the reorganized political subdivision from any area of the reorganized political subdivision to retire the indebtedness."

Page 16, line 38, delete "(b)" and insert "(c)".

Page 17, line 8, delete "subsection (a)" and insert "subsections (a) and (b)".

Page 17, line 11, delete "35." and insert "41."

Page 18, between lines 29 and 30, begin a new paragraph and insert:

"Sec. 42. If the functions of an elected office are transferred to another elected office by a reorganization under this article, any law, rule, or agreement that requires or permits an action by an elected officer shall be treated after the functions of the elected officer are transferred as referring to the elected officer to which the functions have been transferred by the reorganization."

Page 18, line 30, delete "36." and insert "43."

(Reference is to HB 1362 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1380, 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 11, delete "The governor shall designate an employee in" and insert "As used in this section, "coordinator" means the following:

- (1) A small business regulatory coordinator (as defined in IC 4-22-2-28.1(b)).
- (2) An ombudsman designated under IC 13-28-3-2."

Page 1, delete line 12.
 Page 1, line 13, delete "small business".
 Page 1, line 13, delete "shall" and insert "**may**".
 Page 2, line 1, delete "small business".
 Page 2, line 4, delete "shall" and insert "**may**".
 Page 2, delete lines 12 through 42.
 Delete pages 3 through 5.
 Page 6, delete lines 1 through 26.
 Page 6, line 33, reset in roman "all".
 Page 6, line 33, delete "at least one (1) of".
 Page 6, line 33, reset in roman "exist:".
 Page 6, line 33, delete "exists:".
 Page 6, line 41, after "exceeds" insert "**the following**".
 Page 7, delete line 9.
 Page 8, delete lines 22 through 42.
 Page 9, delete lines 1 through 26.
 Page 10, delete lines 2 through 42.
 Delete page 11.
 Page 12, delete lines 1 through 6.
 Page 15, delete lines 25 through 28.
 Page 15, line 29, delete "(8)" and insert "(7)".
 Page 17, delete line 13.
 Page 19, delete line 9.
 Page 20, line 36, delete "IC 6-3.1-13-15".
 Page 20, line 37, delete "and IC 6-3.1-13-17, all".
 Page 20, line 38, delete "apply" and insert "**applies**".
 Page 20, delete lines 40 through 42.
 Renumber all SECTIONS consecutively.
 (Reference is to HB 1380 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: yeas 22, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1418, 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 7, delete "and minor".
 Page 1, line 8, delete "or minor".
 (Reference is to HB 1418 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: yeas 10, nays 1.

GUTWEIN, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the following reassignments:

House Bill 1136 from the Committee on Judiciary to the Committee on Financial Institutions.

House Bill 1420 from the Committee on Rules and Legislative Procedures to the Committee on Public Health.

The Speaker announced that the reassignment of House Bills 1017 to the Committee on Local Government had been withdrawn.

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1074, 1088, 1124, 1140, 1222, 1236, 1266, 1332, and 1391 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 5, 39, 40, 47, 69, 102, 105, 111, 201, 231, and 259 and the same are herewith transmitted to

the House for further action.

MARY C. MENDEL
 Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 14, 17, 21, and 22 and the same are herewith returned to the House.

MARY C. MENDEL
 Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1007.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as coauthor of House Bill 1019.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hinkle, Stevenson, and Aguilera be added as coauthors of House Bill 1102.

AYRES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives T. Brown, C. Brown, and Porter be added as coauthors of House Bill 1106.

CROUCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Wolkins and Pierce be added as coauthors of House Bill 1110.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tyler be added as coauthor of House Bill 1140.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Avery and E. Harris be added as coauthors of House Bill 1146.

STEVENSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1150.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Buell and Crawford be added as coauthors of House Bill 1157.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1190.

STUTZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ripley and Hoy be added as coauthors of House Bill 1222.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Koch, Mahern, and Kuzman be added as coauthors of House Bill 1279.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Saunders and Grubb be added as coauthors of House Bill 1280.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Borrer be added as coauthor of House Bill 1300.

MAHERN

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 Tyler and Goodin be added as coauthors of House Bill 1314.

KLINKER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bell and Stutzman be added as coauthors of House Bill 1323.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cheney be added as coauthor of House Bill 1324.

DICKINSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1332.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Woodruff be added as coauthor of House Bill 1368.

NEESE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Foley be added as author of House Bill 1419.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Brown be added as author of House Bill 1420.

T. BROWN

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Neese, the House adjourned at 2:35 p.m., this nineteenth day of January, 2006, until Monday, January 23, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives