Journal of the House

State of Indiana

115th General Assembly First Regular Session

Fortieth Meeting Day **Thursday Morning** **April 5, 2007**

The House convened at 10:00 a.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for guidance and insight (printed January 8, 2007).

The Pledge of Allegiance to the Flag was led by Representative P. Eric Turner.

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

Austin
Avery
Bardon
Battles
Behning
Bell
Bischoff
Borders
Borror
Bosma
C. Brown
T. Brown
Buck
Buell
Burton
Candelaria Reardon
Cheatham
Cheney
Cherry
Cochran
Crawford
Crooks
Crouch
Davis
Day
Dembowski
Denbo
Dermody
Dickinson
Dobis
Dodge
Duncan
Dvorak
Eberhart
Elrod
Espich
Foley
Friend
Frizzell
Fry
GiaQuinta
Goodin
Grubb
Gutwein
E. Harris
T. Harris
Herrell
Hinkle
Hoy
Kersey
Klinker
Knollman
Koch
Kuzman
L. Lawson
Lehe
Leonard
Lutz
Mays
McClain
Micon
Moses
Murphy
Neese
Niezgodski
Noe
Orentlicher
Oxley
Pelath
Pflum
Pierce
Pond
Porter
Reske
Richardson
Ripley
Robertson
Ruppel
Saunders
M. Smith
V. Smith
Soliday
Stemler
Stevenson
Stilwell
Stutzman
Summers
Thomas
Thompson
Tincher
Torr
Turner
Tyler
Ulmer
VanHaaften
Walorski
Welch
Whetstone
Wolkins
Mr. Speaker

Roll Call 438: 100 present The Speaker announced a quorum in attendance.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, April 9, 2007, at 11:00 a.m.

GIA QUINTA

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1060, 1264, and 1378 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1065, 1092, 1278, 1324, 1388, 1437, 1468, 1480, 1489, 1659, 1717, 1738, and 1753 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On April 4, 2007, I signed into law House Enrolled Acts 1145, 1242, 1281, 1300, 1357, and 1509.

MITCHELL E. DANIELS, JR.
Governor

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 113

Representative Reske called down Engrossed Senate Bill 113 for third reading:

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

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

Roll Call 439: 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.

Engrossed Senate Bill 431

Representative Pflum called down Engrossed Senate Bill 431 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 440: yeas 60, nays 35. 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.

Engrossed Senate Bill 551

Representative Austin called down Engrossed Senate Bill 551 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 441: 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.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 49

Representative Kuzman called down Engrossed Senate Bill 49 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 104

Representative Summers called down Engrossed Senate Bill 104 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 155

Representative Dvorak called down Engrossed Senate Bill 155 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 180

Representative Austin called down Engrossed Senate Bill 180 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 181

Representative Austin called down Engrossed Senate Bill 181 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 261

Representative Dembowski called down Engrossed Senate Bill 261 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 379

Representative Bardon called down Engrossed Senate Bill 379 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 411

Representative Tincher called down Engrossed Senate Bill 411 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 537

Representative Cheney called down Engrossed Senate Bill 537 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 45, 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 4, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 4. IC 35-34-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An indictment or information which charges the commission of an offense may not be dismissed but may be amended on motion by the prosecuting attorney at any time because of any immaterial defect, including:

(1) any miswriting, misspelling, or grammatical error;
(2) any misjoinder of parties defendant or offenses charged;
(3) the presence of any unnecessary repugnant allegation;
(4) the failure to negate any exception, excuse, or provision contained in the statute defining the offense;
(5) the use of alternative or disjunctive allegations as to the acts, means, intents, or results charged;
(6) any mistake in the name of the court or county in the title of the action, or the statutory provision alleged to have been violated;
(7) the failure to state the time or place at which the offense was committed where the time or place is not of the essence of the offense;
(8) the failure to state an amount of value or price of any matter where that value or price is not of the essence of the offense; or
(9) any other defect which does not prejudice the substantial rights of the defendant.

(b) The indictment or information may be amended in matters of substance ~~or form,~~ and the names of material witnesses may be added, by the prosecuting attorney, upon giving written notice to the defendant, at any time up to:

(1) thirty (30) days if the defendant is charged with a felony; or
(2) fifteen (15) days if the defendant is charged only with one (1) or more misdemeanors;

before the omnibus date **or at any time before the commencement of trial when the amendment does not prejudice the substantial rights of the defendant.** When the information or indictment is amended, it shall be signed by the prosecuting attorney **or a deputy prosecuting attorney.**

(c) Upon motion of the prosecuting attorney, the court may, at any time before, during, or after the trial, permit an amendment to the indictment or information in respect to any defect, imperfection, or omission in form which does not prejudice the substantial rights of the defendant.

(d) Before amendment of any indictment or information other than amendment as provided in subsection (b) of this section, the court shall give all parties adequate notice of the intended amendment and an opportunity to be heard. Upon permitting such amendment, the court shall, upon motion by the defendant, order any continuance of the proceedings which may be necessary to accord the defendant adequate opportunity to prepare his defense.

(e) An amendment of an indictment or information to include a habitual offender charge under IC 35-50-2-8, **IC 35-50-2-8.5, or IC 35-50-2-10** must be made not later than ten (10) days after the omnibus date. However, upon a showing of good cause, the court may permit the filing of a habitual offender charge at any time before the commencement of the trial.

SECTION 5. IC 35-38-1-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.3. After a court has pronounced a sentence for a felony conviction, the court shall issue a statement of the court's reasons for selecting the sentence that it imposes.**".

Page 4, line 41, after "Class A" reset in roman "or".

Page 5, line 4, delete "." and insert "**; or**".

Page 8, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 10. IC 35-50-2-1.3, AS ADDED BY P.L.71-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.3. (a) For purposes of sections 3 through 7 of this chapter, "advisory sentence" means a guideline sentence that the court may voluntarily consider as the midpoint between the maximum sentence and the minimum sentence.

(b) Except as provided in subsection (c), a court is not required to use an advisory sentence.

(c) In imposing:

(1) consecutive sentences **for felony convictions that are not crimes of violence (as defined in IC 35-50-1-2(a)) arising out of an episode of criminal conduct,** in accordance with IC 35-50-1-2;

(2) an additional fixed term to an habitual offender under section 8 of this chapter; or

(3) an additional fixed term to a repeat sexual offender under section 14 of this chapter;

a court is required to use the appropriate advisory sentence in imposing a consecutive sentence or an additional fixed term. However, the court is not required to use the advisory sentence in imposing the sentence for the underlying offense.

(d) This section does not require a court to use an advisory sentence in imposing consecutive sentences for felony convictions that do not arise out of an episode of criminal conduct.".

Renumber all SECTIONS consecutively.

(Reference is to SB 45 as printed February 9, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 56, 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 20-28-5-13, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) This section applies to an examination required for teacher licensure under this chapter.

(b) If an individual does not demonstrate the level of proficiency required to receive a license on all or a part of an examination, the examination's scorer must provide the individual with the individual's test scores, including subscores for each area tested.

(c) This subsection applies only to an individual who has taken the examination described in subsection (a) at least two (2) times and has failed to demonstrate proficiency in a test area by not more than three (3) points. An individual may demonstrate proficiency in a test area by having the teacher education school or department in which the individual is or was a student certify to the department that, based on:

(1) the individual's course work, grades, fieldwork, and student teaching; and

(2) evaluations by the individual's instructors;

the individual possesses the content knowledge required by the written examination.

(d) The department shall accept evidence of proficiency in a test area by an individual as described under subsection (c) as qualifying criterion for licensure.".

Page 1, line 5, delete "middle school or".

Page 1, line 7, after "degree" insert "**from a regionally accredited postsecondary educational institution**".

Page 1, line 9, delete "one (1)" and insert "**five (5)**".

Page 1, line 9, delete "year" and insert "**years**".

Page 1, line 15, after "license" insert "**or obtain a proficient practitioner's license**".

Page 1, after line 16, begin a new paragraph and insert:

"**(c) An individual may not hold an initial teaching license under this section and under IC 20-28-4 consecutively.**

SECTION 2. IC 20-30-2-2, AS ADDED BY P.L.242-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A student instructional day in grades 1 through 6 consists of at least five (5) hours of instructional time. Except as provided in subsection (b), a student instructional day in grades 7 through 12 consists of at least six (6) hours of instructional time.

(b) An instructional day for a school flex program under section 2.2 of this chapter consists of a minimum of three (3) hours of instructional time.

(c) A school corporation may dismiss students for:

(1) three (3) full school days;

(2) the equivalent of three (3) full school days taken in one-half (½) school day increments; or

(3) any combination of full school days and one-half (½) school days that equals not more than three (3) full school days;

during a school year to conduct professional development activities.

(d) All full school days or partial school days during which students are dismissed under subsection (c) shall be counted toward student instructional days under section 3 of this chapter.

SECTION 3. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 56 as reprinted February 7, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 1.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Engrossed Senate Bill 68, 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.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 205, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning

the environment and natural and cultural resources, and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 13-20-2-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9. (a) A person that:**

(1) holds a valid construction permit that is issued under this chapter and authorizes construction for a facility that has not been substantially developed; and

(2) has not commenced construction within:

(A) five (5) years after the date of the permit; or

(B) another period established by rule or statute;

must apply for a new construction permit and meet the requirements of all applicable environmental laws existing at the time the new permit is sought.

(b) A person that:

(1) holds a valid construction permit that is issued under this chapter and authorizes construction at an operating facility; and

(2) has not commenced construction within:

(A) five (5) years after the date of the permit; or

(B) another period established by rule or statute;

must meet the requirements of all applicable environmental laws existing at the time construction is substantially commenced.

(c) The periods described in subsections (a) and (b) for a person to commence construction are tolled pending either of the following concerning the construction permit:

(1) An administrative appeal.

(2) A judicial review.

SECTION 2. IC 14-8-2-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 53. "Conservation officer" ~~for purposes of IC 14-9-8, has the meaning set forth in IC 14-9-8-1.~~ **refers to an officer employee of the law enforcement division organized under IC 14-9-8.**

SECTION 3. IC 14-21-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter, "artifact" means:

(1) a feature that is nonportable evidence of past human behavior or activity and is found on or in the ground, including structural remains formed before December 31, 1870; or

(2) an object made, ~~or shaped by human~~ **modified, or used** ~~workmanship~~ before December ~~11, 1816.~~ **31, 1870.**

SECTION 4. IC 14-21-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this chapter, "burial ground" means ground in which human remains are buried. The term includes **the following:**

(1) The land associated with or incidental to the burial of human remains.

(2) Historic cemeteries or land with human remains buried before December 31, 1939.

SECTION 5. IC 14-21-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) As used in this chapter, "plan" refers to:

(1) an archeological plan, as described in subsection (b); or

(2) a development plan, as described in subsection (c).

(b) As used in this chapter, "archeological plan" means a plan for the systematic recovery, analysis, and disposition by scientific methods of material evidence and information about the life and culture in past ages.

(c) As used in this chapter, "development plan" means:

(1) a plan for the erection, alteration, or repair of any structure; **or**

(2) a plan for the excavation of any ground related to construction.

SECTION 6. IC 14-21-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) As used in this section, "agricultural purpose" includes farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, animal husbandry, and poultry husbandry.

(b) Sections 25, 26, 28, and 29 of this chapter do not apply to the following:

(1) Surface coal mining regulated under IC 14-34.

(2) Cemeteries and human remains subject to IC 23-14.

(3) Disturbing the earth for an agricultural purpose.

(4) Collecting any object other than human remains that is visible in whole or in part on the surface of the ground, regardless of the time the object was made or shaped.

(5) Qualified professional archeologists, as determined by the department, who conduct phase 1 archeological surveys according to guidelines in effect by the department.

SECTION 7. IC 14-21-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. (a) The commission shall adopt rules establishing standards for plans.

(b) With respect to archeological plans, the rules must impose a standard of conduct that does the following:

(1) Promotes the scientific investigation and conservation of past cultures.

(2) Considers the interests and expertise of amateur archeologists and professional archeologists.

(c) With respect to development plans, the rules must impose a standard of conduct that preserves and protects both of the following:

(1) The rights and interests of landowners.

(2) The sensitivity of human beings for treating human remains with respect and dignity, as determined by the commission.

(d) Plans required under this chapter must be submitted to the department for approval according to rules adopted by the commission.

(e) Proposed plans and any reports required by the plans must be reviewed by the division within thirty (30) days after receipt.

SECTION 8. IC 14-21-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) A person who disturbs the ground for the purpose of discovering artifacts, ~~or~~ burial objects, **or human remains** must do so in accordance with a plan approved by the department under section 25 of this chapter or under IC 14-3-3.4-14 (before its repeal).

(b) A person who recklessly, knowingly, or intentionally violates this section commits **the following:**

(1) A Class A misdemeanor, **if the violation does not involve disturbing human remains.**

(2) A Class D felony, if the violation involves disturbing human remains.

SECTION 9. IC 14-21-1-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26.5. (a) Notwithstanding IC 23-14-44-1, this section does not apply to the following:

(1) A public utility (as defined in IC 8-1-2-1(a)).

(2) A corporation organized under IC 8-1-13.

(3) A municipally owned utility (as defined in IC 8-1-2-1(h)).

(4) A surface coal mining and reclamation operation permitted under IC 14-34.

Except as provided in this subsection, subsection (b), and subsection (c), a person may not disturb the ground within one hundred (100) feet of **the limits of** a burial ground or cemetery for the purpose of **excavating or covering over the ground or** erecting, altering, or repairing any structure without having a development plan approved by the department under section 25 of this chapter or in violation of a development plan approved by the department under section 25 of this chapter. The department must review the development plan not later than sixty (60) days after the development plan is submitted.

(b) A development plan:

(1) must be approved if a person intends to:

(A) excavate or cover over the ground; or

(B) construct a new structure or alter or repair an existing structure;

that would ~~significantly~~ impact the burial ground or cemetery; and

(2) is not required if a person intends to:

(A) excavate or cover over the ground; or

(B) erect, alter, or repair an existing structure;

for an incidental or existing use that would not impact the burial ground or cemetery.

(c) A development plan for a governmental entity to disturb ground within one hundred (100) feet of a burial ground or cemetery must be approved as follows:

(1) A development plan of a municipality requires approval of the executive of the municipality and does not require the approval of the department. However, if the burial ground or cemetery is located outside the municipality, approval is also required by the executive of the county where the burial ground or cemetery is located. A county cemetery commission established under IC 23-14-67-2 may advise the executive of the municipality on whether to approve a development plan.

(2) A development plan of a governmental entity other than:

(A) a municipality; or

(B) the state;

requires the approval of the executive of the county where the governmental entity is located and does not require the approval of the department. However, if the governmental entity is located in more than one (1) county, only the approval of the executive of the county where the burial ground or cemetery is located is required. A county cemetery commission established under IC 23-14-67-2 may advise the county executive on whether to approve a development plan.

(3) A development plan of the state requires the approval of the department.

(d) A development plan may require surveys to delimit the burial ground with respect to the proposed alteration.

(e) If a burial ground is within an archeological site, an archeological plan is required to be part of the development plan.

~~(d)~~ **(f)** A person who recklessly, knowingly, or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Class D felony if the person disturbs buried human remains or grave markers while committing the offense.

SECTION 10. IC 14-21-1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) A person who disturbs buried human remains **or burial grounds** shall do the following:

(1) Notify the department within two (2) business days of the time of the disturbance.

(2) Treat or rebury the human remains in a manner and place according to rules adopted by the commission or a court order and permit issued by the state department of health under IC 23-14-57.

(b) A person who recklessly, knowingly, or intentionally violates this section commits a Class A misdemeanor.

SECTION 11. IC 14-21-1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28. A person who ~~with the intent to disturb ground for the purpose of discovering or removing artifacts, burial objects, grave markers, or human remains, disturbs buried~~ **disturbs** human remains or grave markers **while moving, collecting, or removing artifacts or burial objects** either:

(1) without a plan approved by the department under:

(A) section 25 of this chapter; or

(B) IC 14-3-3.4-14 (before its repeal); or

(2) in violation of such a plan;

commits a Class D felony.

SECTION 12. IC 14-21-1-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 29. (a) A person who discovers, **uncovers, collects, or moves** an artifact or burial object while disturbing the ground for a purpose other than the discovery of artifacts or burial objects shall do the following:

(1) Immediately cease disturbing the ground **and the area within one hundred (100) feet of the artifact or burial object.**

(2) Notify the department within two (2) business days after the time of the disturbance.

(b) After notification under subsection (a), the department may do any of the following:

(1) Authorize the person to continue the ground disturbing activity, with or without conditions.

(2) Require that continued ground disturbance activity be conducted only in accordance with an approved plan. However, this subdivision does not apply after thirty (30) days from the date that the department receives notice.

(c) A person who violates subsection (a) commits a Class A infraction.

SECTION 13. IC 14-21-1-32 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 32. (a) Subject to subsections (b) and (c), the division may keep reports and information concerning the location of historic and archeological sites confidential if the director of the division determines that disclosure would likely:**

(1) risk harm to the historic or archeological site;

(2) cause a significant invasion of privacy; or

(3) impede the use of a traditional religious site by practitioners.

(b) The division may not disclose reports and information required to be confidential under federal law.

(c) If the director of the division determines that reports and information should be confidential under subsection (a), the director of the department, in consultation with the director of the division, shall determine who may have access to the confidential reports and information.

SECTION 14. IC 14-21-1-33 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 33. An employee of the division or a person authorized by the department may accompany a conservation officer on public or private property to determine if there is a violation of this article.**

SECTION 15. IC 14-21-1-34 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 34. (a) The division may conduct a program to assist private homeowners who have accidentally discovered an artifact, a burial object, or human remains and who need assistance to comply with an approved plan to excavate or secure the site from further disturbance. The division may conduct the program alone or by entering into an agreement with any entity that the division selects.**

(b) In conducting a program under subsection (a), the division may receive gifts and grants under terms, obligations, and liabilities that the director of the division considers appropriate. The director shall use a gift or grant received under this subsection:

(1) to carry out subsection (a); and

(2) according to the terms and obligations of the gift or grant.

(c) The auditor of state shall establish the archeology preservation trust fund for purposes of holding money received under subsection (b).

(d) The director of the division shall administer the archeology preservation trust fund. The expenses of

administering the archeology preservation trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the archeology preservation trust fund that is not currently needed to meet the obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the archeology preservation trust fund the interest that accrues from the investment of the trust fund.

(f) Money in the archeology preservation trust fund at the end of a state fiscal year does not revert to the state general fund. There is annually appropriated to the division the money in the archeology preservation trust fund for the division's use in carrying out the purposes of this section.

(g) The division may adopt rules under IC 4-22-2 to govern the administration of this section.

SECTION 16. IC 14-21-1-35 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 35. (a) In addition to:**

(1) a:

(A) sentence imposed under this chapter for a felony or misdemeanor; or

(B) judgment imposed under this chapter for an infraction; and

(2) an order for restitution to a victim;

a court may order an individual to make restitution to the archeology preservation trust fund established under section 34 of this chapter for the division's costs incurred because of the offense committed by the individual.

(b) In ordering restitution under this section, the court shall consider the following:

(1) The schedule of costs submitted to the court by the division.

(2) The cost to the property owner to restore or repair the damaged area of an archeological site or burial ground and place the property in the property's original condition as nearly as practicable.

(3) The amount of restitution that the individual is or will be able to pay.

(c) The court shall immediately forward to the division a copy of an order for restitution made under this section.

SECTION 17. IC 14-21-1-36 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 36. A person who knowingly or intentionally receives, retains, or disposes of an artifact, a burial object, or human remains obtained in violation of this chapter commits possession of looted property, a Class D felony. However, the offense is a Class C felony if the fair market cost of carrying out a scientific archeological investigation of the area that was damaged to obtain the artifact, burial object, or human remains is at least one hundred thousand dollars ($100,000).**

SECTION 18. IC 14-22-40-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. As used in this chapter, "law enforcement officer" has the meaning set forth in IC 35-41-1-17. The term includes a conservation officer. ~~(as defined in IC 14-9-8-1).~~

SECTION 19. IC 23-14-57-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. This chapter does not apply to the **following:**

(1) The disinterment, disentombment, or disurnment of remains upon the written order of the coroner of the county in which the cemetery is situated.

(2) The removal of human remains under a plan approved by the division of historic preservation and archeology under IC 14-21-1.

SECTION 20. IC 32-21-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The Indiana real estate commission established by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains the following:

(1) Disclosure by the owner of the known condition of the following:

(A) The foundation.

(B) The mechanical systems.

(C) The roof.

(D) The structure.

(E) The water and sewer systems.

(F) Additions that may require improvements to the sewage disposal system.

(G) Other areas that the Indiana real estate commission determines are appropriate.

(2) A notice to the prospective buyer that contains substantially the following language:

"The prospective buyer and the owner may wish to obtain professional advice or inspections of the property and provide for appropriate provisions in a contract between them concerning any advice, inspections, defects, or warranties obtained on the property.".

(3) A notice to the prospective buyer that contains substantially the following language:

"The representations in this form are the representations of the owner and are not the representations of the agent, if any. This information is for disclosure only and is not intended to be a part of any contract between the buyer and owner.".

(4) A disclosure by the owner that an airport is located within a geographical distance from the property as determined by the Indiana real estate commission. The commission may consider the differences between an airport serving commercial airlines and an airport that does not serve commercial airlines in determining the distance to be disclosed.

(5) Identification by the owner of any part of the property that was subject to surface mining at any time during the twenty (20) years that immediately precede the closing date.

SECTION 21. IC 14-9-8-1 IS REPEALED [EFFECTIVE JULY 1, 2007].

(Reference is to SB 205 as printed February 21, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Engrossed Senate Bill 250, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-7-5, AS AMENDED BY P.L.122-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Each retail merchant who dispenses gasoline or special fuel from a metered pump shall, in the manner prescribed in IC 6-2.5-6, report to the department the following information:

(1) The total number of gallons of gasoline sold from a metered pump during the period covered by the report.

(2) The total amount of money received from the sale of gasoline described in subdivision (1) during the period covered by the report.

(3) That portion of the amount described in subdivision (2) which represents state and federal taxes imposed under this

article, IC 6-6-1.1, or Section 4081 of the Internal Revenue Code.

(4) The total number of gallons of special fuel sold from a metered pump during the period covered by the report.

(5) The total amount of money received from the sale of special fuel during the period covered by the report.

(6) That portion of the amount described in subdivision (5) that represents state and federal taxes imposed under this article, IC 6-6-2.5, or Section 4041 of the Internal Revenue Code.

(7) The total number of gallons of E85 sold from a metered pump during the period covered by the report.

(b) Concurrently with filing the report, the retail merchant shall remit the state gross retail tax in an amount which equals five and sixty-six hundredths percent (5.66%) of the gross receipts, including state gross retail taxes but excluding Indiana and federal gasoline and special fuel taxes, received by the retail merchant from the sale of the gasoline and special fuel that is covered by the report and on which the retail merchant was required to collect state gross retail tax. The retail merchant shall remit that amount regardless of the amount of state gross retail tax which he has actually collected under this chapter. However, the retail merchant is entitled to deduct and retain the amounts prescribed in subsection (c), IC 6-2.5-6-10, and IC 6-2.5-6-11.

(c) A retail merchant is entitled to deduct from the amount of state gross retail tax required to be remitted under subsection (b) the amount determined under STEP THREE of the following formula:

STEP ONE: Determine:

(A) the sum of the prepayment amounts made during the period covered by the retail merchant's report; minus

(B) the sum of prepayment amounts collected by the retail merchant, in the merchant's capacity as a qualified distributor, during the period covered by the retail merchant's report.

STEP TWO: Subject to subsection (d), for reporting periods ending before July 1, 2008, determine the product of:

(A) ten cents ($0.10); multiplied by

(B) the number of gallons of E85 sold at retail by the retail merchant during the period covered by the retail merchant's report.

STEP THREE: Add the amounts determined under STEPS ONE and TWO.

For purposes of this section, a prepayment of the gross retail tax is presumed to occur on the date on which it is invoiced.

(d) The total amount of deductions allowed under subsection (c) STEP TWO may not exceed two million dollars ($2,000,000) **plus amounts deposited under IC 15-4-10-24.6** for all retail merchants in all reporting periods. A retail merchant is not required to apply for an allocation of deductions under subsection (c) STEP TWO. If the department determines that the sum of:

(1) the deductions that would otherwise be reported under subsection (c) STEP TWO for a reporting period; plus

(2) the total amount of deductions granted under subsection (c) STEP TWO in all preceding reporting periods;

will exceed two million dollars ($2,000,000) **plus amounts deposited under IC 15-4-10-24.6**, the department shall publish in the Indiana Register a notice that the deduction program under subsection (c) STEP TWO is terminated after the date specified in the notice and that no additional deductions will be granted for retail transactions occurring after the date specified in the notice.

SECTION 2. IC 15-4-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This chapter applies to all kinds and varieties of corn ~~including seed corn,~~ marketed or sold as corn by a producer in Indiana except sweet corn and popcorn. As used in this chapter, "corn" does not include sweet corn, **seed corn,** or popcorn.

SECTION 3. IC 15-4-10-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. As used in this chapter, "dean" refers to dean of the school of agriculture at Purdue University.**

SECTION 4. IC 15-4-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. **(a)** As used in this chapter, "first purchaser" means a person who is engaged in Indiana in the business of buying grain from producers. **The term refers to a person buying or otherwise acquiring corn from:**

(1) the producer of the corn; or

(2) the Commodity Credit Corporation, if the corn is pledged as collateral for a loan issued under a price support loan program administered by the Commodity Credit Corporation.

(b) The term does not include a buyer of grain who buys less than fifty thousand (50,000) bushels of grain annually for the buyer's own use as seed or feed.

SECTION 5. IC 15-4-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. As used in this chapter, "marketing year" means the twelve (12) month period beginning ~~September~~ **October** 1 and ending the following ~~August 31.~~ **September 30.**

SECTION 6. IC 15-4-10-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10.5. As used in this chapter, "promotion" means:**

(1) communication directly with corn producers;

(2) technical assistance; and

(3) trade marketing activities;

to enhance the marketing opportunities of corn or corn products in domestic and foreign markets.

SECTION 7. IC 15-4-10-10.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10.7. As used in this chapter, "research" means any type of study to advance the:**

(1) marketability;

(2) production;

(3) product development;

(4) quality; or

(5) functional or nutritional value;

of corn or corn products, including any research activity designed to identify and analyze barriers to domestic and foreign sales of corn or corn products.

SECTION 8. IC 15-4-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) If ~~an elected~~ **a** member of the council **elected or appointed under section 16(a) or 16(d) of this chapter** ceases to meet one (1) or more of the qualifications set forth in section 12(b) of this chapter, the member's term of office terminates and the member's office becomes vacant.

(b) When an elected council member's office becomes vacant before the expiration of the member's term of office, the council shall fill the vacancy by appointing a replacement member who meets the qualifications set forth in section 12(b) of this chapter. The appointee shall serve for the remainder of the unexpired term.

(c) When the office of a council member appointed under section 16(c) of this chapter to represent first purchaser organizations becomes vacant before the expiration of the member's term of office, the ~~director~~ **dean** shall fill the vacancy by appointing a replacement member who represents ~~a~~ **the largest trade group that represents** first ~~purchaser organization.~~ **purchasers.** The appointee shall serve for the remainder of the unexpired term.

(d) When an appointed council member's office representing the senate becomes vacant before the expiration of the member's

term of office, the president pro tempore of the senate shall fill the vacancy by appointing a replacement member who represents the senate and is a member of the same political party as the appointed council member who vacated the office. When an appointed council member's office representing the house of representatives becomes vacant before the expiration of the member's term of office, the speaker of the house of representatives shall fill the vacancy by appointing a replacement member who represents the house of representatives and is a member of the same political party as the appointed council member who vacated the office. An appointee under this subsection shall serve for the remainder of the unexpired term.

SECTION 9. IC 15-4-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. **(a)** When necessary, the council may appoint individuals who hold offices of importance to the corn industry or have special expertise concerning that industry to participate in the work of the council. but these individuals may not participate in votes taken by the council **but are eligible for reimbursement for traveling expenses.**

(b) A person appointed under this section serves a term of three (3) years.

(c) A person appointed under this section may not serve for more than three (3) consecutive full terms.

SECTION 10. IC 15-4-10-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) One (1) council member shall be elected from each of the following districts:

DISTRICT 1. The counties of Lake, Newton, Jasper, Benton, Porter, LaPorte, Starke, White, and Pulaski.

DISTRICT 2. The counties of St. Joseph, Elkhart, Marshall, Kosciusko, Fulton, Carroll, Cass, Miami, and Wabash.

DISTRICT 3. The counties of LaGrange, Steuben, Noble, Dekalb, Whitley, Allen, Huntington, Wells, and Adams.

DISTRICT 4. The counties of Montgomery, Fountain, Warren, Tippecanoe, Vermillion, Parke, Putnam, Vigo, Clay, and Owen.

DISTRICT 5. The counties of Clinton, Boone, Tipton, Howard, Grant, Hamilton, Madison, Hendricks, Marion, Hancock, Morgan, Johnson, Shelby, Rush, Bartholomew, and Decatur.

DISTRICT 6. The counties of Blackford, Jay, Delaware, Henry, Randolph, Wayne, Fayette, and Union.

DISTRICT 7. The counties of Sullivan, Greene, Knox, Daviess, Martin, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, and Spencer.

DISTRICT 8. The counties of Monroe, Brown, Lawrence, Jackson, Orange, Washington, Perry, Crawford, Harrison, and Floyd.

DISTRICT 9. The counties of Franklin, Jennings, Jefferson, Ripley, Dearborn, Ohio, Clark, Switzerland, and Scott.

~~DISTRICT 10. All counties in Indiana.~~

(b) The ~~dean~~ **secretary** of ~~the school of~~ agriculture ~~at Purdue University~~ or the ~~dean's~~ **secretary's** designee shall serve as an ex officio member of the council.

(c) The ~~director~~ **dean** shall appoint two (2) representatives of **the largest trade group representing** first ~~purchaser organizations~~ **purchasers** to serve as members of the council.

(d) The dean shall appoint two (2) council members to represent all counties in Indiana who meet the requirements under section 12(b) of this chapter. The dean shall select one (1) member from nominations submitted by the largest general farm organization in the state and one (1) member from nominations submitted by the second largest general farm organization in Indiana.

~~(d) The president pro tempore of the senate shall appoint one (1) member of the senate to serve as a member of the council. The speaker of the house of representatives shall appoint one (1) member of the house of representatives to serve as a member of the council. The members appointed under this subsection are ex officio members of the council. These appointed members shall at all times be members of different political parties. Notwithstanding any other law, the members appointed under this section are entitled to receive the per diem of members of the general assembly for time spent in attendance at the meetings of the council. Per diem of these members shall be paid by the council upon approval of the director.~~

(e) Four (4) members serve on the council, to be appointed as follows:

(1) One (1) member appointed by the president pro tempore of the senate.

(2) One (1) member appointed by the minority leader of the senate.

(3) One (1) member appointed by the speaker of the house of representatives.

(4) One (1) member appointed by the minority leader of the house of representatives.

Members appointed under this subsection serve at the pleasure of the appointing authority.

SECTION 11. IC 15-4-10-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. An election of a council member shall be held in a district in the year in which the term of the district's council member is to expire. Between ~~April~~ **January** 1 and ~~April~~ **March** 15 of that year, the council shall notify the producers of the district of the impending election by publishing one (1) notice in a statewide agricultural publication and by making information available to the news media in the district.

SECTION 12. IC 15-4-10-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) The ballot for the election of a district council member must bear the name of each producer who:

(1) meets the qualifications set forth in section 12(b) of this chapter; and

(2) files with the ~~director,~~ **council,** before June ~~16~~ **30** of the year of the election, a petition in support of candidacy signed by ten (10) other producers who reside in the district.

(b) The ~~director~~ **council** shall provide petition forms upon request and shall make forms available:

(1) at cooperative extension service offices located in the district; ~~The director shall determine the position of names on the ballot by drawing lots and shall provide the producers who have qualified to have their names on the ballot with advance notice of the time and place of the drawing.~~ **and**

(2) via the council's Internet web site.

(c) The council shall allow a producer to request a ballot through the council's Internet web site.

~~(c)~~ **(d)** No names other than the names of the producers who have qualified under this subsection may be printed on the ballot by the ~~director. A name may not be written in on the ballot by a producer.~~ **council. All names on the ballot must be listed in alphabetical order based on the producers' surname.**

(e) The council shall require that each producer who submits a ballot provides a separate attestation that the person is an eligible producer.

SECTION 13. IC 15-4-10-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) For ~~the~~ purposes of the election of a district council member, the ~~director~~ **council** shall provide an absentee ballot to every producer who:

(1) resides outside Indiana or expects to be absent from the district in which the producer resides on the day of the election; **and**

(2) requests an absentee ballot from the ~~director no~~ **council not less than fifteen (15) days and not** more than thirty

(30) days before the election. ~~and~~

~~(3) files with the director a notarized affidavit swearing or affirming that the producer is eligible to vote in the election.~~

(b) A producer's absentee ballot is not valid unless the ~~director~~ **council** receives the ballot ~~and the affidavit~~ from the producer at least two (2) ~~working~~ days before the election.

SECTION 14. IC 15-4-10-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. The election of a district council member shall be conducted by the council in August at voting places located within the district. The winner of an election takes office on the following ~~September~~ **October** 1.

SECTION 15. IC 15-4-10-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) The council shall do the following:

(1) Elect a ~~chairman, vice chairman,~~ **president, vice president,** secretary, treasurer, and other officers the council considers necessary.

(2) Employ personnel and contract for services that are necessary for the proper implementation of this chapter.

(3) Bond the treasurer and such other persons as necessary to ensure adequate protection of funds received and administered by the council.

(4) Authorize the expenditure of funds and the contracting of expenditures to conduct proper activities under this chapter.

(5) Annually establish priorities and prepare and approve a budget consistent with the estimated resources of the council and the scope of this chapter.

(6) Annually publish an activities ~~and financial~~ report **and audit** and present ~~this~~ **the** report **and audit** to the ~~director~~ **dean and the legislative council. The report and audit must:**

(A) be sent to the legislative council in an electronic format under IC 5-14-6; and

(B) be available on the council's Internet web site.

(7) Procure and evaluate data and information necessary for the proper implementation of this chapter.

(8) Formulate and execute assessment procedures and methods of collection.

(9) Receive and investigate, or cause to be investigated, complaints and violations of this chapter and take necessary action within its authority.

(10) Adopt bylaws and operating procedures governing operations of the council.

(11) Keep accurate accounts of all receipts and disbursements of funds handled by the council and have the receipts and disbursements audited annually by a certified public accountant.

(12) Establish and maintain an Internet web site.

~~(10)~~ **(13)** Take any other action necessary for the proper implementation of this chapter.

(b) Seven (7) affirmative votes are required for the council to take action.

SECTION 16. IC 15-4-10-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. **(a)** The council shall meet at least ~~once in each of the following periods:~~

~~(1) January, February, and March.~~

~~(2) April, May, and June.~~

~~(3) July, August, and September.~~

~~(4) October, November, and December.~~

three (3) times in each marketing year at the call of the president or at the request of two-thirds (2/3) of the members of the council.

(b) The council shall comply with the requirements under IC 5-14-1.5 (open door law).

SECTION 17. IC 15-4-10-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) The council shall pay all expenses incurred under this chapter with money from the assessments remitted to the council under this chapter.

(b) The council may invest all money it receives under this chapter, including ~~assessments, gifts, and grants,~~ **any gifts or grants that are given for the express purpose of implementing this chapter,** in ~~any~~ **the same** way allowed by law for public funds.

(c) The council may expend money from assessments and from investment income not needed for expenses for the purpose of market development, **promotion, and research.**

(d) The council may not use money received, collected, or accrued under this chapter for any purpose other than the implementation of this chapter.

SECTION 18. IC 15-4-10-24.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 24.6. (a) The Indiana corn market E85 account is established within the state general fund for the purpose of market development. The account shall be administered by the council. The account consists of assessments the council deposits under subsection (b).**

(b) Twenty-five percent (25%) of the net amount of money collected by the council each marketing year under section 26 of this chapter must be deposited quarterly into the account to be used to provide E85 retail merchant deductions allowed under IC 6-2.5-7-5(d). Money in the account may not be used for any other purpose except as allowed under this section.

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(d) On July 1 of each year the budget agency shall determine the amount of deductions allowed under IC 6-2.5-7-5(d) and transfer from the account to the state general fund any amount of deductions allowed under IC 6-2.5-7-5(d) that exceeds two million dollars ($2,000,000).

(e) Money in the account at the end of a state fiscal year does not revert to the state general fund. Money in the account may not be transferred except as allowed under this section.

(f) Money in the account is continually appropriated to the budget agency for purposes of this section.

SECTION 19. IC 15-4-10-26, AS AMENDED BY P.L.1-2006, SECTION 247, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) An assessment of:

(1) one-quarter cent ($.0025) per bushel until December 31, 2009; and

(2) one-half cent ($0.005) per bushel ~~is permitted~~ **after December 31, 2009;**

shall be collected on all corn sold in Indiana. The assessment may be imposed and collected on a quantity of corn only once and shall be collected by the first purchaser. ~~if the producer exercises the option under subsection (b) to be included in the assessment. An assessment shall not be conducted on the producer without the producer's written consent.~~ The rate of the assessment imposed by this section may be ~~increased~~ **changed** only by the general assembly.

~~(b) In conjunction with the producer's first settlement with the first purchaser following June 30, 2001, the first purchaser shall make available to the producer the forms granting the producer the option to be included in the assessment and inform the producer of the option to be included. If the producer desires to be included in the assessment, the producer shall complete and sign a form, in writing, indicating the producer's desire to be included in the assessment permitted by subsection (a). It is a producer's obligation to return enrollment forms to a first purchaser. The first purchaser shall keep a record of each producer's desire to be included in the assessment, as indicated~~

~~on the completed forms. Forms completed by a producer shall remain in effect until repealed in writing by the producer and delivered to the first purchaser. The initial enrollment by producers who want to participate in the corn marketing program must occur from July 1, 2001, through August 31, 2001. Corn market development assessments collected by a first purchaser begin on September 15, 2001. A change in participation by a producer to be included in the assessment or to discontinue the assessment does not take effect until July 1 following the producer's election to change. The department of agriculture shall prescribe the forms to be used under this subsection and distribute the forms to the first purchaser prior to July 1, 2001. The council shall reimburse the department of agriculture for the costs of preparation and distribution of the forms required by this subsection from the funds the council receives under this chapter. Auditing fees collected from this program and all other programs by the Indiana grain buyers and warehouse licensing agency revert to the office of agriculture account to cover administrative costs.~~

~~(c) If the producer indicates the desire to be included in the assessment permitted under subsection (a) by following the procedure described in subsection~~ (b) The first purchaser of a quantity of corn shall deduct the assessment on the corn from the sum of money to be paid to the producer based on the sale of the corn. A first purchaser shall accumulate assessments collected under this subsection throughout each of the following periods:

(1) January, February, and March.
(2) April, May, and June.
(3) July, August, and September.
(4) October, November, and December.

~~(d)~~ **(c)** At the end of each period, the first purchaser shall remit to the council all assessments collected during the period. A first purchaser who remits all assessments collected during a period within ~~fifteen (15)~~ **thirty (30)** days after the end of the period is entitled to retain three percent (3%) of the total of the assessments as a handling fee.

SECTION 20. IC 15-4-10-26.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 26.5. (a) If a producer has sold corn and the state assessment was deducted from the sale price of the corn, the producer may secure a refund equal to the amount deducted upon filing a written application.**

(b) A producer's application for a refund under this section must be made to the council within one hundred eighty (180) days after the state assessment is deducted from the sale price of the producer's corn.

(c) The council shall provide application forms to a first purchaser for purposes of this section upon request and make application forms available on the council's Internet web site. The first purchaser shall make an application form available to each producer along with each settlement form that is shown a deduction.

(d) Proof that an assessment has been deducted from the sale price of the producer's corn must be attached to each application for a refund submitted under this section by a producer. The proof that an assessment was deducted may be in the form of a duplicate or an original copy of the purchase invoice or settlement sheet from the first purchaser. The claim form and proof of assessment may be mailed or faxed to the council. The refund form must clearly state how to request a refund and the address where it must be mailed or faxed.

(e) If a refund is due under this section, the council shall remit the refund to the producer not later than thirty (30) days after the date the producer's application is received.

SECTION 21. IC 15-4-10-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) A first purchaser shall keep detailed records of all assessments collected and remitted under this chapter **for at least three (3) years.**

(b) Upon request, a first purchaser shall supply the council with any information from records kept under subsection (a).

(c) The council may periodically audit a first purchaser's checkoff assessment and remittance records as kept under subsection (a). An audit must be conducted by a qualified public accountant of the council's choosing, and the costs of the audit shall be paid by the council.

SECTION 22. IC 15-4-10-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 30. (a) If a first purchaser fails to remit the assessments collected during a period defined in section 26 of this chapter within ~~forty-five (45)~~ **thirty (30)** days after the end of the period, the council shall contact the first purchaser and allow the first purchaser to present comments to the council concerning:

(1) the status and amount of the assessments due; and
(2) any reasons why the council should not bring legal action against the first purchaser.

(b) After allowing a first purchaser the opportunity to present comments, the council:

(1) ~~shall~~ **may** adjust the amount of the assessments due, if the first purchaser's comments reveal that the council's figure is inaccurate; ~~and~~
(2) may assess a penalty against the first purchaser; ~~of no more than ten percent (10%) of the amount of any assessments not remitted within forty-five (45) days after the end of the period.~~
(3) shall:
(A) assess a fee for an unpaid assessment due the council, from a person responsible for remitting assessments, at the rate of two percent (2%) of the amount of the unpaid assessment each month, beginning with the day following the date the assessment is due under this subsection; and
(B) if there is any remaining amount due after the assessment of the fee under clause (A), assess a fee at the same rate on the corresponding day of each month thereafter until the entire amount of the unpaid assessment is paid;
(4) shall compute the amounts payable on unpaid assessments under this section monthly and include any unpaid late charges previously applied under this section; and
(5) shall determine the date of a payment for purposes of this subsection by the postmark applied to the remitting envelope.

(c) If a first purchaser fails to remit assessments after being allowed to present comments under subsection (a) or to pay any penalty assessed under subsection (b), the council may bring a civil action against the first purchaser in the circuit, superior, or municipal court of any county. The action shall be tried and a judgment rendered as in any other proceeding for the collection of a debt. In an action under this subsection, the council may obtain:

(1) a judgment in the amount of all unremitted assessments and any unpaid penalty; and
(2) an award of the costs of bringing the action.

SECTION 23. IC 15-4-10-32 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 32. (a) Proceeds of the checkoff assessment collected by the council under this chapter may not be used to influence legislation or governmental action or policy.**

(b) Proceeds of the assessment collected under this chapter may be used to communicate information relating to the:

(1) conduct;
(2) implementation; or
(3) results;

of promotion, research, and market development activities to appropriate government officials.

(c) After January 1, 2009, proceeds of the assessment

collected under this chapter may be used for action designed to market corn or corn products directly to a foreign government or a political subdivision of a foreign government. However, not more than five percent (5%) of the annual amount collected may be used under this subsection.

SECTION 24. IC 15-4-10-33 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 33. (a) Beginning October 1, 2009, if at least twenty-five percent (25%) of the assessment is refunded during a marketing year, the council shall:**

(1) cease collecting the assessment on the subsequent January 11 on the subsequent year;

(2) maintain a sufficient amount of money to pay for any refunds requested by producers; and

(3) request that the legislative council have legislation prepared to repeal the corn market law.

(b) The dean and the council shall report the amounts collected and refunded to the legislative council. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 25. IC 15-4-10-34 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 34. The checkoff assessment and remittance record form must:**

(1) be in a format that allows a corn producer to submit the same form for an assessment refund;

(2) contain the address and fax number of where the assessment refund form may be sent;

(3) information concerning procedures to claim an assessment refund; and

(4) any other information determined necessary by the council.".

Page 4, after line 28, begin a new paragraph and insert:

"SECTION 28. [EFFECTIVE JULY 1, 2007] **(a) The definitions in IC 15-4-10 apply to this SECTION.**

(b) Money in the Indiana corn market development account under IC 15-4-10-24.5 shall be used to pay for the administrative costs of the requirements under IC 15-4-10, as amended by this act. However, if the money in the Indiana corn market development account is insufficient to pay for the administrative costs, the council may borrow funds to pay for the administrative costs.

(c) Before September 1, 2007, the council shall prepare and deliver all necessary forms concerning assessment refunds and information concerning the operation of the program to all first producers.

(d) This SECTION expires July 1, 2008.

SECTION 29 [EFFECTIVE JULY 1, 2007] **(a) The definitions in IC 15-4-10 apply to this SECTION.**

(b) Notwithstanding IC 15-4-10-15(b), as amended by this act, the three (3) year term limit begins for individuals appointed by the council after July 1, 2007.

(c) This SECTION expires July 1, 2010.".

Renumber all SECTIONS consecutively.

(Reference is to SB 250 as printed February 21, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

PFLUM, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred Engrossed Senate Bill 310, 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 2, after "Sec. 1." insert "**(a)**".

Page 1, after line 10, begin a new paragraph and insert:

"**(b) If a notice or other matter sent as described in subsection (a) is returned undelivered, the notice or other matter must be given:**

(1) by delivering a copy of the notice or other matter to the person to whom the notice or other matter must be given personally;

(2) by:

(A) leaving a copy of the notice or other matter at the dwelling house or usual place of abode of the person to whom the notice or other matter must be given; and

(B) sending by first class mail a copy of the notice or other matter to the last known address of the person to whom the notice or other matter must be given; or

(3) by serving the agent of the person to whom the notice or other matter must be given as provided by rule, statute, or valid agreement.".

(Reference is to SB 310 as printed February 2, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

E. HARRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred Engrossed Senate Bill 334, 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 9, delete "and".

Page 1, line 11, before "intended" begin a new line block indented and insert:

"**(3)**".

Page 1, line 11, delete "." and insert "**; and**

(4) constructed in conformance with the applicable edition of the Indiana Residential Code (675 IAC 14).".

Page 1, line 12, delete "," and insert "**or**".

Page 1, line 13, delete ", or agreements".

Page 1, line 14, after "3." insert "**(a)**".

Page 1, line 15, delete "restriction, restrictive covenant, or agreement" and insert "**restriction or restrictive covenant**".

Page 1, after line 17, begin a new paragraph and insert:

"**(b) This section does not require a property owner to erect an industrialized residential structure on the owner's property.**".

Page 2, line 3, after "impose" insert "**the same**".

Page 2, line 4, after "structure" insert "**in the subdivision that are applicable to all residential structures**".

(Reference is to SB 334 as printed January 26, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 5, nays 2.

ORENTLICHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Engrossed Senate Bill 339, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the technical correction adopted under Senate Rule 33(c) on February 27, 2007.

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

"SECTION 1. IC 7.1-1-3-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 18.5. (a) "Grocery store" means a store or part of a store that meets the following requirements:**

(1) The establishment is known generally as:

(A) a supermarket, grocery store, or delicatessen, and is primarily engaged in the retail sale of a general food line, which may include:

(i) canned and frozen foods;

(ii) fresh fruits and vegetables; and

(iii) fresh and prepared meats, fish, and poultry;

(B) a convenience store or food mart (except as provided in subsection (b)) and is primarily engaged in:

(i) the retail sale of a line of goods that may include milk, bread, soda, and snacks; or

(ii) the retail sale of automotive fuels and the retail sale of a line of goods that may include milk, bread, soda, and snacks;

(C) a warehouse club, superstore, supercenter, or general merchandise store and is primarily engaged in the retail sale of a general line of groceries or gourmet foods in combination with general lines of new merchandise, which may include apparel, furniture, and appliances;

(D) a specialty or gourmet food store primarily engaged in the retail sale of miscellaneous specialty foods not for immediate consumption and not made on the premises, not including:

(i) meat, fish, and seafood;

(ii) fruits and vegetables;

(iii) confections, nuts, and popcorn; and

(iv) baked goods.

(2) The establishment meets the minimum requirement under IC 7.1-3-5-5` for annual gross sales of food for human consumption that is exempt from the state gross retail tax.

(b) The term does not include an establishment known generally as a gas station (except as provided in subsection (a)(1)(B)) that is primarily engaged in:

(1) the retail sale of automotive fuels, which may include diesel fuel, gasohol, or gasoline; or

(2) the retail sale of automotive fuels, which may include diesel fuel, gasohol, or gasoline and activities that may include providing repair service, selling automotive oils, replacement parts, and accessories, or providing food services.".

Page 2, line 3, after "Sec. 4." insert "**(a)**".

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"**(b) The commission may transfer ownership of a beer dealer's permit under this section only to an applicant who is the proprietor of:**

(1) a drug store;

(2) a grocery store (as defined by IC 7.1-1-3-18.5); or

(3) a package liquor store.".

Page 2, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 3. IC 7.1-1-3-40.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 40.5. "Sales clerk" means a person who:**

(1) rings up; or

(2) otherwise records;

an alcoholic beverage sale in the course of the person's employment in a dealer establishment.

SECTION 4. IC 7.1-2-4-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 13.5. (a) This section does not apply to a designated member of the local board who is an employee or officer of the commission.**

(b) A local board member shall complete a training program conducted by the commission. A local board member may not be required to take a test or examination or pay a fee in order to complete the training program.

(c) The training program must include training on all of the following subjects:

(1) An overview of Indiana alcoholic beverage law and enforcement.

(2) Duties and responsibilities of the board concerning new permit applications, permit transfers, and renewal of existing permits.

(3) The open door law (IC 5-14-1.5) and the public records law (IC 5-14-3).

(4) Notice and hearing requirements.

(5) The process for appeal of an adverse decision of the board.

(6) Any other subject determined by the commission.

(d) A local board member must complete the training program not more than one hundred eighty (180) days after the member is appointed to the board. A local board member who does not complete the training program within the time allowed by this subsection shall be removed from the board under section 21 of this chapter.

SECTION 5. IC 7.1-2-4-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 22. (a) A local board shall allow all individuals attending a public local board meeting or hearing to make oral comments at the meeting or hearing regarding the subject of the meeting or hearing. However, a local board may set a reasonable limit on the amount of time allowed to each individual to provide oral comment.**

(b) A local board may give greater weight to oral comments provided by a person who:

(1) owns or operates a business that is located; or

(2) owns real property or resides;

not more than one thousand (1,000) feet from the location for which a permit is requested.

SECTION 6. IC 7.1-2-4-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 23. The local board may appoint at least one (1) attorney to advise the local board and to assist the local board in fulfilling the local board's duties under this title.**

SECTION 7. IC 7.1-2-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. ~~Forfeiture to State.~~ An officer who makes an arrest for a violation of the provisions of this title shall seize the evidence of the commission of that violation, including any vehicle, automobile, boat, air or water craft, or other conveyance in which alcohol, alcoholic beverages, or malt articles are kept, possessed, or transported contrary to law, or contrary to a rule or regulation of the commission. The articles and vehicles mentioned in this section and in ~~IC 1971, 7.1-2-5-5 - 7.1-2-5-7,~~ **sections 5 through 7 of this chapter** are hereby declared forfeited to the state and shall be seized.

SECTION 8. IC 7.1-3-1-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) ~~This section applies only in a county having a consolidated city.~~ **As used in this section, "authority" refers to the following:**

(1) In a consolidated city, the department of metropolitan development.

(2) In a municipality (as defined in IC 36-1-2-11) or a county not having a consolidated city, the plan commission that has jurisdiction in the municipality or county.

(3) In a municipality (as defined in IC 36-1-2-11) or county that is not within the jurisdiction of a plan commission:

(A) the municipal department designated by the executive of the municipality; or

(B) the county department designated by the executive of the county.

(b) As used in this section, "contiguous property owner" refers to a property owner who has real property that is geographically adjacent to or in contact with any point on the border of the property of a person who seeks a permit to sell alcoholic beverages for consumption on the licensed premises.

(c) As used in this section, "neighboring property owner" means:

(1) a contiguous property owner; or

(2) a property owner who has real property that:

(A) is geographically adjacent to or in contact with any point on the border of the property of a contiguous property owner; and

(B) some portion of which is within five hundred (500) feet of the property of a person who seeks a permit to sell alcoholic beverages for consumption on the licensed premises.

(d) As used in this section, "principal owner" means any person or entity holding at least a fifteen percent (15%) interest in the business for which a permit is sought to sell alcoholic beverages.

(e) As used in this section, "property owner" means any person whose name and address appears in the county assessor's real property tax assessment records as a person responsible for the payment of property taxes on a parcel of real property.

(f) Except as provided in section 28(d) of this chapter, subsection (g) applies to a location in the consolidated city only if:

(1) the application is for a liquor dealer's permit for a location within the boundaries of the special fire service district, as determined in conformity with IC 7.1-3-22-8; or

(2) the local alcoholic beverage board requires the applicant to comply with subsection (g).

(g) In addition to the notice required by section 5 of this chapter, the applicant for a new permit, or a transfer of a permit to sell alcoholic beverages of any type or at any location must, at least fifteen (15) days before the date of the local alcoholic beverage board hearing, mail notice of the hearing at the applicant's expense to the following:

(1) Each neighboring property owner.

(2) The ~~department of metropolitan development of the consolidated city;~~ **authority.**

(3) The following entities that have registered with the ~~department of metropolitan development of the consolidated city.~~ **authority:**

(A) The principal, headmaster, or other primary administrator of each public, private, or parochial elementary or secondary school located less than one thousand (1,000) feet from the property line of the applicant's property.

(B) Each church that is located less than one thousand (1,000) feet from the property line of the applicant's property.

(C) Each neighborhood association that represents the area in which the applicant's property is located.

(h) The notice that the applicant mails must provide the following information:

(1) The name and address of the applicant, or if the applicant is a corporation, a club, an association, or an organization, the name and address of the applicant's president, secretary, and principal owners who will be responsible to the public for the sale of alcoholic beverages.

(2) A statement that the applicant has filed an application with the alcohol and tobacco commission for the sale of alcoholic beverages.

(3) The specific address where alcoholic beverages are asked to be sold.

(4) The type of alcoholic beverage permit applied for.

(5) The date, time, and location of the public hearing before the local alcoholic beverage board regarding the application.

(6) That if there is a desire to remonstrate against the application, the recipient of the notice may attend this public hearing.

(i) The applicant shall furnish evidence of the applicant's compliance with this section by filing an affidavit with the local alcoholic beverage board at the public hearing on the application. The affidavit must list the names and addresses of the individuals or other entities to which notice was mailed by the applicant.

(j) In addition to the information required by subsection (i), the applicant shall file with the local alcoholic beverage board at the public hearing the following information:

(1) **This subdivision applies only to an authority referred to in subsection (a)(1) or (a)(2).** Verification from the ~~department of metropolitan development of the consolidated city~~ **authority** that the applicant is in compliance with zoning requirements for the premises to be licensed.

(2) Verification from the department of state revenue that the applicant does not have any outstanding income tax, excise tax, or sales tax liabilities.

(3) Verification from the county treasurer that the applicant does not have any outstanding property tax liability.

(k) Subsection (j)(1) does not apply to a permit holder that received and held a permit before September 1, 1987.

(l) Notwithstanding subsection (f)(1), an applicant seeking a transfer of a permit from a permit holder to a new permit holder when the new permit holder does not intend to change the nature of the business operated under the permit may apply to the local board for a waiver of the notice requirement in subsection (g). The local board may consider any information the local board considers relevant in making a determination to approve or deny the waiver request. The local board must approve or deny a waiver request at the first regularly scheduled meeting that occurs at least fifteen (15) days after the local board receives the waiver request from the applicant.

SECTION 9. IC 7.1-3-1-5.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.6. ~~(a) This section applies only in a county having a consolidated city.~~

~~(b)~~ **(a)** This section applies only to an application for the renewal of a permit to sell alcoholic beverages.

~~(c)~~ **(b)** The definitions set forth in section 5.5 of this chapter apply to this section.

~~(d)~~ **(c)** The renewal of a permit is subject to IC 7.1-3-19-9.5.

~~(e)~~ **(d)** Except as provided in section 28(d) of this chapter, subsections ~~(f)~~ **(e)** and ~~(g)~~ **(f)** apply to a location ~~in the consolidated city~~ only if the application is for a liquor dealer's permit.

~~(f)~~ **(e)** Notwithstanding subsection ~~(d),~~ **(c),** if:

(1) an applicant has been cited for a violation of law or a rule of the commission; or

(2) the local alcoholic beverage board has received at least five (5) written complaints against the applicant alleging a violation of law or a rule of the commission;

then upon direction of the local board, the applicant shall, at least fifteen (15) days before the date of the local alcoholic beverage board hearing, mail notice of the hearing at the applicant's expense as provided in subsection ~~(g).~~ **(f).**

~~(g)~~ **(f)** The applicant shall mail the notice required under subsection ~~(f)~~ **(e)** to the following:

(1) Each neighboring property owner.

(2) The ~~department of metropolitan development of the consolidated city.~~ **authority (as defined in section 5.5 of this chapter).**

(3) The following entities that have registered with the ~~department of metropolitan development of the~~

~~consolidated city.~~ **authority (as defined in section 5.5 of this chapter):**

(A) The principal, headmaster, or other primary administrator of each public, private, or parochial elementary or secondary school located less than one thousand (1,000) feet from the property line of the applicant's property.

(B) Each church that is located less than one thousand (1,000) feet from the property line of the applicant's property.

(C) Each neighborhood association that represents the area in which the applicant's property is located.

~~(h)~~ **(g)** The notice that the applicant mails must provide the following information:

(1) The name and address of the applicant, or if the applicant is a corporation, a club, an association, or an organization, the name and address of the applicant's president, secretary, and principal owners who will be responsible to the public for the sale of alcoholic beverages.

(2) A statement that the applicant has filed an application with the alcohol and tobacco commission for the sale of alcoholic beverages.

(3) The specific address where alcoholic beverages are asked to be sold.

(4) The type of alcoholic beverage permit applied for.

(5) The date, time, and location of the public hearing before the local alcoholic beverage board regarding the application.

(6) That if there is a desire to remonstrate against the application, the recipient of the notice may attend this public hearing.

~~(i)~~ **(h)** The applicant shall furnish evidence of the applicant's compliance with this section by filing an affidavit with the local alcoholic beverage board at the public hearing on the application. The affidavit must list the names and addresses of the persons to whom notice was mailed by the applicant.

~~(j)~~ **(i)** In addition to the information required by subsection ~~(i),~~ **(h),** the applicant shall file with the local alcoholic beverage board at the public hearing the following information:

(1) **This subdivision applies only to an authority referred to in section 5.5(a)(1) or 5.5(a)(2) of this chapter.** Verification from the ~~department of metropolitan development of the consolidated city~~ **authority** that the applicant is in compliance with zoning requirements for the premises to be licensed.

(2) Verification from the department of state revenue that the applicant does not have any outstanding income tax, excise tax, or sales tax liabilities.

(3) Verification from the county treasurer that the applicant does not have any outstanding property tax liability.

~~(k)~~ **(j)** Subsection ~~(j)(1)~~ **(i)(1)** does not apply to a permit holder that received and held a permit before September 1, 1987.

SECTION 10. IC 7.1-3-1-14, AS AMENDED BY P.L.165-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) It is lawful for an appropriate permittee, unless otherwise specifically provided in this title, to sell alcoholic beverages each day Monday through Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. Sales shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be resumed until the following Monday at 7 a.m., prevailing local time.

(b) **Except as provided in subsection (f),** it is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages for consumption on the licensed premises only on Sunday from 10 a.m., prevailing local time, until 12:30 a.m., prevailing local time, the following day.

(c) It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises that:

(1) are described in section 25(a) of this chapter;

(2) are a facility used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing; or

(3) are being used for a professional or an amateur tournament;

beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

(d) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

(e) Notwithstanding subsection (b), if December 31 (New Year's Eve) is on a Sunday, it is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages on Sunday, December 31, from 10 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.

(f) The governor may, by issuing an executive order, waive the hours of service restrictions under subsection (b) on a one (1) time basis if the following criteria are satisfied:

(1) The state or a municipality, or both, are hosting a public event that has the potential to benefit the state and local economy and bring prestige to the state.

(2) The event would involve at least forty thousand (40,000) people concentrated in one (1) area.

(3) If the hours of service restrictions under subsection (b) were not waived, it would potentially present negative economic consequences for retailers.

(4) The state or a municipality, or both, would potentially risk losing the opportunity to host the event because of the hours of service restriction under subsection (b).

This section shall be narrowly construed and applies only for the period designated in the executive order.

SECTION 11. IC 7.1-3-1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28. (a) This section applies to the initial issuance, transfer of location, or transfer of ownership of the following:

(1) Any form of retailer's permit issued under this title.

(2) Any form of dealer's permit issued under this title.

(b) To qualify for approval of an application, an applicant must show proof to the commission that the applicant has provided notice concerning the application in conformity with this section.

(c) Except as provided in subsection (d), the applicant shall post a sign for the period, in the location, and in the form specified in the rules adopted by the commission to indicate to the public that the applicant is seeking the issuance of a retailer's or dealer's permit. The rules adopted by the commission must require that:

(1) the wording on the sign be in a sufficiently large type size; and

(2) the sign be posted in a sufficient manner in a window or another area;

so that the sign is visible from the largest public thoroughfare or the nearest public thoroughfare in the vicinity of the applicant's location. The commission may require an applicant to use a sign prepared by the commission. The commission may charge a fee for a sign prepared by the commission that does not exceed the cost of the sign.

(d) ~~This subsection applies to a county having a consolidated city.~~ If the application is for a permit other than a liquor dealer's permit, the applicant may:

(1) post notice of the application as set forth in subsection (c); or

(2) mail notice in accordance with:

(A) section 5.5 of this chapter if the application is for a

new permit or transfer of a permit; or

(B) section 5.6 of this chapter if the application is for renewal of a permit.

SECTION 12. IC 7.1-3-1.5-2, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter, "dealer permittee" means a person who holds a ~~liquor~~ dealer permit. ~~under IC 7.1-3-10 for a package liquor store.~~".

SECTION 13. IC 7.1-3-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

(1) Manufacture beer.

(2) Place beer in containers or bottles.

(3) Transport beer.

(4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.

(5) If the brewer's brewery manufactures not more than twenty thousand (20,000) barrels of beer in a calendar year, do the following:

(A) Sell and deliver beer to a person holding a retailer or a dealer permit under this title.

(B) Be the proprietor of a restaurant.

(C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).

(D) Transfer beer directly from the brewery to the restaurant by means of:

(i) bulk containers; or

(ii) a continuous flow system.

(E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.

(F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.

(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must furnish the minimum food requirements prescribed by the commission.

(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.

(6) If the brewer's brewery manufactures more than twenty thousand (20,000) barrels of beer in a calendar year, own a portion of the corporate stock of another brewery that:

(A) is located in the same county as the brewer's brewery;

(B) manufactures less than twenty thousand (20,000) barrels of beer in a calendar year; and

(C) is the proprietor of a restaurant that operates under subdivision (5).

~~(7) Sell and deliver beer to a consumer at the plant of the brewer or at the residence of the consumer. The delivery to a consumer shall be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.~~

~~(8)~~ **(7)** Provide complimentary samples of beer that are:

(A) produced by the brewer; and

(B) offered to consumers for consumption on the brewer's premises.

~~(9)~~ **(8)** Own a portion of the corporate stock of a sports corporation that:

(A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and

(B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.

~~(10)~~ **(9)** For beer described in IC 7.1-1-2-3(a)(4):

(A) may allow transportation to and consumption of the beer on the licensed premises; and

(B) may not sell, offer to sell, or allow sale of the beer on the licensed premises.

SECTION 14. IC 7.1-3-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The premises to be used as a warehouse by an applicant shall be described in the application for the permit. The commission shall not issue a beer wholesaler's permit to an applicant for any other warehouse or premises than that described in the application. The commission shall issue only one (1) beer wholesaler's permit to an applicant, but a permittee may be permitted to transfer ~~his~~ **the permittee's** warehouse to another location within the county **that is not required to be within the corporate limits of an incorporated city or town,** upon application to, and approval of, the commission.

(b) As used in this subsection, "immediate relative" means the father, the mother, a brother, a sister, a son, or a daughter of a wholesaler permittee. Notwithstanding subsection (a), the commission, upon the death or legally adjudged mental incapacitation of a wholesaler permittee, may allow the transfer of the wholesaler permit only to an immediate relative of the wholesaler permittee who concurrently holds a majority share in a valid wholesaler permit.

SECTION 15. IC 7.1-3-3-5, AS AMENDED BY P.L.224-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The holder of a beer wholesaler's permit may purchase and import from the primary source of supply, possess, and sell at wholesale, beer and flavored malt beverages manufactured within or without this state.

(b) A beer wholesaler permittee may possess, transport, sell, and deliver beer to:

(1) another beer wholesaler authorized by the brewer to sell the brand purchased;

(2) ~~a consumer;~~ **an employee;** or

(3) a holder of a beer retailer's permit, beer dealer's permit, temporary beer permit, dining car permit, boat permit, airplane permit, or supplemental caterer's permit;

located within this state. The sale, transportation, and delivery of beer shall be made only from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery.

(c) ~~Delivery of beer to a consumer shall be made in barrels only with the exception of~~ The beer wholesaler's bona fide regular employees ~~who~~ may purchase beer from the wholesaler in:

(1) bottles, cans, or any other type of permissible containers in an amount not to exceed forty-eight (48) pints; **or**

(2) one (1) keg;

at any one (1) time.

(d) The importation, transportation, possession, sale, and delivery of beer shall be subject to the rules of the commission and subject to the same restrictions provided in this title for a person holding a brewer's permit.

(e) The holder of a beer wholesaler's permit may purchase, import, possess, transport, sell, and deliver any commodity listed in IC 7.1-3-10-5, unless prohibited by this title. However, a beer wholesaler may deliver flavored malt beverages only to the holder of one (1) of the following permits:

(1) A beer wholesaler or wine wholesaler permit, if the wholesaler is authorized by the primary source of supply to sell the brand of flavored malt beverage purchased.

(2) A wine retailer's permit, wine dealer's permit,

temporary wine permit, dining car wine permit, boat permit, airplane permit, or supplemental caterer's permit.

(f) A beer wholesaler may:

(1) store beer for an out-of-state brewer described in IC 7.1-3-2-9 and deliver the stored beer to another beer wholesaler that the out-of-state brewer authorizes to sell the beer;

(2) perform all necessary accounting and auditing functions associated with the services described in subdivision (1); and

(3) receive a fee from an out-of-state brewer for the services described in subdivisions (1) through (2).

SECTION 16. IC 7.1-3-5-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. (a) As used in this section "annual gross sales of food" refers to annual gross sales of food for human consumption that are exempt from the state gross retail tax.**

(b) To be eligible for a permit for a grocery store under this title, an establishment must have at least eighty-four thousand dollars ($84,000) in annual gross sales of food. However, the figure set in this subsection as the minimum annual gross sales of food for an establishment is subject to adjustment under subsection (c).

(c) The commission shall annually adjust the minimum amount of annual gross sales of food initially set in subsection (b) by an amount that does not exceed the percent of increase in the United States Department of Labor Consumer Price Index during the calendar year preceding the calendar year in which an increase is established. The commission shall determine which consumer price index shall be applied in determining the adjustment under this subsection.

SECTION 17. IC 7.1-3-5-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. (a) As used in this section "annual gross sales of food" refers to annual gross sales of food for human consumption that are exempt from the state gross retail tax.**

(b) The holder of a permit issued to a grocery store shall annually report to the commission the amount of the permit holder's establishment's annual gross sales of food. The information provided to the commission under this subsection regarding the amount of annual gross sales of food is confidential information and may not be disclosed to the public under IC 5-14-3. However, the commission may disclose the information:

(1) to the department of state revenue for the purpose of verifying the accuracy of the annual gross sales of food reported to the commission under this subsection; and

(2) in any administrative or judicial proceeding to revoke or suspend the holder's permit as a result of a discrepancy discovered by the department of state revenue under subsection (c).

(c) The department of state revenue shall verify the accuracy of the reports provided to the commission under this section. The department of state revenue shall report to the commission any discrepancy that the department discovers between:

(1) the amount of annual gross sales of food that the permit holder has reported to the department; and

(2) the amount of annual gross sales of food that the permit holder has reported to the commission.

(d) Notwithstanding IC 6-8.1-7-1 or any other law, in fulfilling its obligations under this section, the department of state revenue may provide to the commission confidential information. The commission shall maintain the confidentiality of information provided by the department of state revenue under this section. However, the commission may disclose the information in any administrative or judicial proceeding to revoke or suspend the holder's permit as a result of a discrepancy discovered by the department of state revenue under subsection (c).

` SECTION 18. IC 7.1-3-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) A liquor retailer may allow customers to sample the following:

(1) Beer.

(2) Wines.

(3) Liquors.

(4) Liqueurs and cordials (as defined in 27 CFR 5.22(h)).

(5) Flavored malt beverages.

(6) Hard cider.

(b) Sampling is permitted only:

(1) on the liquor retailer's permit premises; and

(2) during the permittee's regular business hours.

(c) A liquor retailer may not charge for the samples provided to customers.

(d) Sample size of wines may not exceed one (1) ounce.

(e) In addition to the other provisions of this section, a liquor retailer who allows customers to sample liquors, liqueurs, or cordials shall comply with all of the following:

(1) A liquor retailer may allow a customer to sample only a combined total of two (2) liquor, liqueur, or cordial samples per day.

(2) Sample size of liqueurs or cordials may not exceed one-half (1/2) ounce.

(3) Sample size of liquors may not exceed four-tenths (0.4) ounce.

(f) A sample size of beer, **flavored malt beverage, or hard cider** may not exceed six (6) ounces.

SECTION 19. IC 7.1-3-10-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) A liquor dealer permittee who is a proprietor of a package liquor store may allow customers to sample the following:

(1) Beer.

(2) Wines.

(3) Liquors.

(4) Liqueurs and cordials (as defined in 27 CFR 5.22(h)).

(5) Flavored malt beverages.

(6) Hard cider.

(b) Sampling is permitted:

(1) only on the package liquor store permit premises; and

(2) only during the store's regular business hours.

(c) No charge may be made for the samples provided to the customers.

(d) Sample size of wines may not exceed one (1) ounce.

(e) In addition to the other provisions of this section, a proprietor who allows customers to sample liquors, liqueurs, or cordials shall comply with all of the following:

(1) A proprietor may allow a customer to sample not more than a combined total of two (2) liquor, liqueur, or cordial samples per day.

(2) Sample size of liqueurs or cordials may not exceed one-half (1/2) ounce.

(3) Sample size of liquors may not exceed four-tenths (0.4) ounce.

(f) **A** sample size of beer, **flavored malt beverage, or hard cider** may not exceed six (6) ounces.

SECTION 20. IC 7.1-3-10-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 14. (a) This section does not apply to a package liquor store.**

(b) Beginning July 1, 2007, a holder of a liquor dealer permit shall display liquor for sale in a clearly separated area that prohibits the presence of a minor unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age. Other alcoholic beverages may be displayed in a designated area where liquor is displayed

under this subsection.

(c) Alcoholic beverages may not be displayed within fifteen (15) feet of a public entrance of a licensed premises.

(d) The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 21. IC 7.1-3-13-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. (a) A wine wholesaler may sell wine purchased from an estate sale only if the following requirements are met:**

(1) The primary source of the wine sold at auction:

(A) is authorized to sell wine in Indiana on the date the wine is resold by the wholesaler;

(B) is given notice of the purchase by the wine wholesaler; and

(C) authorizes the wine wholesaler to resell the wine purchased.

(2) The seller of wine at auction is a bona fide estate of an Indiana decedent.

(3) Each wine bottle is affixed with a sticker indicating that the wine was purchased from an estate.

(b) The notice given to the primary source under subsection (a)(1) must include the following information:

(1) The name of the seller.

(2) The amount of the product purchased and the sale price at auction.

(3) The vintage of the wine purchased.

(c) A wholesaler is not liable for product liability for wine that the wholesaler sells from an estate auction purchase.

SECTION 22. IC 7.1-3-17.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. Notwithstanding IC 7.1-5-5-7, the holder of an excursion and adjacent landsite permit may, subject to the approval of the commission, provide alcoholic beverages to guests without charge at an event on the licensed premises if all the following requirements are met:

~~(1) The event is attended by not more than six hundred fifty (650) guests.~~

~~(2) The event is not more than six (6) hours in duration.~~

~~(3)~~ **(1)** Each alcoholic beverage dispensed to a guest:

(A) is entered into a cash register that records and itemizes on the cash register tape each alcoholic beverage dispensed; and

(B) is entered into a cash register as a sale and at the same price that is charged to the general public.

~~(4)~~ **(2)** At the conclusion of the event, all alcoholic beverages recorded on the cash register tape are paid by the holder of the excursion and adjacent landsite permit.

~~(5)~~ **(3)** All records of the alcoholic beverage sales, including the cash register tape, shall be maintained by the holder of the excursion and adjacent landsite permit for not less than two (2) years.

~~(6)~~ **(4)** The holder of the excursion and adjacent landsite permit complies with the rules of the commission.

SECTION 23. IC 7.1-3-18-9, AS AMENDED BY P.L.165-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) **Except as provided in subsection (j),** the commission may issue an employee's permit to a person who desires to act as:

(1) a **sales** clerk in a ~~package liquor store;~~ **dealer establishment;**

(2) an employee who serves wine at a farm winery; or

(3) a bartender, waiter, waitress, or manager in a retail establishment. ~~excepting dining car and boat employees.~~

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a package liquor store or retail establishment, is:

(1) the sole proprietor;

(2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;

(3) a member of a limited liability company that owns the business establishment; or

(4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

(f) The commission may not issue an employee's permit to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.

(g) The commission may not issue an employee's permit to an applicant who has two (2) unrelated convictions for operating while intoxicated if:

(1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and

(2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.

(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately preceding the date of the applicant's application the applicant has:

(1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection (f); or

(2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection (f) or (g);

the commission may grant or deny the issuance of a permit.

(i) The commission shall revoke a permit issued to an employee under this section if:

(1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or

(2) the employee is convicted of operating while intoxicated after the issuance of the permit.

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission.

(j) This section does not apply to dining car, boat, or airline employees.

SECTION 24. IC 7.1-3-19-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10.5. (a) This section applies only to an application for:**

(1) a new permit for a grocery store or package liquor store; or

(2) transfer of a location of an existing permit for a grocery store or package liquor store.

(b) Upon application for a new dealer permit or transfer of a location of an existing dealer permit, the local board shall investigate the desirability of the permit in regard to the potential geographic location of the permit premises.

(c) In investigating the desirability of a dealer permit under subsection (b), the local board may consider the following:

(1) Subject to subsection (d), whether there is a need for the services at the requested location of the dealer permit.

(2) The desire of the neighborhood or the community to receive the services.

(3) The impact of the services on other business in the neighborhood or community.

(4) The impact of the services on the neighborhood or community.

(d) If the evidence presented to the local board establishes that, within one thousand (1,000) feet of the location requested in the application, there is located an establishment that has been issued a permit for a grocery store or package liquor store, a rebuttable presumption is created that there is not a need for the services at the requested location under subsection (b)(1).

SECTION 25. IC 7.1-3-19-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 11.5. (a) As used in this section, "applicant" or "application" means an applicant or an application for:**

(1) a new permit; or

(2) transfer or renewal of an existing permit.

(b) This section applies if a permit applicant or a person who remonstrates at a local board hearing against the approval of the application files with the commission:

(1) an objection to the commission's action on the application; and

(2) a request for an appeal hearing before the commission.

(c) The commission shall do the following:

(1) Provide notice to the local board, by first class mail, of the date of an appeal hearing set by the commission. Notice under this subdivision must be provided not later than ten (10) days before the date of the hearing.

(2) Publish notice in the city, town, or county where the proposed permit premises is located of the date of an appeal hearing set by the commission. Notice under this subdivision must be published not later than ten (10) days before the date of the hearing.

SECTION 26. IC 7.1-3-20-16, AS AMENDED BY P.L.165-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport which is served by a scheduled commercial passenger airline certified to enplane and deplane passengers on a scheduled basis by a federal aviation agency. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

(1) was formerly used as part of a union railway station;

(2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and

(3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

(1) on land; or

(2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and ~~city~~ **local** money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

(1) was formerly used as part of a passenger and freight railway station; and

(2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to a town that:

(1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(2) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(g) After June 30, 2005, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets **at least two (2) of** the following requirements:

(1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.

(2) A county courthouse is located within the district.

(3) A historic opera house listed on the National Register of Historic Places is located within the district.

(4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within five hundred (500) feet of the district. A permit issued under this subsection shall not be transferred. The cost of an initial permit issued under this subsection is six thousand dollars ($6,000).

(h) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

(1) a town with a population of more than twenty thousand (20,000); or

(2) a city with a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four

hundred (27,400);

located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000). The commission may issue not more than five (5) licenses under this ~~section~~ **subsection** to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars ($35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars ($1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

(1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.

(2) A unit of the National Park Service is partially located within the district.

(3) An international deep water seaport is located within the district.

An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a ~~retailers'~~ **retailer's** permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues five (5) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission.

(j) After May 31, 2007, the commission may issue not more than five (5) three-way permits for the sale of alcoholic beverages for on-premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in a town with a population of more than twenty thousand (20,000) located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000). A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. A permit issued under this subsection may not be transferred to a location outside the economic development area. If the commission issues five (5) new permits under this subsection and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars ($35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars ($1,350). If after the 2010 decennial census, the town is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this subsection shall be subtracted from any additional three-way permits that the town may be authorized to receive by the quota provisions.

(k) After June 30, 2007, the commission may issue not more than eight (8) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within:

(1) an economic development area, an area needing redevelopment, or a redevelopment district under IC 36-7-14; and

(2) an area that:

(A) consists of a total of at least twenty-five (25) contiguous or nearly contiguous acres of property dedicated solely to a new commercial development;

(B) is within three thousand (3,000) feet from the north boundary of a town that:

(i) has a population of more than twenty-four thousand eight hundred (24,800) but less than thirty thousand (30,000); and

(ii) contains a part of a state nature preserve that is also a National Natural Landmark and is between four hundred (400) and six hundred (600) acres in area; and

(C) is adjacent to a state or federal highway that runs in a northerly and southerly direction.

The commission may issue not more than eight (8) permits to applicants who are eligible to hold a permit under this subsection; however, not more than four (4) permits may be issued within the same commercial development. A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars ($35,000). A permit issued under this subsection may not be transferred to a location outside the area described in this subsection. If the commission issues eight (8) new permits under this subsection and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed eight (8) at any time. If after the 2010 decennial census the town is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this section shall be subtracted from any additional three-way permits that the town may be authorized to receive by the quota provisions. A permit may not be issued if the proposed permit premises is the location of an existing three-way permit subject to IC 7.1-3-22-3.

(l) After June 30, 2007, the commission may issue a total of not more than five (5) new three-way permits to sell

alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant located within a redevelopment project area located within the central area of a city with a population of more than thirty-seven thousand seven hundred (37,700) but less than thirty-eight thousand (38,000). A permit may be issued under this subsection to a premises within a redevelopment project area that meets one (1) of the following requirements:

(1) The redevelopment project area consists of an area that:

(A) is generally located in a former commercial area that once had located within it a building formerly used as a grocery store;

(B) has been redeveloped or renovated or is in the process of being redeveloped or renovated to include performing arts areas and hotel areas;

(C) is a city center, where a former historic railway that once passed through the center has been converted to a linear park; and

(D) has been redeveloped or renovated or is in the process of being redeveloped or renovated, with the redevelopment or renovation being funded in part with grants or investments by a city redevelopment commission established under IC 36-7-14.

(2) The redevelopment project area consists of an area that:

(A) is generally located in an area:

(i) that was formerly the commerce center of a once rural farming community;

(ii) that was founded, at least in part, by Quaker residents;

(iii) where a historic railway depot was built; and

(iv) where an early residence exists that was built about 1848 or earlier;

(B) has been redeveloped or renovated or is in the process of being redeveloped or renovated to include art galleries, design centers, urban structures, and outdoor public art consisting in part of bronze sculptures;

(C) is adjacent to or near a former historic railway line that has been converted to a linear park;

(D) includes one (1) of the world's smallest children's art galleries, an original Carnegie Library building, and the community's early fire station; and

(E) has been redeveloped or renovated, or is in the process of being redeveloped or renovated, with the redevelopment or renovation being funded in part with grants or investments by a city redevelopment commission established under IC 36-7-14.

A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. A permit issued under this subsection may not be transferred to a location outside the redevelopment project area. If the commission issues five (5) permits under this subsection and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars ($35,000). If, after the 2010 decennial census, the city is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this section shall be subtracted from any additional three-way permits that the city may be authorized to receive by the quota provisions.

SECTION 27. IC 7.1-3-20-16.1, AS AMENDED BY P.L.1-2006, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16.1. (a) This section applies to a municipal riverfront development project authorized under section 16(d) of this chapter.

(b) In order to qualify for a permit, an applicant must demonstrate that the municipal riverfront development project area where the permit is to be located meets the following criteria:

(1) The project boundaries must border on at least one (1) side of a river.

(2) The proposed permit premises may not be located more than:

(A) one thousand five hundred (1,500) feet; or

(B) three (3) city blocks;

from the river, whichever is greater. However, if the area adjacent to the river is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in clauses (A) and (B) are measured from the city blocks located nearest to the river that are capable of being developed.

(3) The permit premises are located within:

(A) an economic development area, a redevelopment project area, an urban renewal area, or a redevelopment area established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;

(B) an economic development project district under IC 36-7-15.2 or IC 36-7-26; or

(C) a community revitalization enhancement district designated under IC 36-7-13-12.1.

(4) The project must be funded in part with state and ~~city~~ **local** money.

(5) The boundaries of the municipal riverfront development project must be designated by ordinance or resolution by the legislative body (as defined in IC 36-1-2-9(3), ~~or~~ IC 36-1-2-9(4), **or IC 36-1-2-9(5)**) of the ~~city~~ **municipality (as defined in IC 36-1-2-11)** in which the project is located.

(c) Proof of compliance with subsection (b) must consist of the following documentation, which is required at the time the permit application is filed with the commission:

(1) A detailed map showing:

(A) definite boundaries of the entire municipal riverfront development project; and

(B) the location of the proposed permit within the project.

(2) A copy of the local ordinance or resolution of the local governing body authorizing the municipal riverfront development project.

(3) Detailed information concerning the expenditures of state and ~~city~~ **local** funds on the municipal riverfront development project.

(d) Notwithstanding subsection (b), the commission may issue a permit for premises, the location of which does not meet the criteria of subsection (b)(2), if all the following requirements are met:

(1) All other requirements of this section and section 16(d) of this chapter are satisfied.

(2) The proposed premises is located not more than:

(A) three thousand (3,000) feet; or

(B) six (6) blocks;

from the river, whichever is greater. However, if the area adjacent to the river is incapable of being developed

because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in clauses (A) and (B) are measured from the city blocks located nearest to the river that are capable of being developed.

(3) The permit applicant satisfies the criteria established by the commission by rule adopted under IC 4-22-2. The criteria established by the commission may require that the proposed premises be located in an area or district set forth in subsection (b)(3).

(4) The permit premises may not be located less than two hundred (200) feet from facilities owned by a state educational institution (as defined in IC 20-12-0.5-1).

(e) A permit may not be issued if the proposed permit premises is the location of an existing three-way permit subject to IC 7.1-3-22-3.".

Page 5, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 34. IC 7.1-3-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. ~~Dealers' Permits Limited.~~ **(a)** The commission may grant: ~~only~~

(1) one (1) beer dealer's permit ~~and~~ **in an incorporated city or town that has a population of less than fifteen thousand one (15,001) for each two thousand five hundred (2,500) persons, or fraction thereof, within the incorporated city or town;**

(2) in an incorporated city or town that has a population of more than fifteen thousand (15,000) but less than eighty thousand (80,000):

(A) one (1) beer dealer's permit for each four thousand (4,000) persons, or a fraction thereof; or

(B) six (6) beer dealer's permits;

whichever is greater, within the incorporated city or town; and

(3) in an incorporated city or town that has a population of at least eighty thousand (80,000):

(A) one (1) beer dealer's permit for each six thousand (6,000) persons, or a fraction thereof; or

(B) twenty (20) beer dealer's permits;

whichever is greater, within the incorporated city or town.

(b) The commission may grant:

(1) one (1) liquor dealer's permit in an incorporated city **or** town ~~or unincorporated town~~ **that has a population of less than fifteen thousand one (15,001)** for each ~~one~~ **two** thousand five hundred ~~(1,500)~~ **(2,500)** persons, or fraction thereof, within the incorporated city **or** town; ~~or unincorporated town;~~

(2) in an incorporated city or town that has a population of more than fifteen thousand (15,000) but less than eighty thousand (80,000):

(A) one (1) liquor dealer's permit for each four thousand (4,000) persons, or a fraction thereof; or

(B) six (6) liquor dealer's permits;

whichever is greater, within the incorporated city or town; and

(3) in an incorporated city or town that has a population of at least eighty thousand (80,000):

(A) one (1) liquor dealer's permit for each six thousand (6,000) persons, or a fraction thereof; or

(B) twenty (20) liquor dealer's permits;

whichever is greater, within the incorporated city or town.

(c) The commission may grant only one (1) beer dealer's permit and one (1) liquor dealer's permit in an area in the county outside an incorporated city or town for each four thousand (4,000) persons, or fraction thereof, within the area in a county outside an incorporated city or town.

(d) Notwithstanding subsections (a), (b), and (c), the commission may renew or transfer a beer dealer's or liquor dealer's permit for a beer dealer or liquor dealer that:

(1) held a permit before July 1, 2007; and

(2) does not qualify for a permit under the quota restrictions set forth in subsection (a), (b), or (c).".

Page 6, delete lines 1 through 25, begin a new paragraph and insert:

"SECTION 37. IC 7.1-3-26-15, AS ADDED BY P.L.165-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) Except as provided in subsections (b) and (c), a seller who violates this chapter commits a Class A infraction.

(b) Except as provided in subsection (d), a seller who:

(1) knowingly or intentionally violates this chapter; and

(2) has one (1) prior unrelated conviction or judgment for an infraction under this section for an act or omission that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction;

commits a Class A misdemeanor.

(c) Except as provided in subsection (d), a seller who:

(1) knowingly or intentionally violates this chapter; and

(2) has at least two (2) prior unrelated convictions or judgments for infractions under this section for acts or omissions that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction;

commits a Class D felony.

(d) A person who violates section 6(5) of this chapter commits a Class A infraction. The commission may consider an infraction committed under this subsection in its determination of whether to renew a seller's permit. **However, a person may not be held in violation of section 6(5) of this chapter for a direct sale and shipment to a person that occurred before January 15, 2007.**

SECTION 38. IC 7.1-4-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. ~~Use of Funds.~~ The monies deposited in the postwar construction fund shall be used for construction by the state for the use of **public safety,** penal, benevolent, charitable, and educational institutions of the state.

SECTION 39. IC 7.1-5-5-9, AS AMENDED BY P.L.224-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. **(a)** It is unlawful for a ~~beer wholesaler or a primary source of supply to.~~ **permittee to knowingly or intentionally** ~~(1)~~ coerce, or attempt to coerce, or persuade ~~a beer wholesaler~~ **another permittee** to enter into an agreement, or to take an action, which ~~will~~ **would** violate ~~or tend to violate,~~ a provision of this title or of the rules and regulations of the commission. ~~or~~

~~(2)~~ **(b) It is unlawful for a beer wholesaler or a primary source of supply to** cancel or terminate an agreement or contract between a beer wholesaler and a primary source of supply for the sale of beer, unfairly and without due regard for the equities of the other party.

SECTION 40. IC 7.1-5-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) It is unlawful for a person to act ~~as a clerk in a package liquor store, or as a bartender, waiter, waitress, or manager for a retailer permittee~~ **in a position that is listed in IC 7.1-3-18-9(a)** unless that person has applied for and been issued ~~the appropriate~~ **an employee's** permit. ~~This section does not apply to dining car or boat employees or to a person described in IC 7.1-3-18-9(d).~~

(b) It is a defense to a charge under this section if, within thirty (30) days after being cited by the commission, the person who was cited produces evidence that the appropriate permit was issued by the commission on the date of the citation.

(c) It is a defense to a charge under this section for a new applicant for a permit if, within thirty (30) days after being cited by the commission, the new applicant who was cited produces a

receipt for a cashier's check or money order showing that an application for the appropriate permit was applied for on the date of the citation.

(d) It is a defense to a charge under this section that the person:

(1) acted as a dining car, a boat, or an airline employee; or

(2) is a person described in IC 7.1-3-18-9(d).

SECTION 41. IC 7.1-5-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) ~~It is a Class C misdemeanor for~~ A person ~~to~~ **who** recklessly ~~sell, barter, exchange, provide, or furnish~~ **sells, barters, exchanges, provides, or furnishes** an alcoholic beverage to a minor **commits:**

(1) a Class B misdemeanor if the person is at least twenty-one (21) years of age; and

(2) a Class C misdemeanor if the person is less than twenty-one (21) years of age.

(b) This section shall not be construed to impose civil liability upon any educational institution of higher learning, including but not limited to public and private universities and colleges, business schools, vocational schools, and schools for continuing education, or its agents for injury to any person or property sustained in consequence of a violation of this section unless such institution or its agent sells, barters, exchanges, provides, or furnishes an alcoholic beverage to a minor.

SECTION 42. IC 7.1-5-7-13, AS AMENDED BY P.L.161-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. Section 12 of this chapter does not prohibit the following:

(1) The employment of a person at least eighteen (18) years of age but less than twenty-one (21) years of age on or about licensed premises where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, for a purpose other than:

(A) selling;

(B) furnishing, other than serving;

(C) consuming; or

(D) otherwise dealing in;

alcoholic beverages.

(2) A person at least ~~eighteen (18)~~ **nineteen (19)** years of age but less than twenty-one (21) years of age from ringing up a sale of alcoholic beverages in the course of the person's employment**.**

(3) A person at least nineteen (19) years of age but less than twenty-one (21) years of age who:

(A) has successfully completed an alcohol server training program certified under IC 7.1-3-1.5; and

(B) serves alcoholic beverages in a dining area or family room of a restaurant or hotel:

(i) in the course of a person's employment as a waiter, waitress, or server; and

(ii) under the supervision of a person who is at least twenty-one (21) years of age, is present at the restaurant or hotel, and has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 by the commission.

This subdivision does not allow a person at least nineteen (19) years of age but less than twenty-one (21) years of age to be a bartender.".

Page 7, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 43. IC 7.1-5-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (d), it is unlawful to sell alcoholic beverages at the following times:

(1) At a time other than that made lawful by the provisions of IC 7.1-3-1-14.

(2) On Christmas Day and until 7:00 o'clock in the morning, prevailing local time, the following day.

(3) On primary election day, and general election day, from 3:00 o'clock in the morning, prevailing local time, until the voting polls are closed in the evening on these days.

(4) During a special election under IC 3-10-8-9 (within the precincts where the special election is being conducted), from 3:00 o'clock in the morning until the voting polls are closed in the evening on these days.

(b) During the time when the sale of alcoholic beverages is unlawful, no alcoholic beverages shall be sold, dispensed, given away, or otherwise disposed of on the licensed premises and the licensed premises shall remain closed to the extent that the nature of the business carried on the premises, as at a hotel or restaurant, permits.

~~(c) It is unlawful to sell alcoholic beverages on New Years Day for off-premises consumption.~~

~~(d)~~ **(c)** It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

SECTION 44. IC 7.1-5-10-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 23. (a) A wholesaler permittee who knowingly or intentionally sells a brand of alcoholic beverages that the wholesaler permittee has not been authorized to sell by the brand's primary source of supply commits a Class D felony.**

(b) A permittee who is injured as a result of a violation of this section has a private right of action to bring a civil action to recover compensatory damages against the wholesaler permittee who violates this section.

SECTION 45. IC 9-21-4-5, AS AMENDED BY P.L.229-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

(b) Under criteria to be jointly established by the Indiana department of transportation and the office of tourism development, the Indiana department of transportation may authorize the posting of any of the following:

(1) Limited tourist attraction signage.

(2) Business signs on specific information panels on the interstate system of highways and other freeways.

All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

(c) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that is an establishment licensed under IC 7.1-3-2-7(5).

~~(c)~~ **(d)** A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

(1) is visible from a highway; and

(2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

~~(d)~~ **(e)** This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

SECTION 46. IC 34-30-2-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 19.5. IC 7.1-3-13-3.5 (Concerning wine purchased at an estate sale and resold by a wine wholesaler).**".

Page 7, line 11, delete "permittee" and insert "**permit holder**".

Page 7, line 12, delete "permittee" and insert "**permit holder**".

Page 7, line 14, after "imposed" insert "**against the permit holder**".

Page 7, line 18, delete "one hundred fifty dollars ($150)." and insert "**two hundred fifty dollars ($250).**".

Page 7, line 22, delete "two hundred fifty dollars ($250)." and insert "**five hundred dollars ($500).**".

Page 7, line 26, delete "five hundred dollars ($500)." and insert "**one thousand dollars ($1,000).**".

Page 7, line 30, delete "seven hundred fifty dollars ($750)." and insert "**two thousand dollars ($2,000).**".

Page 7, line 31, delete "permittee" and insert "**permit holder**".

Page 7, line 35, delete "permittee" and insert "**permit holder**".

Page 7, line 38, delete "permittee" and insert "**permit holder**".

Page 8, after line 3, begin a new paragraph and insert:

"SECTION 47. IC 7.1-3-1-5.3 IS REPEALED [EFFECTIVE JULY 1, 2007].

SECTION 48. [EFFECTIVE JULY 1, 2007] **(a) Notwithstanding IC 7.1-2-4-13.5, as added by this act, a member of a local board appointed before January 1, 2008, shall complete the training required under IC 7.1-2-4-13.5, as added by this act, not later than July 1, 2008.**

(b) The alcohol and tobacco commission shall begin providing a training program under IC 7.1-2-4-13.5, as added by this act, for members of local boards not later that January 1, 2008.

(c) This SECTION expires July 2, 2008.

SECTION 49. [EFFECTIVE JULY 1, 2007] **IC 7.1-5-7-8, as amended by this act, and IC 7.1-5-10-23, as added by this act, apply only to offenses committed after June 30, 2007.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 339 as reprinted February 26, 2007, and as corrected under Senate Rule 33(c) on February 27, 2007.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred Engrossed Senate Bill 377, 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.

E. HARRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred Engrossed Senate Bill 412, 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 6 through 17, begin a new paragraph and insert:

"SECTION 2. IC 4-1-10-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. Unless prohibited by state law, federal law, or a court order, the following apply:**

(1) A state educational institution may disclose, in addition to the disclosures otherwise permitted by this chapter, a Social Security number of an individual to the following:

(A) A state, local, or federal agency or a person with whom a state, local, or federal agency has a contract to perform the agency's duties and responsibilities.

(B) A person that the state educational institution contracts with to provide goods or services to the state educational institution if:

(i) the disclosure is necessary for the contractor to perform the contractor's duties and responsibilities under the contract; and

(ii) the contract requires adequate safeguards, including any safeguards required by state or federal law, to prevent any use or disclosure of the Social Security numbers for any purpose other than those purposes described in the contract and to require the return or confirmed destruction of any Social Security numbers following termination of the contractual relationship.

(C) Persons to whom the state educational institution may otherwise legally disclose for the permissible purposes of the following:

(i) The Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).

(ii) The Health Insurance Portability and Accountability Act (42 U.S.C. 201 et seq.).

(D) The state educational institution's legal counsel, but only to the extent that a state educational institution could disclose a Social Security number to an in-house counsel.

(2) Consent for the authorized disclosure of any individual's Social Security number may be given to a state educational institution by electronic transmission if the state educational institution is reasonably able to verify the authenticity of the consent. A state educational institution may rely on the written consent of an individual given to a third party if the consent expressly permits the disclosure of the individual's Social Security number by the state educational institution.".

Delete page 2.

Page 3, delete lines 1 through 28.

Renumber all SECTIONS consecutively.

(Reference is to SB 412 as reprinted February 23, 2007.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

E. HARRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 448, 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.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Engrossed Senate Bill 490, 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, after "for architects" insert ",".

Page 1, line 7, before "interior" insert "**registered**".

Page 3, line 4, delete "Interior" and insert "**Registered interior**".

Page 3, line 18, after "and" insert "**registered**".

Page 4, line 33, after "and" insert "**registered**".

Page 5, line 41, after "and" insert "**registered**".

Page 6, line 36, after "and" insert "**registered**".

Page 8, line 1, after "and" insert "**registered**".
Page 9, line 12, after "and" insert "**registered**".
Page 11, line 12, after "and" insert "**registered**".
Page 11, line 31, after "and" insert "**registered**".
Page 14, line 12, after "and" insert "**Registered**".
Page 16, line 27, before "interior" insert "**registered**".
Page 16, line 36, before "interior" insert "**registered**".
Page 17, line 7, before "interior" insert "**registered**".
Page 18, line 14, after "and" insert "**registered**".
Page 20, line 11, after "4.5." insert "**REGISTERED**".
Page 20, line 13, after "who" insert "**first**".
Page 20, line 14, delete "2007." and insert "**2006. A person who practiced interior design before January 1, 2007, may choose to be subject to this article by fulfilling the registration requirements of IC 25-4.5-3. However, a person who practiced interior design before January 1, 2007, is not required to meet the requirements of IC 25-4.5-3-3.**".
Page 20, line 18, delete "or".
Page 20, line 19, delete "." and insert "**;**".
Page 20, between lines 19 and 20, begin a new line block indented and insert:

"**(3) on the site of a client; or**
(4) pertaining to the design, construction, ordering, or sale of:
(A) recreational vehicles;
(B) manufactured homes certified through the United States Department of Housing and Urban development; or
(C) industrialized building systems certified through the department of homeland security.".

Page 21, line 4, delete "fire safety laws as they relate to entrances,".
Page 21, line 7, delete "systems, as" and insert "**building system.**".
Page 21, delete lines 8 though 9.
Page 22, line 17, delete "The" and insert "**(a) Except as provided in subsection (b), the**".
Page 22, between lines 34 and 35, begin a new paragraph and insert:

"**(b) A person who:**
(1) practiced interior design before January 1, 2007; and
(2) chooses to be subject to this article;
does not have to satisfy the requirements of subsection (a).".

Page 23, line 7, delete "transferred to the treasurer of state and".
Page 23, line 7, after "into the" delete "state" and insert "**registered architects, registered landscape architects, and registered interior designers investigative**".
Page 23, line 8, delete "general".
Page 23, line 8, delete "." and insert "**established under IC 25-4-1-32.**".
Page 26, line 33, delete "an" and insert "**a registered**".
Page 26, line 34, after "the" insert "**registered**".
Page 26, line 37, after "the" insert "**registered**".
Page 26, line 39, delete "An" and insert "**A registered**".
Page 26, line 40, after "the" insert "**registered**".
Page 26, line 40, after "not" insert "**continue to**".
Page 26, after line 41, begin a new paragraph and insert:

"**Sec. 5. The state or any of its agencies or regulated entities may not give preference to an interior designer registered under this article over an interior designer not registered under this article. This article may not be used to restrict, penalize, or increase the regulatory burden of a person who registers with the state as a:**
(1) minority business enterprise as defined in IC 4-13-16.5-1; or
(2) women's business enterprise as defined in IC 4-13-16.5-1.3.".

(Reference is to SB 490 as reprinted February 23, 2007.)
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

CHENEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 503, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning coverage of health care and to make an appropriation.

Page 5, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 5-10-8-2.2, AS AMENDED BY P.L.2-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.2. (a) As used in this section, "dependent" means a natural child, stepchild, or adopted child of a public safety employee who:
(1) is less than eighteen (18) years of age;
(2) is eighteen (18) years of age or older and physically or mentally disabled (using disability guidelines established by the Social Security Administration); or
(3) is at least eighteen (18) and less than twenty-three (23) years of age and is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university.

(b) As used in this section, "public safety employee" means a full-time firefighter, police officer, county police officer, or sheriff.

(c) This section applies only to local unit public employers and their public safety employees.

(d) A local unit public employer may provide programs of group health insurance for its active and retired public safety employees through one (1) of the following methods:
(1) By purchasing policies of group insurance.
(2) By establishing self-insurance programs.
(3) By electing to participate in the local unit group of local units that offer the state employee health plan under section 6.6 of this chapter.
(4) By electing to participate in a state employee health plan under section 6.7 of this chapter.

A local unit public employer may provide programs of group insurance other than group health insurance for the local unit public employer's active and retired public safety employees by purchasing policies of group insurance and by establishing self-insurance programs. However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal body.

(e) A local unit public employer may pay a part of the cost of group insurance for its active and retired public safety employees. However, a local unit public employer that provides group life insurance for its active and retired public safety employees shall pay a part of the cost of that insurance.

(f) A local unit public employer may not cancel an insurance contract under this section during the policy term of the contract.

(g) After June 30, 1989, a local unit public employer that provides a group health insurance program for its active public safety employees shall also provide a group health insurance program to the following persons:
(1) Retired public safety employees.
(2) Public safety employees who are receiving disability benefits under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.
(3) Surviving spouses and dependents of public safety

employees who die while in active service or after retirement.

(h) A retired or disabled public safety employee who is eligible for group health insurance coverage under subsection (g)(1) or (g)(2):

(1) may elect to have the person's spouse, dependents, or spouse and dependents covered under the group health insurance program at the time the person retires or becomes disabled;

(2) must file a written request for insurance coverage with the employer within ninety (90) days after the person retires or begins receiving disability benefits; and

(3) must pay an amount equal to the total of the employer's and the employee's premiums for the group health insurance for an active public safety employee (however, the employer may elect to pay any part of the person's premiums).

(i) Except as provided in IC 36-8-6-9.7(f), IC 36-8-6-10.1(h), IC 36-8-7-12.3(g), IC 36-8-7-12.4(j), IC 36-8-7.5-13.7(h), IC 36-8-7.5-14.1(i), IC 36-8-8-13.9(d), IC 36-8-8-14.1(h), and IC 36-8-10-16.5 for a surviving spouse or dependent of a public safety employee who dies in the line of duty, a surviving spouse or dependent who is eligible for group health insurance under subsection (g)(3):

(1) may elect to continue coverage under the group health insurance program after the death of the public safety employee;

(2) must file a written request for insurance coverage with the employer within ninety (90) days after the death of the public safety employee; and

(3) must pay the amount that the public safety employee would have been required to pay under this section for coverage selected by the surviving spouse or dependent (however, the employer may elect to pay any part of the surviving spouse's or dependents' premiums).

(j) A retired or disabled public safety employee's eligibility for group health insurance under this section ends on the earlier of the following:

(1) When the public safety employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program for active public safety employees.

(k) A surviving spouse's eligibility for group health insurance under this section ends on the earliest of the following:

(1) When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the unit providing the insurance terminates the health insurance program for active public safety employees.

(3) The date of the surviving spouse's remarriage.

(4) When health insurance becomes available to the surviving spouse through employment.

(l) A dependent's eligibility for group health insurance under this section ends on the earliest of the following:

(1) When the dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the unit providing the insurance terminates the health insurance program for active public safety employees.

(3) When the dependent no longer meets the criteria set forth in subsection (a).

(4) When health insurance becomes available to the dependent through employment.

(m) A public safety employee who is on leave without pay is entitled to participate for ninety (90) days in any group health insurance program maintained by the local unit public employer for active public safety employees if the public safety employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance. However, the employer may pay all or part of the employer's premium for the insurance.

(n) A local unit public employer may provide group health insurance for retired public safety employees or their spouses not covered by subsections (g) through (l) and may provide group health insurance that contains provisions more favorable to retired public safety employees and their spouses than required by subsections (g) through (l). A local unit public employer may provide group health insurance to a public safety employee who is on leave without pay for a longer period than required by subsection (m), and may continue to pay all or a part of the employer's premium for the insurance while the employee is on leave without pay.

SECTION 3. IC 5-10-8-2.6, AS AMENDED BY P.L.1-2005, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.6. (a) This section applies only to local unit public employers and their employees. This section does not apply to public safety employees, surviving spouses, and dependents covered by section 2.2 of this chapter.

(b) A public employer may provide programs of group insurance for its employees and retired employees. The public employer may, however, exclude part-time employees and persons who provide services to the unit under contract from any group insurance coverage that the public employer provides to the employer's full-time employees. A public employer may provide programs of group health insurance under this section through one (1) of the following methods:

(1) By purchasing policies of group insurance.

(2) By establishing self-insurance programs.

(3) By electing to participate in the local unit group of local units that offer the state employee health plan under section 6.6 of this chapter.

(4) By electing to participate in a state employee health plan under section 6.7 of this chapter.

A public employer may provide programs of group insurance other than group health insurance under this section by purchasing policies of group insurance and by establishing self-insurance programs. However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal body.

(c) A public employer may pay a part of the cost of group insurance, but shall pay a part of the cost of group life insurance for local employees. A public employer may pay, as supplemental wages, an amount equal to the deductible portion of group health insurance as long as payment of the supplemental wages will not result in the payment of the total cost of the insurance by the public employer.

(d) An insurance contract for local employees under this section may not be canceled by the public employer during the policy term of the contract.

(e) After June 30, 1986, a public employer shall provide a group health insurance program under subsection (g) to each retired employee:

(1) whose retirement date is:

(A) after May 31, 1986, for a retired employee who was a teacher (as defined in IC 20-18-2-22) for a school corporation; or

(B) after June 30, 1986, for a retired employee not covered by clause (A);

(2) who will have reached fifty-five (55) years of age on or before the employee's retirement date but who will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;

(3) who will have completed twenty (20) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which must have been completed immediately preceding the retirement date; and

(4) who will have completed at least fifteen (15) years of participation in the retirement plan of which the employee

is a member on or before the employee's retirement date.

(f) A group health insurance program required by subsection (e) must be equal in coverage to that offered active employees and must permit the retired employee to participate if the retired employee pays an amount equal to the total of the employer's and the employee's premiums for the group health insurance for an active employee and if the employee, within ninety (90) days after the employee's retirement date files a written request with the employer for insurance coverage. However, the employer may elect to pay any part of the retired employee's premiums.

(g) A retired employee's eligibility to continue insurance under subsection (e) ends when the employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program. A retired employee who is eligible for insurance coverage under subsection (e) may elect to have the employee's spouse covered under the health insurance program at the time the employee retires. If a retired employee's spouse pays the amount the retired employee would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under this section is not affected by the death of the retired employee. The surviving spouse's eligibility ends on the earliest of the following:

(1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program.

(3) Two (2) years after the date of the employee's death.

(4) The date of the spouse's remarriage.

(h) This subsection does not apply to an employee who is entitled to group insurance coverage under IC 20-28-10-2(b). An employee who is on leave without pay is entitled to participate for ninety (90) days in any group health insurance program maintained by the public employer for active employees if the employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance. However, the employer may pay all or part of the employer's premium for the insurance.

(i) A public employer may provide group health insurance for retired employees or their spouses not covered by subsections (e) through (g) and may provide group health insurance that contains provisions more favorable to retired employees and their spouses than required by subsections (e) through (g). A public employer may provide group health insurance to an employee who is on leave without pay for a longer period than required by subsection (h), and may continue to pay all or a part of the employer's premium for the insurance while the employee is on leave without pay.

SECTION 4. IC 5-10-8-6.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.7. (a) As used in this section, "state employee health plan" means:**

(1) a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or

(2) a contract with a prepaid health care delivery plan entered into by the state personnel department under section 7(c) of this chapter.

(b) The state personnel department shall allow a local unit to provide coverage of health care services for employees of the local unit through any state employee health plan available to state employees.

(c) If a local unit provides health coverage for employees or retired employees of the local unit, the local unit may elect to provide the health coverage, and the state personnel department shall allow the local unit to provide the health coverage:

(1) through a state employee health plan as provided in this section; and

(2) as described in section 2.2 or 2.6 of this chapter, whichever is applicable to the employees or retired employees of the local unit for whom health coverage is being provided.

(d) A local unit employee who receives coverage of health care services under a state employee health plan under subsection (c) must:

(1) receive coverage equal to the coverage provided to state employees under the state employee health plan; and

(2) be allowed to choose the state employee health plan under which the local unit employee will be covered.

(e) The total premium rate that is charged to a local unit for coverage of an employee of the local unit under a state employee health plan under this section must be the same total premium rate that is charged to the state for the same coverage for an employee of the state.

SECTION 5. IC 5-10-8-6.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.8. (a) As used in this section, "small employer" means a private employer, including a nonprofit organization, that employs at least two (2) but not more than fifty (50) full-time employees.**

(b) As used in this section, "state employee health plan" means:

(1) a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or

(2) a contract with a prepaid health care delivery plan entered into by the state personnel department under section 7(c) of this chapter.

(c) The state personnel department shall allow a small employer to provide coverage of health care services for employees of the small employer under any state employee health plan available to state employees.

(d) IC 27-8-15 does not apply to coverage provided to employees of a small employer under this section.

(e) A small employer's employee who receives coverage of health care services under a state employee health plan under subsection (c) must:

(1) receive coverage equal to the coverage provided to state employees under the state employee health plan; and

(2) be allowed to choose the state employee health plan under which the employee will be covered.

(f) The total premium rate that is charged to a small employer for coverage of an employee of the small employer under a state employee health plan under this section must be the same total premium rate that is charged to the state for the same coverage for an employee of the state.

SECTION 6. IC 6-3.1-31 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 31. Employee Wellness Program Tax Credit

Sec. 1. As used in this chapter, "pass through entity" means:

(1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);

(2) a partnership;

(3) a limited liability company; or

(4) a limited liability partnership.

Sec. 2. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 6-5.5 (the financial institutions tax); and

(3) IC 27-1-18-2 (the insurance premiums tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 3. As used in this chapter, "taxpayer" means an individual or entity that has any state tax liability.

Sec. 4. As used in this chapter, "wellness program" means a program that rewards:

(1) overweight employees for losing weight and all employees for maintaining a healthy weight; or

(2) employees for not using tobacco.

Sec. 5. A taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year in an amount equal to fifty percent (50%) of the costs incurred by the taxpayer during the taxable year for providing a wellness program for the taxpayer's employees during the taxable year.

Sec. 6. If a pass through entity is entitled to a credit under section 5 of this chapter but does not have state tax liability against which the tax credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit determined for the pass through entity for the taxable year; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

Sec. 7. (a) If the credit provided by this chapter exceeds the taxpayer's state tax liability for the taxable year for which the credit is first claimed, the excess may be carried forward to succeeding taxable years and used as a credit against the taxpayer's state tax liability during those taxable years. Each time that the credit is carried forward to a succeeding taxable year, the credit is to be reduced by the amount that was used as a credit during the immediately preceding taxable year.

(b) A taxpayer is not entitled to any carryback or refund of any unused credit.

Sec. 8. To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this chapter.".

Page 5, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 8. IC 12-15-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) A pregnant woman:

(1) who is not described in 42 U.S.C. 1396a(a)(10)(A)(i); and

(2) whose family income does not exceed the income level established in subsection (b);

is eligible to receive Medicaid.

(b) A pregnant woman described in this section is eligible to receive Medicaid, subject to subsections (c) and (d) and 42 U.S.C. 1396a et seq., if her family income does not exceed ~~one~~ **two** hundred ~~fifty~~ percent ~~(150%)~~ **(200%)** of the federal income poverty level for the same size family.

(c) Medicaid made available to a pregnant woman described in this section is limited to medical assistance for services related to pregnancy, including prenatal, delivery, and postpartum services, and to other conditions that may complicate pregnancy.

(d) Medicaid is available to a pregnant woman described in this section for the duration of the pregnancy and for the sixty (60) day postpartum period that begins on the last day of the pregnancy, without regard to any change in income of the family of which she is a member during that time.

(e) The office may apply a resource standard in determining the eligibility of a pregnant woman described in this section.

SECTION 9. IC 12-15-2-15.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15.8. An individual who is less than nineteen (19) years of age and who is eligible for Medicaid under section 14 of this chapter is eligible to receive Medicaid until the earlier of the following:**

(1) The end of a period of twelve (12) consecutive months following a determination of the individual's eligibility for Medicaid.

(2) The individual becomes nineteen (19) years of age.

SECTION 10. IC 12-15-12-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 14.5. (a) This section applies to a foster care child who is less than eighteen (18) years of age, is not disabled, and is a Medicaid recipient.**

(b) Not later than January 1, 2008, the office shall require a Medicaid recipient described in subsection (a) to enroll in the risk-based managed care program.

(c) The office:

(1) shall apply to the United States Department of Health and Human Services for any approval necessary; and

(2) may adopt rules under IC 4-22-2;

to implement this section.".

Page 28, line 35, delete "(1)", begin a new line triple block indented and insert:

"**(i)**".

Page 28, line 37, delete "(2)", begin a new line triple block indented and insert:

"**(ii)**".

Page 28, line 41, delete "(3)", begin a new line triple block indented and insert:

"**(iii)**".

Page 29, line 3, delete "(4)", begin a new line triple block indented and insert:

"**(iv)**".

Page 29, line 5, delete "(5)", begin a new line triple block indented and insert:

"**(v)**".

Page 29, line 7, delete "(6)", begin a new line triple block indented and insert:

"**(vi)**".

Page 29, line 9, delete "(7)", begin a new line triple block indented and insert:

"**(vii)**".

Page 29, line 10, delete "subdivisions (1) through (6)," and insert "**items (i) through (vi),**".

Page 29, line 33, delete "IC 12-15-20-2(8)(G)(1)." and insert "**IC 12-15-20-2(8)(G)(i).**".

Page 30, line 11, after "1." insert "**(a)**".

Page 30, between lines 21 and 22, begin a new paragraph and insert:

"**(b) The term includes the following adults who do not live with the child:**

(1) A legal or biological parent who has partial custody or visitation rights for the child.

(2) The spouse of a parent described in subdivision (1) who is living with the parent described in subdivision (1).".

Page 30, line 31, after "program." insert "**The office shall establish standards for consumer protection and appeal procedures that must include the following:**

(1) Quality of care standards.

(2) A uniform process for participants' grievances.

(3) Standardized reporting of provider performance, consumer experience, and cost.".

Page 31, line 7, delete "Disease" and insert "**Comprehensive disease**".

Page 31, line 8, delete "." and insert "**, including case management.**".

Page 31, between lines 9 and 10, begin a new line block indented and insert:

"**(11) Preventive care services.**

(12) Family planning services, including contraceptives and sexually transmitted disease testing, as described in federal Medicaid law.

(13) Hospice services.

(14) Substance abuse services.

(e) Mental health care services must include:

(1) full access to inpatient services and mental health drugs; and

(2) at least twelve (12) counseling visits and six (6) physician visits.

(f) The program must offer dental and vision services to individuals who pay an additional contribution as determined by the office but not to exceed five percent (5%) of the individual's income. The program must pay at least fifty percent (50%) of the cost of services but not to exceed the existing Medicaid rate for similar services.

(g) The program must comply with any health care coverage requirements required for an accident and sickness policy issued in the state. The program may not permit treatment limitations or financial requirements on the coverage of services for a mental illness or substance abuse if similar limitations or requirements are not imposed on the coverage of services for other medical or surgical conditions.".

Page 31, line 16, delete ":".

Page 31, line 17, delete "(A)".

Page 31, run in lines 16 through 17.

Page 31, line 18, delete "if the individual is a custodial" and insert "**.**".

Page 31, delete lines 19 through 22.

Page 31, between lines 33 and 34, begin a new paragraph and insert:

"**(c) An individual's participation in the program does not begin until the individual has made the initial contribution to the individual's health care account.**".

Page 31, line 41, delete ":".

Page 31, line 42, delete "(A)".

Page 31, run in lines 41 through 42.

Page 32, line 1, delete "but not more than five percent (5%)" and insert "**but:**

(A) not more than two percent (2%) if the individual has an annual household income of not more than one hundred fifty percent (150%) of the federal income poverty level;

(B) not more than three percent (3%) if the individual has an annual household income of more than one hundred fifty percent (150%) of the federal income poverty level but not more than two hundred percent (200%) of the federal income poverty; or".

Page 32, delete line 2.

Page 32, line 3, delete "(B)" and insert "**(C)**".

Page 32, line 9, delete "of five percent (5%) of the" and insert "**required under subsection (a)(2)(A)**".

Page 32, line 10, delete "individual's annual income".

Page 32, line 13, delete "thirty (30)" and insert "**sixty (60)**".

Page 32, line 19, delete "eighteen (18)" and insert "**three (3)**".

Page 32, line 20, delete "(e) An" and insert "**(e) Subject to appeal with the office, an**".

Page 32, line 24, after "account." insert "**An individual is not responsible for payment for emergency services outside of the health care account for a medical condition that arises suddenly and unexpectedly and manifests itself by acute symptoms of such severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent lay person who possesses an average knowledge of health and medicine to:**

(1) place an individual's health in serious jeopardy;

(2) result in serious impairment to the individual's bodily functions; or

(3) result in serious dysfunction of a bodily organ or part of the individual.".

Page 33, line 37, delete "eighteen (18)" and insert "**three (3)**".

Page 34, line 15, after "individual" insert "**who has not been covered by a health care insurance policy in the previous six (6) months and**".

Page 34, line 18, delete "income" and insert "**income; however, standard underwriting principles must apply;**".

Page 34, line 19, delete "or because a slot is not available for the individual;".

Page 34, between lines 21 and 22, begin a new line block indented and insert:

"**(2) An individual who is not eligible for the program because a slot is not available.**".

Page 34, line 22, delete "(2)" and insert "**(3)**".

Page 34, line 28, delete "twelve (12)" and insert "**six (6)**".

Page 34, between lines 32 and 33, begin a new paragraph and insert:

"**(c) An insurer or a health maintenance organization that has contracted with the office to provide health insurance under the program must incorporate cultural competency standards established by the office. The standards must include standards for non-English speaking, minority, and disabled populations.**".

Page 34, line 38, delete "At" and insert "**For an individual who has renewed their application and been accepted into the program, at**".

Page 34, line 38, after "end" insert "**of**".

Page 34, line 38, after "program" insert "**period, any money that is remaining in the individual's health care account must be used to reduce the individual's contributions for the subsequent program period. However, if the individual did not use the amount required for preventative services, the office's contribution in the account may not be used to reduce the individual's contributions.**

(c) If an individual is no longer eligible for the program or is terminated from the program, the individual may withdraw the money that is remaining in the account that the individual contributed. The office shall determine the amount by prorating the remaining amount in the account with the amount contributed by the individual.".

Page 34, delete lines 39 through 42.

Page 35, delete lines 1 through 17.

Page 35, line 20, delete ":".

Page 35, delete lines 21 through 25.

Page 35, line 26, delete "(2)".

Page 35, run in lines 20 through 26.

Page 35, line 27, delete "if the" and insert "**.**".

Page 35, delete lines 28 through 31.

Page 35, delete line 42.

Page 36, delete lines 1 through 2.

Page 36, line 3, delete "apart" and insert "**separate**".

Page 37, delete lines 6 through 12, begin a new paragraph and insert:

"**(d) The office of the secretary may refer an individual who:**

(1) has applied for health insurance from the program under section 12(b) of this chapter; and

(2) is at high risk of chronic disease;

to the program administered under IC 27-8-10.1.".

Page 37, between lines 16 and 17, begin a new paragraph and insert:

"**Sec. 17. The office shall promote the program and provide information to potential eligible individuals who live in medically underserved rural areas of the state.**

Sec. 18. The office shall participate in a health information technology program that focuses on ways to reduce medical errors and reduce costs in the program.

Sec. 19. The office may develop a health insurance

premium assistance program for individuals who have an annual household income of at least two hundred percent (200%) of the federal income poverty level and are eligible for insurance through the individual's employer but can not afford the health insurance premiums. The program established under this section must contain similar eligibility requirements as the program and include a health savings account as a component. An individual's contribution under this section may not exceed two percent (2%) of the individual's annual income.

Sec. 20. (a) Contingent on approval and funding by the United States Department of Health and Human Services and a sufficient appropriation, the office shall develop a health care account program for individuals who are at least eighteen (18) years of age and have an annual household income of at least two hundred percent (200%) but not more than three hundred percent (300%) of the federal income poverty level.

(b) The office may not implement a program under this section without approval from the general assembly.".

Page 40, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 29. IC 12-17.6-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) To be eligible to enroll in the program, a child must meet the following requirements:

(1) The child is less than nineteen (19) years of age.

(2) The child is a member of a family with an annual income of:

(A) more than one hundred fifty percent (150%); and

(B) not more than ~~two~~ **three** hundred percent ~~(200%),~~ **(300%);**

of the federal income poverty level.

(3) The child is a resident of Indiana.

(4) The child meets all eligibility requirements under Title XXI of the federal Social Security Act.

(5) The child's family agrees to pay any cost sharing amounts required by the office.

(b) The office may adjust eligibility requirements based on available program resources under rules adopted under IC 4-22-2.

SECTION 30. IC 12-17.6-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Subject to subsection (b), a child who is eligible for the program shall receive services from the program until the earlier of the following:

(1) The ~~child becomes financially ineligible.~~ **end of a period of twelve (12) consecutive months following the determination of the child's eligibility for the program.**

(2) The child becomes nineteen (19) years of age.

(b) Subsection (a) applies only if the child and the child's family comply with enrollment requirements.

SECTION 33. IC 16-45-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 4. Rural Health Care Pilot Program Support Fund

Sec. 1. As used in this chapter, "office" means the office of technology established by IC 4-13.1-2-1.

Sec. 2. As used in this chapter, "pilot program" refers to the rural health care pilot program established by the Federal Communications Commission under 47 U.S.C. 254(h)(A)(2) to provide federal funding to support the construction of state or regional broadband networks and the services provided over those networks.

Sec. 3. (a) The rural health care pilot program support fund is established for the purpose of making grants to Indiana health care providers who participate in the pilot program. The fund shall be administered by the office.

(b) The expenses of administering the fund shall be paid from the money in the fund.

(c) The fund consists of:

(1) money appropriated or otherwise designated or dedicated by the general assembly; and

(2) gifts, grants, and bequests.

(d) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisers, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 4. (a) The office must use money in the fund to make grants to health care providers who participate in the pilot program. A health care provider that receives a grant under this chapter must use the grant money to make the local match required as a condition of the provider's participation in the pilot program.

(b) The office may:

(1) prescribe grant application forms;

(2) establish grant application procedures; and

(3) take any other action necessary to implement this chapter.

SECTION 34. IC 16-18-2-163 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an emergency medical technician-basic advanced, an emergency medical technician-intermediate, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this

subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5, means an individual licensed or authorized by this state to provide health care or professional services as:

(1) a licensed physician;
(2) a registered nurse;
(3) a licensed practical nurse;
(4) an advanced practice nurse;
(5) a licensed nurse midwife;
(6) a paramedic;
(7) an emergency medical technician;
(8) an emergency medical technician-basic advanced;
(9) an emergency medical technician-intermediate; or
(10) a first responder, as defined under IC 16-18-2-131.

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

(d) "Health care provider", for purposes of IC 16-40-4, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.
(2) A blood bank, laboratory, community mental health center, community mental retardation center, community health center, or migrant health center.
(3) A home health agency (as defined in IC 16-27-1-2).
(4) A health maintenance organization (as defined in IC 27-13-1-19).
(5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).
(6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:
(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;
(B) is organized or registered under state law; and
(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.
(7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).

(e) "Health care provider", for purposes of IC 16-45-4, has the meaning set forth in 47 CFR 54.601(a).

SECTION 35. IC 20-26-5-4, AS AMENDED BY P.L.168-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law.
(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.
(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars ($3,000) per budget year or one dollar ($1) per pupil, not to exceed twelve thousand five hundred dollars ($12,500), based on the school corporation's previous year's ADM, to promote the best interests of the school corporation through:
(A) the purchase of meals, decorations, memorabilia, or awards;
(B) provision for expenses incurred in interviewing job applicants; or
(C) developing relations with other governmental units.
(4) To:
(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.
(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.
(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.
(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.
(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and

is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision.

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. To:

(A) participate in a state employee health plan under IC 5-10-8-6.6;

(B) purchase insurance; ~~or~~

(C) establish and maintain a program of self-insurance; **or**

(D) participate in a state employee health plan under

IC 5-10-8-6.7;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

SECTION 36. IC 27-8-5-2, AS AMENDED BY P.L.125-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) No individual policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless it complies with each of the following:

(1) The entire money and other considerations for the policy are expressed in the policy.

(2) The time at which the insurance takes effect and terminates is expressed in the policy.

(3) The policy purports to insure only one (1) person, except that a policy ~~may~~ **must** insure, originally or by subsequent amendment, upon the application of any member of a family who shall be deemed the policyholder and who is at least eighteen (18) years of age, any two (2) or more eligible members of that family, including husband, wife, dependent children, or any children ~~under a specified age, which shall not exceed nineteen (19)~~ **who are less than twenty-four (24)** years **of age,** and any other person dependent upon the policyholder.

(4) The style, arrangement, and overall appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in lightface type of a style in general use, the size of which shall be uniform and not less than ten point with a lower-case unspaced alphabet length not less than one hundred and twenty point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions).

(5) The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in section 3 of this chapter, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "EXCEPTIONS", or "EXCEPTIONS AND REDUCTIONS", provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies.

(6) Each such form of the policy, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page of the policy.

(7) The policy contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the commissioner.

(8) If an individual accident and sickness insurance policy or hospital service plan contract or medical service plan contract provides that hospital or medical expense coverage of a dependent child terminates upon attainment of the limiting age for dependent children specified in such policy or contract, the policy or contract must also provide that attainment of such limiting age does not operate to terminate the hospital and medical coverage of such child while the child is and continues to be both:

(A) incapable of self-sustaining employment by reason of mental retardation or mental or physical disability; and

(B) chiefly dependent upon the policyholder for support and maintenance.

Proof of such incapacity and dependency must be furnished to the insurer by the policyholder within thirty-one (31) days of the child's attainment of the limiting age. The insurer may require at reasonable intervals during the two (2) years following the child's attainment of the limiting age subsequent proof of the child's disability and dependency. After such two (2) year period, the insurer may require subsequent proof not more than once each year. The foregoing provision shall not require an insurer to insure a dependent who is a mentally retarded or mentally or physically disabled child where such dependent does not satisfy the conditions of the policy provisions as may be stated in the policy or contract required for coverage thereunder to take effect. In any such case the terms of the policy or contract shall apply with regard to the coverage or exclusion from coverage of such dependent. This subsection applies only to policies or contracts delivered or issued for delivery in this state more than one hundred twenty (120) days after August 18, 1969.

(b) If any policy is issued by an insurer domiciled in this state

for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection (a) and in section 3 of this chapter.

(c) An insurer may issue a policy described in this section in electronic or paper form. However, the insurer shall:

(1) inform the insured that the insured may request the policy in paper form; and

(2) issue the policy in paper form upon the request of the insured.".

Page 45, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 36. IC 27-8-5-28 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 28. A policy of accident and sickness insurance may not be issued, delivered, amended, or renewed unless the policy provides for coverage of a child of the policyholder or certificate holder, upon request of the policyholder or certificate holder, until the date that the child becomes twenty-four (24) years of age.**".

Page 46, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 38. IC 27-13-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A contract referred to in section 1 of this chapter must clearly state the following:

(1) The name and address of the health maintenance organization.

(2) Eligibility requirements.

(3) Benefits and services within the service area.

(4) Emergency care benefits and services.

(5) Any out-of-area benefits and services.

(6) Copayments, deductibles, and other out-of-pocket costs.

(7) Limitations and exclusions.

(8) Enrollee termination provisions.

(9) Any enrollee reinstatement provisions.

(10) Claims procedures.

(11) Enrollee grievance procedures.

(12) Continuation of coverage provisions.

(13) Conversion provisions.

(14) Extension of benefit provisions.

(15) Coordination of benefit provisions.

(16) Any subrogation provisions.

(17) A description of the service area.

(18) The entire contract provisions.

(19) The term of the coverage provided by the contract.

(20) Any right of cancellation of the group or individual contract holder.

(21) Right of renewal provisions.

(22) Provisions regarding reinstatement of a group or an individual contract holder.

(23) Grace period provisions.

(24) A provision on conformity with state law.

(25) A provision or provisions that comply with the:

(A) guaranteed renewability; and

(B) group portability;

requirements of the federal Health Insurance Portability and Accountability Act of 1996 (26 U.S.C. 9801(c)(1)).

(26) That the contract provides, upon request of the subscriber, coverage for a child of the subscriber until the date the child becomes twenty-four (24) years of age.

(b) For purposes of subsection (a), an evidence of coverage which is filed with a contract may be considered part of the contract.

SECTION 39. [EFFECTIVE JULY 1, 2007] **The state personnel department shall implement the requirements of IC 5-10-8-6.7 and IC 5-10-8-6.8, both as added by this act, not later than July 1, 2008.**

SECTION 40. [EFFECTIVE JULY 1, 2007] **IC 6-3.1-31, as added by this act, applies to taxable years beginning after December 31, 2007.**

SECTION 41. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.**

(b) The office shall apply to the United States Department of Health and Human Services for any amendment to the state Medicaid plan or demonstration waiver that is needed to do the following:

(1) Implement IC 12-17.6-3-2 and IC 12-15-2-13, both as amended by this act.

(2) Provide for presumptive eligibility for a pregnant woman described in IC 12-15-2-13, as amended by this act.

(c) The office may not implement the amendment or waiver until the office files an affidavit with the governor attesting that the amendment or waiver applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not more than five (5) days after the office is notified that the amendment or waiver is approved.

(d) If the office receives approval for the amendment or waiver under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (c), the office shall implement the amendment or waiver not more than sixty (60) days after the governor receives the affidavit.

(e) The office may adopt rules under IC 4-22-2 to implement this SECTION.

SECTION 42. [EFFECTIVE JULY 1, 2007] **(a) IC 27-8-5-2, as amended by this act, and IC 27-8-5-28, as added by this act, apply to a policy of accident and sickness insurance that is issued, delivered, amended, or renewed after June 30, 2007.**

(b) IC 27-13-7-3, as amended by this act, applies to a health maintenance organization contract that is entered into, delivered, amended, or renewed after June 30, 2007.

SECTION 43. [EFFECTIVE JULY 1, 2007] **(a) There is appropriated to the office of Medicaid policy and planning from the healthier Indiana insurance trust fund (as established by IC 12-15-44-14, as added by this act) fifteen million dollars ($15,000,000) for the period beginning July 1, 2007, and ending June 30, 2009, to provide funding to increase reimbursement rates under the state Medicaid program (IC 12-15) and the children's health insurance program (IC 12-17.6) for services provided by primary care physicians who are licensed under IC 25-22.5.**

(b) There is appropriated to the rural health care pilot program support fund (as established by IC 16-45-4-3, as added by this act) from the healthier Indiana insurance trust fund (as established by IC 12-15-44-14, as added by this act) two hundred fifty thousand dollars ($250,000) for the period beginning July 1, 2007, and ending June 30, 2009, to provide funding for the purpose of making grants to Indiana health care providers who participate in the rural health care pilot program.

(c) This SECTION expires July 1, 2009.

SECTION 44. [EFFECTIVE JULY 1, 2007] **(a) The definitions under IC 12-15-44 apply to this SECTION.**

(b) As used in this SECTION, "task force" refers to the healthier Indiana insurance program task force established by subsection (c).

(c) The healthier Indiana insurance program task force is established to:

(1) study, monitor, provide guidance, and make recommendations to the state concerning the healthier Indiana insurance program;

(2) develop methods to increase availability of affordable coverage for health care services for all Indiana residents;

(3) develop an education and orientation program for individuals participating in the program; and

(4) make recommendations to the legislative council.

(d) The task force:

(1) shall operate under the policies governing study committees adopted by the legislative council; and

(2) may request funding from the legislative council to hire consultants.

(e) The affirmative votes of a majority of the voting members appointed to the task force are required for the task force to take action on any measure, including final reports.

(f) The office shall provide administrative assistance to and staff the task force.

(g) The task force consists of the following voting members:

(1) Eleven (11) members appointed by the speaker of the house of representatives, three (3) of whom are appointed based on the recommendation of the minority leader of the house of representatives and none of whom are legislators.

(2) Eleven (11) members appointed by the president pro tempore of the senate, three (3) of whom are appointed based on the recommendation of the minority leader of the senate and none of whom are legislators.

(h) In making appointments under subsection (g), the speaker of the house of representatives shall appoint members representing the interests listed in subdivisions (1) through (5) and the president pro tempore of the senate shall each appoint members representing the interests listed in subdivisions (6) through (11) as follows:

(1) Hospitals.

(2) Insurance companies.

(3) Primary care providers.

(4) Health professionals who are not primary care providers.

(5) Minority health concern experts.

(6) Business.

(7) Organized labor.

(8) Consumers.

(9) Children's health issues.

(10) Adult health issues.

(11) Health marketing and public relations.

(i) The chairman of the legislative council shall appoint the chairperson of the task force.

(j) The task force shall report findings and make recommendations in a final report to the legislative council in an electronic format under IC 5-14-6 before November 1, 2008.

(k) The task force expires November 1, 2008, unless the legislative council extends the work of the task force until November 1, 2009. If the legislative council extends the work of the task force until November 1, 2009, the task force shall submit additional findings and recommendations in a final report before November 1, 2009.

(l) The task force members are not eligible for per diem reimbursement or reimbursement for expenses incurred for travel to and from task force meetings.

(m) This SECTION expires January 1, 2010.".

Page 46, line 20, delete ":".

Page 46, line 21, delete "(A)".

Page 46, run in lines 20 through 21.

Page 46, line 22, delete "if the individual is a custodial" and insert "**.**".

Page 46, delete lines 23 through 26.

Renumber all SECTIONS consecutively.

(Reference is to SB 503 as reprinted February 20, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 504, 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 4, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 4. IC 11-10-12-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. (a) The department shall assist a committed offender in applying for assistance under the federal Temporary Assistance for Needy Families (TANF) program (45 CFR 260 et seq.) so that the committed offender might be eligible for assistance when the offender is subsequently:**

(1) released on parole;

(2) assigned to a community transition program; or

(3) discharged from the department.

(b) The department shall provide the assistance described in subsection (a) in sufficient time to ensure that the committed offender will be able to receive assistance at the time the committed offender is:

(1) released on parole;

(2) assigned to a community transition program; or

(3) discharged from the department.".

Page 8, line 1, delete "A" and insert "**Except as provided in IC 12-14-28-3.3,** a".

Page 10, line 15, after "or" insert "**a**".

Page 10, line 23, after "or" insert "**an**".

Page 15, line 17, strike "Medicaid".

Page 18, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 32. IC 12-14-28-3.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.3. (a) An individual who:**

(1) except for 21 U.S.C. 862a(a), meets the federal and Indiana TANF program eligibility requirements;

(2) has been convicted of an offense under federal or state law that:

(A) is classified as a felony; and

(B) has as an element the possession, use, or distribution of a controlled substance (as defined in 21 U.S.C. 802(6)); and

(3) either has completed or is participating in substance abuse or mental health treatment provided by:

(A) an addiction services provider certified by the division of mental health and addiction;

(B) a mental health provider (as defined in IC 16-36-1.5-2);

(C) the department of correction; or

(D) the federal government;

is eligible to receive assistance under this chapter for not more than twelve (12) months.

(b) For purposes of eligibility for assistance under this chapter, a court may order an individual described in subsection (a) to participate in substance abuse or mental health treatment under this section.

(c) The department of correction shall assist an individual who:

(1) is incarcerated by the department of correction; and

(2) will be eligible for assistance under this chapter upon:

(A) release to parole;

(B) assignment to a community transition program; or

(C) discharge from the department of correction;

with applying for assistance under this chapter as described in IC 11-10-12-5.

SECTION 33. IC 12-14-28-3.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.8. In accordance with 21 U.S.C. 862a(d)(1), the state elects to opt out of the application of 21 U.S.C. 862a(a) for an individual who has completed or is participating in a substance abuse or mental health treatment program described in section 3.3(a)(3) of this chapter.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 504 as printed February 2, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred Engrossed Senate Bill 529, 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 9, delete "under section 9 of this chapter," and insert "**,**".

Page 2, delete lines 2 through 9.

Page 2, line 10, delete "5. (a) "Construction" or "construction activity"" and insert "**3. (a) As used in this chapter, "construction"**".

Page 2, line 17, delete "6." and insert "**4.**".

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"**Sec. 5. As used in this chapter, "guidelines" refers to a nonrule policy document adopted by the division that establishes voluntary guidelines to be considered by a pipeline company that proposes to construct a pipeline that will be located, in whole or in part, in Indiana.**".

Page 2, line 20, delete "7." and insert "**6.**".

Page 2, line 24, delete "8." and insert "**7.**".

Page 2, delete lines 36 through 42, begin a new paragraph and insert:

"**Sec. 8. (a) The division shall establish voluntary guidelines to be considered by a pipeline company that proposes to construct a pipeline that will be located, in whole or in part, in Indiana.**".

Delete pages 3 through 4.

Page 5, delete lines 1 through 40.

Page 5, line 41, delete "(c) The guidelines" and insert "**(b) Guidelines**".

Page 5, line 41, delete "under subsection (a)".

Page 5, line 42, delete "shall" and insert "**are**".

Page 5, line 42, delete "be".

Page 6, delete lines 7 through 35.

Page 6, line 36, delete "10." and insert "**9.**".

Page 7, line 19, delete "under" and insert "**.**".

Page 7, delete line 20.

Page 7, line 26, delete ", as determined by the" and insert "**on the list provided by the pipeline company**".

Page 7, line 27, delete "division".

Page 7, line 27, delete "11(a)" and insert "**10**".

Page 7, delete lines 32 through 42.

Page 8, delete lines 1 through 13.

Page 8, delete lines 24 through 35, begin a new paragraph and insert:

"**Sec. 10. (a) The pipeline company shall provide the division with a list of landowners that will be affected by the proposed construction of a pipeline or a segment of a pipeline in Indiana. The list must include all affected landowners that the pipeline company must provide notice to under IC 32-24-1-3(g).**".

Page 8, line 39, delete "under section 9 of this chapter." and insert "**.**".

Page 9, line 2, delete ":".

Page 9, line 3, delete "(i)".

Page 9, line 4, delete "; and" and insert "**.**".

Page 9, delete lines 5 through 17.

Page 9, run in lines 2 through 18.

Page 9, line 23, delete "(D)" and insert "**(C)**".

Page 9, line 31, delete "(E)" and insert "**(D)**".

Page 9, line 36, delete "(F)" and insert "**(E)**".

Page 10, line 3, delete ":" and insert "**the division is notified by the pipeline company of the proposed route and is provided with a list of the affected landowners as required by subsection (a).**".

Page 10, delete lines 4 through 10, begin a new paragraph and insert:

"**Sec. 11. The division shall encourage pipeline companies to use the guidelines as a starting point for any negotiations with the various state agencies identified in the guidelines. The division may require a pipeline company proposing to construct a pipeline or a segment of a pipeline to sign a statement indicating whether or not the pipeline company agrees to use the guidelines for the project.**".

Page 10, line 30, delete "under" and insert "**.**".

Page 10, delete line 31.

Page 11, line 14, delete "under section 9 of this" and insert "**by the division**".

Page 11, line 15, delete "chapter".

Page 11, line 15, delete "amended or repealed" and insert "**revised or superseded**".

Page 12, line 24, delete "IC 8-1-22.6-8)" and insert "**IC 8-1-22.6-7)**".

Page 12, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 8-1-22.6, as added by this act, apply throughout this SECTION.**

(b) Not later than September 1, 2007, the division shall publish a nonrule policy document in the Indiana Register that establishes voluntary guidelines to be considered by a pipeline company that proposes to construct a pipeline that will be located, in whole or in part, in Indiana. The division shall consider including, but not be limited to including, the following topics in the nonrule policy document:

(1) Minimum depth for burying pipeline based on topography and use of land.

(2) Replacing topsoil and subsoil removed during excavation or construction, or both, on agricultural land and other land.

(3) Removal of construction debris from topsoil and landowner property.

(4) Prevention of topsoil erosion.

(5) Alleviation of topsoil compaction.

(6) Prevention and remediation of damages to underground drainage tile during construction and future maintenance.

(7) Restoring land to preconstruction condition (elevation and contour).

(8) Compensating landowners for property damage due to pipeline construction or maintenance.

(9) Providing advance notice before pipeline companies enter private property for inspection, construction, or maintenance.

(10) Indemnification of landowners against damages

caused by pipeline company construction, maintenance, operation, repair, or use of the pipeline on the landowner's property, except for claims or damages arising from the negligent, intentional, or willful acts or omissions of the landowner.

(11) Providing a list of the designated state agencies that will be working with the pipeline company on the various aspects of the pipeline company's application to obtain a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission.

(c) The division shall develop the guidelines through a public process. Notice must be published in the Indiana Register and all interested parties must have an opportunity to comment on the proposed guidelines.

(d) In adopting the guidelines under this SECTION, the division may consult with other states, or agencies of other states, that have adopted similar guidelines for the construction of pipelines. The division may also consult with any of the following:

(1) Other state agencies in Indiana.

(2) Any political subdivisions in Indiana in which pipelines are located or proposed to be located.

(3) Public utilities, municipally owned utilities, or cooperatively owned utilities.

(4) Pipeline companies.

(5) Organizations representing agricultural interests in Indiana.

(6) Other individuals or organizations that have an interest in, or are knowledgeable about, pipelines or pipeline construction.

(e) Notwithstanding IC 8-1-22.6, as added by this act, a provision of IC 8-1-22.6, as added by this act, that imposes a duty related to the guidelines developed under this SECTION applies to pipeline companies and the division only after the finally adopted guidelines are published in the Indiana Register.

(f) This SECTION expires September 1, 2007.".

Renumber all SECTIONS consecutively.

(Reference is to SB 529 as reprinted February 26, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

E. HARRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 561, 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 36-8-8-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Except as provided in subsection (b), if a unit becomes a participant in the 1977 fund, credit for prior service by police officers (including prior service as a full-time, fully paid town marshal or full-time, fully paid deputy town marshal by a police officer employed by a metropolitan board of police commissioners) or by firefighters before the date of participation may be given by the PERF board only if:

(1) the unit contributes to the 1977 fund the amount necessary to amortize prior service liability over a period of not more than forty (40) years, the amount and period to be determined by the PERF board; and

(2) the police officers or firefighters pay, either in a lump sum or in a series of payments determined by the PERF board, the amount that they would have contributed if they had been members of the 1977 fund during their prior service.

If the requirements of subdivisions (1) and (2) are not met, a fund member is entitled to credit only for years of service after the date of participation.

(b) If a unit becomes a participant in the 1977 fund under section 3(c) of this chapter, or if a firefighter becomes a member of the 1977 fund under section 7(g) of this chapter, credit for prior service before the date of participation or membership shall be given by the PERF board as follows:

(1) For a member who will accrue twenty (20) years of service credit in the 1977 fund by the time the member reaches the earliest retirement age under the fund at the time of the member's date of participation in the 1977 fund, the member will be given credit in the 1977 fund for one-third (1/3) of the member's years of participation in PERF as a police officer, a firefighter, or an emergency medical technician.

(2) For a member who will not accrue twenty (20) years of service credit in the 1977 fund by the time the member reaches the earliest retirement age under the fund at the time of the member's date of participation in the 1977 fund, such prior service shall be given only if:

(A) The unit contributes to the 1977 fund the amount necessary to fund prior service liability amortized over a period of not more than ten (10) years. The amount of contributions must be based on the actual salary earned by a first class firefighter at the time the unit becomes a participant in the 1977 fund, or the firefighter becomes a member of the 1977 fund, or if no such salary designation exists, the actual salary earned by the firefighter. ~~However, credit for prior service is limited to the amount necessary to allow the firefighter to accrue twenty (20) years of service credit in the 1977 fund by the time the firefighter reaches the earliest retirement age under the 1977 fund at the time of the member's date of participation in the 1977 fund.~~ The limit on credit for prior service does not apply if the firefighter was a member of the 1937 fund or 1977 fund whose participation was terminated due to the creation of a new fire protection district under IC 36-8-11-5 and who subsequently became a member of the 1977 fund. A firefighter who was a member of or reentered the 1937 fund or 1977 fund whose participation was terminated due to the creation of a new fire protection district under IC 36-8-11-5 is entitled to full credit for prior service in an amount equal to the firefighter's years of service before becoming a member of or reentering the 1977 fund. Service may only be credited for time as a full-time, fully paid firefighter or as an emergency medical technician under section 7(g) of this chapter.

(B) The amount the firefighter would have contributed if the firefighter had been a member of the 1977 fund during the firefighter's prior service must be fully paid and must be based on the firefighter's actual salary earned during that period before service can be credited under this section.

(C) Any amortization schedule for contributions paid under clause (A) and contributions to be paid under clause (B) must include interest at a rate determined by the PERF board.

(3) If, at the time a unit entered the 1977 fund, the unit contributed the amount required by subdivision (2) so that a fund member received the maximum prior service credit allowed by subdivision (2) and, at a later date, the earliest retirement age was lowered, the unit may contribute to the 1977 fund on the fund member's behalf an additional amount that is determined in the same manner as under subdivision (2) with respect to the additional prior service,

if any, available as a result of the lower retirement age. If the unit pays the additional amount described in this subdivision in accordance with the requirements of subdivision (2), the fund member shall receive the additional service credit necessary for the fund member to retire at the lower earliest retirement age.

(c) This subsection applies to a unit that:

(1) becomes a participant in the 1977 fund under section 3(c) of this chapter; and

(2) is a fire protection district created under IC 36-8-11 that includes a township or a municipality that had a 1937 fund.

A firefighter who continues uninterrupted service with a unit covered by this subsection and who participated in the township or municipality 1937 fund is entitled to receive service credit for such service in the 1977 fund. However, credit for such service is limited to the amount accrued by the firefighter in the 1937 fund or the amount necessary to allow the firefighter to accrue twenty (20) years of service credit in the 1977 fund by the time the firefighter becomes fifty-five (55) years of age, whichever is less.

(d) The unit shall contribute into the 1977 fund the amount necessary to fund the amount of past service determined in accordance with subsection (c), amortized over a period not to exceed ten (10) years with interest at a rate determined by the PERF board.

(e) If the township or municipality has accumulated money in its 1937 fund, any amount accumulated that exceeds the present value of all projected future benefits from the 1937 plan shall be paid by the township or municipality to the unit for the sole purpose of making the contributions determined in subsection (d).

(f) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing permissive service credit under this chapter, a rollover of a distribution from any of the following:

(1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.

(2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(3) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.

(4) An individual retirement account or annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.

(g) To the extent permitted by the Internal Revenue Code and the applicable regulations, the 1977 fund may accept, on behalf of a fund member who is purchasing permissive service credit under this chapter, a trustee to trustee transfer from any of the following:

(1) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(2) An eligible deferred compensation plan under Section 457(b) of the Internal Revenue Code.".

Page 4, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 6. IC 36-8-10.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The education board shall adopt rules under IC 4-22-2 establishing minimum basic training requirements for full-time firefighters and volunteer firefighters, **subject to subsection (b).** ~~that~~ **The requirements** must include training in the following areas:

(1) Orientation.

(2) Personal safety.

(3) Forcible entry.

(4) Ventilation.

(5) Apparatus.

(6) Ladders.

(7) Self-contained breathing apparatus.

(8) Hose loads.

(9) Streams.

(10) Basic recognition of special hazards.

(b) A person who fulfills the certification requirements for:

(1) Firefighter I, as described in 655 IAC 1-2.1-4; or

(2) Firefighter II, as described in 655 IAC 1-2.1-5;

is considered to comply with the requirements established under subsection (a).

~~(b)~~ **(c)** In addition to the requirements of subsections (a) and ~~(c),~~ **(d),** the minimum basic training requirements for full-time firefighters and volunteer firefighters must include successful completion of a basic or inservice course of education and training on sudden infant death syndrome that is certified by the emergency medical services commission (created under IC 16-31-2-1) in conjunction with the state health commissioner.

~~(c)~~ **(d)** In addition to the requirements of subsections (a) and ~~(b),~~ **(c),** the minimum basic training requirements for full-time and volunteer firefighters must include successful completion of an instruction course on vehicle emergency response driving safety. The education board shall adopt rules under IC 4-22-2 to operate this course.

SECTION 7. IC 36-8-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This chapter applies
to a county ~~having:~~ **that has:**

(1) a consolidated city; ~~or~~

(2) a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); **or**

(3) adopted an ordinance providing for the county to be governed by this chapter.

However, sections 9.5, 15, 16, 17, and 18 of this chapter apply only to a county having a consolidated city.

SECTION 8. IC 36-8-15-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) This subsection applies to a county ~~not having a consolidated city.~~ **that has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).** For the purpose of raising money to fund the operation of the district, the county fiscal body may impose, for property taxes first due and payable during each year after the adoption of an ordinance establishing the district, an ad valorem property tax levy on property within the district. The property tax rate for that levy may not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation.

(b) This subsection applies to a county having a consolidated city. The county fiscal body may elect to fund the operation of the district from part of the certified distribution, if any, that the county is to receive during a particular calendar year under IC 6-3.5-6-17. To make such an election, the county fiscal body must adopt an ordinance before September 1 of the immediately preceding calendar year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to fund the operation of the district. If the county fiscal body adopts such an ordinance, it shall immediately send a copy of the ordinance to the county auditor.

(c) Subject to subsections (d), (e), and (f), if an ordinance or resolution is adopted changing the territory covered by the district or the number of public agencies served by the district, the local government tax control board shall, for property taxes first due and payable during the year after the adoption of the ordinance, adjust the maximum permissible ad valorem property tax levy limits of the district and the units participating in the district.

(d) If a unit by ordinance or resolution joins the district or elects to have its public safety agencies served by the district, the

local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the unit for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amount budgeted by the unit for public safety communication services in the year in which the ordinance was adopted. If such an ordinance or resolution is adopted, the district shall refer its proposed budget, ad valorem property tax levy, and property tax rate for the following year to the board, which shall review and set the budget, levy, and rate as though the district were covered by IC 6-1.1-18.5-7.

(e) If a unit by ordinance or resolution withdraws from the district or rescinds its election to have its public safety agencies served by the district, the local government tax control board shall reduce the maximum permissible ad valorem property tax levy of the district for property taxes first due and payable during the year after the adoption of the ordinance or resolution. The reduction shall be based on the amounts being levied by the district within that unit. If such an ordinance or resolution is adopted, the unit shall refer its proposed budget, ad valorem property tax levy, and property tax rate for public safety communication services to the board, which shall review and set the budget, levy, and rate as though the unit were covered by IC 6-1.1-18.5-7.

(f) The adjustments provided for in subsections (c), (d), and (e) do not apply to a district or unit located in a particular county if the county fiscal body of that county does not impose an ad valorem property tax levy under subsection (a) to fund the operation of the district.

(g) A county that has adopted an ordinance under section 1(3) of this chapter may not impose an ad valorem property tax levy on property within the district to fund the operation or implementation of the district.

SECTION 9. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "board" refers to the following:**

(1) For the 1925 fund, the local board as referenced in IC 36-8-6-2.

(2) For the 1937 fund, the local board as referenced in IC 36-8-7-3.

(3) For the 1953 fund, the local board as referenced in IC 36-8-7.5-2.

(4) For the 1977 fund, the PERF board as referenced in IC 36-8-8-4.

(b) As used in this SECTION, "member" means an individual who is a member of any of the following funds:

(1) 1925 police pension fund (IC 36-8-6) (1925 fund).

(2) 1937 firefighters' pension fund (IC 36-8-7) (1937 fund).

(3) 1953 police pension fund (Indianapolis) (IC 36-8-7.5) (1953 fund).

(4) 1977 police officers' and firefighters' pension and disability fund (IC 36-8-8) (1977 fund).

(c) A member:

(1) who, after March 14, 2006, and before July 1, 2006, made or attempted to make an election to enter a deferred retirement option plan (DROP) under IC 36-8-8.5-9 with a DROP retirement date (as defined in IC 36-8-8.5-8) after December 31, 2007; and

(2) whose election under subdivision (1) was not approved;

is entitled to resubmit the election described in subdivision (1) as initially submitted.

(d) A member may not resubmit an election described in subsection (c) after July 1, 2007.

(e) For an election that is resubmitted under subsection (c), the board shall:

(1) accept the election as resubmitted; and

(2) use the DROP entry date (as defined in IC 36-8-8.5-6) and the DROP retirement date (as defined in IC 36-8-8.5-8) shown on the resubmitted election as the dates the member enters and exits the DROP.

(f) This SECTION expires December 31, 2007.".

Page 4, after line 15, begin a new paragraph and insert:

"SECTION 11. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 561 as reprinted February 26, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 562, 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, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 4. IC 23-14-48-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Except as provided in ~~subsection~~ **subsections** (b) **and (c),** a person who knowingly violates this chapter commits a Class A misdemeanor.

(b) A person who makes a false or fraudulent representation as to the existence, amount, investment, control, or condition of a perpetual care fund of a cemetery for the purpose of inducing another to purchase any burial right commits a Class C infraction.

(c) A person who knowingly or intentionally uses funds in a perpetual care fund or an endowment care fund established under this chapter for purposes other than the perpetual care of the cemetery for which the perpetual care fund or endowment fund was established commits a Class C felony.".

Page 7, line 31, delete "Reimbursement of the amount originally paid for the" and insert "**If a person or an entity having jurisdiction over the cemetery has resold the burial space, reimbursement for the amount for which the burial space was resold minus the following:**

(A) The costs paid by the person or entity having jurisdiction over the cemetery in providing notice and advertising as required under this chapter.

(B) The sales commission costs in the resale of the burial space.".

Page 7, delete line 32.

Page 7, line 41, delete "Class B misdemeanor." and insert "**Class A misdemeanor.**".

Page 7, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 8. IC 30-2-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. **(a) Except as provided in subsection (b),** a person who violates this chapter or makes any false and fraudulent report required under this chapter commits a Class B misdemeanor.

(b) A person who knowingly or intentionally uses funds in a funeral trust established under this chapter for purposes other than the purposes required under this chapter commits a Class C felony.

SECTION 9. IC 30-2-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. **(a) Except as provided in subsection (b),** a person who knowingly violates this chapter commits a Class A misdemeanor.

(b) A person who knowingly or intentionally uses funds in a funeral trust established under this chapter for purposes other than the purposes required under this chapter commits a Class C felony.".

Page 8, after line 18, begin a new paragraph and insert:

"SECTION 13. [EFFECTIVE JULY 1, 2007] **IC 23-14-48-9,**

IC 30-2-9-7, and IC 30-2-10-9, all as amended by this act, apply only to acts committed after June 30, 2007.".

Renumber all SECTIONS consecutively.

(Reference is to SB 562 as printed February 21, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

SUMMERS, Chair

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:20 p.m. with the Speaker in the Chair.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 29

Representative Robertson called down Engrossed Senate Bill 29 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 29–1)

Mr. Speaker: I move that Engrossed Senate Bill 29 be amended to read as follows:

Page 5, after line 9, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committee" refers to the interim study committee on teachers' retirement fund benefits established by this SECTION.**

(b) There is established the interim study committee on teachers' retirement fund benefits. The committee shall study the benefit structure of the state teachers' retirement fund established under IC 5-10.4.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(e) This SECTION expires December 31, 2007.

SECTION 4. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 29 as printed April 3, 2007.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 105

Representative Austin called down Engrossed Senate Bill 105 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 105–4)

Mr. Speaker: I move that Engrossed Senate Bill 105 be amended to read as follows:

Delete the title and insert the following:

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

Page 5, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 5. IC 8-15-2-1, AS AMENDED BY P.L.47-2006, SECTION 8, AND AS AMENDED BY P.L.1-2006, SECTION 156, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) In order to remove the handicaps and hazards on the congested highways in Indiana, to facilitate vehicular traffic throughout the state, to promote the agricultural and industrial development of the state, and to provide for the general welfare by the construction of modern express highways embodying safety devices, including center division, ample shoulder widths, long sight distances, multiple lanes in each direction, and grade separations at intersections with other highways and railroads, the authority may:

(1) *subject to subsection (d),* construct, reconstruct, maintain, repair, and operate toll road projects at such locations as shall be approved by the governor;

(2) in accordance with such alignment and design standards as shall be approved by the authority and subject to IC 8-9.5-8-10, issue toll road revenue bonds of the state payable solely from funds pledged for their payment, as authorized by this chapter, to pay the cost of such projects;

(3) finance, develop, construct, reconstruct, improve, or maintain improvements for manufacturing, commercial, or public transportation activities within a county through which a toll road passes;

(4) in cooperation with the Indiana department of transportation or a political subdivision, construct, reconstruct, or finance the construction or reconstruction of an arterial highway or an arterial street that is located within a county through which a toll road passes and that:

(A) interchanges with a toll road project; or

(B) intersects with a road or a street that interchanges with a toll road project;

(5) finance improvements necessary for developing transportation corridors in northwestern Indiana; and

(6) exercise these powers in participation with any governmental entity or with any individual, partnership, limited liability company, or corporation.

(b) Notwithstanding subsection (a), the authority shall not construct, maintain, operate, nor contract for the construction, maintenance, or operation of transient lodging facilities on, or adjacent to, such toll road projects.

(c) This chapter:

(1) applies to the authority only when acting for the purposes set forth in this chapter; and

(2) does not apply to the authority when acting under any other statute for any other purpose.

(d) Notwithstanding any other law, neither the authority nor an operator selected under IC 8-15.5 may carry out any of the following activities under this chapter unless the general assembly enacts a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(2) Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

(3) Imposing tolls on motor vehicles for use of any part of Interstate Highway 69 between Interstate Highway 465 and Interstate Highway 64.

SECTION 6. IC 8-15-3-9, AS AMENDED BY P.L.47-2006, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Subject to subsection (e), the governor must approve the location of any tollway.

(b) **Subject to subsection (e),** the department may, in any combination, plan, design, develop, construct, reconstruct, maintain, repair, police, finance, and operate tollways, public improvements, and arterial streets and roads at those locations that the governor approves.

(c) The department may, in any combination, plan, design, develop, construct, reconstruct, improve, finance, operate, repair, or maintain public improvements such as roads and streets, sewer lines, water lines, and other utilities if these improvements are:

(1) adjacent or appurtenant to a tollway; or

(2) necessary or desirable for the financing, construction, operation, or maintenance of a tollway.

(d) The department may, in any combination, plan, design, develop, construct, reconstruct, improve, maintain, repair, operate, or finance the construction or reconstruction of an arterial highway or an arterial street that:

(1) is adjacent to, appurtenant to, or interchanges with a tollway; or

(2) intersects with a road or street that interchanges with a tollway.

(e) Notwithstanding any other law, the governor, the department, or an operator may not carry out any of the following activities under this chapter unless the general assembly enacts a statute authorizing that activity:

(1) Approve the location of a tollway. ~~other than Interstate Highway 69 between Interstate Highway 64 and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).~~

(2) Carry out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(3) Impose tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

(4) Impose tolls on motor vehicles for use of any part of Interstate Highway 69 between Interstate Highway 465 and Interstate Highway 64.

SECTION 7. IC 8-15.5-1-2, AS ADDED BY P.L.47-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority and a private entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a toll road project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Notwithstanding any other law, after August 1, 2006, neither the authority nor the department may:

(1) issue a request for proposals for; or

(2) enter into;

a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a project, unless the general assembly adopts a statute authorizing the imposition of tolls.

(c) Notwithstanding any other law, neither the authority nor an operator may carry out any of the following activities under this article unless the general assembly enacts a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(2) Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

(3) Imposing tolls on motor vehicles for use of any part of Interstate Highway 69 between Interstate Highway 465 and Interstate Highway 64.".

Page 5, line 40, after "agreement" insert ".".

Page 5, line 40, strike "concerning a project other than".

Page 5, strike lines 41 through 42.

Page 6, between lines 9 and 10, begin a new line block indented and insert:

"**(4) Imposing user fees on motor vehicles for use of any part of Interstate Highway 69 between Interstate Highway 465 and Interstate Highway 64.**".

Page 7, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 11. IC 8-23-7-22, AS AMENDED BY P.L.47-2006, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Subject to subsection (b), the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a tollway. After the order becomes effective, the department shall maintain and operate the tollway and levy and collect tolls as provided in IC 8-15-3 or enter into a public-private agreement with an operator with respect to the tollway under IC 8-15.7. Before issuing an order under this section, the department shall submit to the governor a plan to bring the tollway to the current design standards of the department for new state highways within a specified period. The specified period may not exceed five (5) years.

(b) Notwithstanding any other law, the governor, the department, or an operator may not carry out any of the following activities under this section unless the general assembly enacts a statute authorizing that activity:

(1) Determine that a highway ~~other than Interstate Highway 69 between Interstate Highway 64 and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740),~~ should become a tollway.

(2) Carry out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(3) Impose tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

SECTION 12. IC 8-23-7-23, AS AMENDED BY P.L.47-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) Subject to subsection (c), the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a toll road. An order under this section does not become effective unless the authority adopts a resolution to accept the designated state highway, or part of the highway, as a toll road project under the conditions contained in the order. An order issued by the department under this section must set forth the conditions upon which the transfer of the state highway, or part of the highway, to the authority must occur, including the following:

(1) The consideration, if any, to be paid by the authority to the department.

(2) A requirement that the authority:

(A) enter into a contract or lease with the department with respect to the toll road project under IC 8-9.5-8-7 or IC 8-9.5-8-8; or

(B) enter into a public-private agreement with an operator with respect to the toll road under IC 8-15.5.

(b) To complete a transfer under this section, the department

must, with the governor's approval, execute a certificate describing the real and personal property constituting or to be transferred with the state highway that is to become a toll road project. Upon delivery of the certificate to the authority, the real and personal property described in the certificate is under the jurisdiction and control of the authority.

(c) Notwithstanding any other law, ~~neither~~ **the governor,** the authority, ~~nor~~ **or** an operator may **not** carry out any of the following activities under this section unless the general assembly enacts a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(2) Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

(3) Determining that a highway should become a toll road.

SECTION 13. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "augmentation allowed" means the governor and the budget agency are authorized to add to an appropriation in this SECTION from revenues accruing to the fund from which the appropriation was made.**

(b) There is appropriated to the department of transportation forty-four million dollars ($44,000,000) from the major moves construction fund (IC 8-14-14-5) for its use to complete the part of the New I-69 Evansville to Indianapolis project designated for completion in 2008 in the Indiana Department of Transportation Major New Highway Construction Plan (2006-2015), beginning July 1, 2007, and ending June 30, 2008. Augmentation is allowed.

(c) There is appropriated to the department of transportation seventy-five million dollars ($75,000,000) from the major moves construction fund (IC 8-14-14-5) for its use to complete the part of the New I-69 Evansville to Indianapolis project designated for completion in 2009 in the Indiana Department of Transportation Major New Highway Construction Plan (2006-2015), beginning July 1, 2008, and ending June 30, 2009. Augmentation is allowed.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 105 as printed April 3, 2007.)

STILWELL

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

HOUSE MOTION
(Amendment 105–2)

Mr. Speaker: I move that Engrossed Senate Bill 105 be amended to read as follows:

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"**(h) Money in the fund may not be expended for a purpose not authorized by this chapter unless the general assembly enacts a statute specifically authorizing the expenditure of money in the fund for that purpose.**".

(Reference is to ESB 105 as printed April 3, 2007.)

DAVIS

After discussion, Representative Davis withdrew the motion.

HOUSE MOTION
(Amendment 105–3)

Mr. Speaker: I move that Engrossed Senate Bill 105 be amended to read as follows:

Page 7, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 8. IC 8-23-27 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 27. Illiana Expressway

Sec. 1. As used in this chapter, "committee" refers to the Illiana expressway proposal review committee established by section 4 of this chapter.

Sec. 2. As used in this chapter, "Illiana expressway" refers to a new interstate-quality highway connecting Interstate Highway 57 in Illinois to Interstate Highway 65 in Indiana.

Sec. 3. As used in this chapter, "study" refers to the study described in section 14 of this chapter.

Sec. 4. The Illiana expressway proposal review committee is established.

Sec. 5. (a) The committee consists of eight (8) voting members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be from the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be from the same political party, to be appointed by the speaker of the house of representatives.

(b) At least two (2) of the members appointed under subsection (a)(1) and at least two (2) of the members appointed under subsection (a)(2) must represent a district that encompasses all or part of Lake County.

(c) A vacancy on the committee shall be filled by the appointing authority.

(d) Initial appointments to the committee must be made before June 2, 2007.

Sec. 6. (a) The president pro tempore of the senate shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of odd-numbered years.

(b) The speaker of the house of representatives shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of even-numbered years.

Sec. 7. The committee shall do the following:

(1) Take and review the study presented to the committee under section 14 of this chapter, testimony, and other information provided to the committee by the Indiana department of transportation, other state agencies or federal agencies, and the public concerning the proposed Illiana expressway project.

(2) Prepare a report to be submitted to the governor and to the legislative council in electronic format under IC 5-14-6 regarding the committee's determination of whether the proposed Illiana expressway project is recommended by the committee.

Sec. 8. The committee shall meet at the call of the chairperson.

Sec. 9. (a) Except as provided in subsection (b), the committee shall operate under the policies governing study committees adopted by the legislative council, including the requirement of filing an annual report in an electronic format under IC 5-14-6.

(b) The committee may meet at any time during the calendar year.

Sec. 10. (a) Five (5) members of the committee constitute a quorum.

(b) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

Sec. 11. The legislative services agency shall provide staff support for the committee.

Sec. 12. Each member of the committee appointed under this chapter is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general

assembly serving on legislative study committees established by the legislative council.

Sec. 13. Representatives of the Indiana department of transportation shall testify before the committee upon request of the chairperson.

Sec. 14. The department shall conduct an independent study to:

(1) perform a needs assessment of an Illiana expressway; and

(2) identify a highway alignment corridor for an Illiana expressway.

The department may use any part of a study conducted before April 29, 2007, to comply with this section.

Sec. 15. Before July 1, 2009, the department shall present a report to:

(1) the members of the committee in an electronic format under IC 5-14-6; and

(2) the governor;

that presents the findings of the study conducted under section 14 of this chapter and includes sufficient background for the members of the committee and the governor to evaluate the findings presented in the study. The report must include at least the following:

(1) A description of the need for an Illiana expressway.

(2) An evaluation concerning the feasibility of an Illiana expressway, including the following:

(A) Projections for acquisition costs and eminent domain issues.

(B) Expected use of the proposed expressway and any toll revenues.

(C) Expected construction costs.

(D) Expected operating and maintenance costs.

(E) Options for funding acquisition, construction, operation, and maintenance costs.

(3) A description of the department's recommended route for an Illiana expressway, including the following:

(A) Traffic projections showing expected use and relief of congestion.

(B) Alternative routes.

(C) Economic impact studies on the proposed route and affected areas.

(4) Any other information that is necessary or appropriate to assist the general assembly in evaluating the Illiana expressway project.

Sec. 16. The department may pay for the study conducted under section 14 of this chapter from any funds available to the department. The amount expended for the study may not exceed two million dollars ($2,000,000).".

Renumber all SECTIONS consecutively.

(Reference is to ESB 105 as printed April 3, 2007.)

SOLIDAY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 129

Representative Tyler called down Engrossed Senate Bill 129 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 129–1)

Mr. Speaker: I move that Engrossed Senate Bill 129 be amended to read as follows:

Page 2, line 41, before "dues" insert "**representation fees, "fair share" fees, or**".

(Reference is to ESB129 as printed April 3, 2007.)

TORR

Upon request of Representatives Torr and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 442: yeas 43, nays 51. Motion failed.

HOUSE MOTION
(Amendment 129–2)

Mr. Speaker: I move that Engrossed Senate Bill 129 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 5-28-27-3, AS AMENDED BY SEA 526-2007, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The skills 2016 training fund is established to do the following:

(1) Administer the costs of the skills 2016 training program established under IC 22-4-10.5.

(2) Undertake any program or activity that furthers the purposes of IC 22-4-10.5.

(3) Refund skills 2016 training assessments erroneously collected and deposited in the fund.

(b) **Except as provided in IC 22-4.1-17,** the money in the fund shall be allocated as follows:

(1) An amount to be determined annually shall be set aside for the payment of refunds from the fund.

(2) The remainder of the money in the fund shall be allocated to employers or consortiums for incumbent worker training grants that enable workers to obtain recognizable credentials or certifications and transferable employment skills that improve employer competitiveness.

(c) Special consideration shall be given to Ivy Tech Community College to be the provider of the training funded under this chapter whenever the state educational institution:

(1) meets the identified training needs of an employer or a consortium with an existing credentialing or certification program; and

(2) is the most cost effective provider.

(d) For the incumbent worker training grants described in subsection (b), the department of workforce development shall do the following:

(1) Provide grant applications to interested employers and consortiums.

(2) Accept completed applications for the grants.

(3) Obtain all information necessary or appropriate to determine whether an applicant qualifies for a grant, including information concerning:

(A) the applicant;

(B) the training to be offered;

(C) the training provider; and

(D) the workers to be trained.

(4) Prepare summaries or other reports to assist the secretary of commerce in reviewing the grant applications.

(e) The department of workforce development shall forward the grant applications and other information collected or received by the department under subsection (d) to the secretary of commerce who shall allocate the money in the fund in accordance with subsections (b) and (c), after considering the information provided by the department of workforce development.

(f) The corporation shall enter into an agreement with the department of workforce development for the department of workforce development to administer the fund using money appropriated from the fund.

(g) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(h) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) The fund consists of the following:

(1) Assessments deposited in the fund.

(2) Earnings acquired through the use of money belonging

to the fund.

(3) Money deposited in the fund from any other source.

(4) Interest and penalties collected.

(j) Any balance in the fund does not lapse but is available continuously to the corporation for expenditures for the program established under IC 22-4-10.5 consistent with this chapter, after considering any information concerning an expenditure provided by the department of workforce development.

SECTION 2. IC 6-3.1-31.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:

Chapter 31.7. Basic Skills Training Course Tax Credit

Sec. 1. As used in this chapter, "credit" refers to a tax credit against state tax liability.

Sec. 2. As used in this chapter, "employer" has the meaning set forth in IC 22-4-7.

Sec. 3. As used in this chapter, "pass through entity" means a:

(1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);

(2) partnership;

(3) limited liability company; or

(4) limited liability partnership.

Sec. 4. As used in this chapter, "qualified employee" means an individual in an employment relationship (as defined in IC 22-4-8-1) with a qualified employer.

Sec. 5. As used in this chapter, "qualified employer" means an employer that has been awarded a credit under section 8 of this chapter.

Sec. 6. As used in this chapter, "state tax liability" means a taxpayer's total state tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);

(2) IC 6-5.5 (the financial institutions tax); and

(3) IC 27-1-18-2 (the insurance premium tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 7. As used in this chapter, "taxpayer" means an individual or entity that has state tax liability.

Sec. 8. (a) The department of workforce development shall carry out a program to qualify employers for a credit of not more than fifty thousand dollars ($50,000) per taxable year for fifty percent (50%) of a qualified employer's cost for all qualified employees' expenses for tuition and regularly assessed fees, not to exceed five hundred dollars ($500) per qualified employee, that are incurred to complete basic skills training courses.

(b) For each specified state fiscal year, the department of workforce development may award not more than the following amounts of tax credits under this chapter:

(1) For the state fiscal year beginning July 1, 2007, five million dollars ($5,000,000).

(2) For the state fiscal year beginning July 1, 2008, the sum of:

(A) two million five hundred thousand dollars ($2,500,000); plus

(B) the amount by which the subdivision (1) amount exceeds the amount of tax credits that the department awards under this chapter during the state fiscal year beginning July 1, 2007.

(c) The department of workforce development shall determine the:

(1) qualifications for an award of credits under this chapter;

(2) amount of credits to be awarded to each qualifying employer; and

(3) tuition and regularly assessed fees that are eligible for the credit under this chapter.

(d) The department of workforce development shall process employer applications for an award of credits under this chapter in the order the applications are received. If the department of workforce development determines that an employer applicant meets the qualifications developed under subsection (c)(1), the department of workforce development shall immediately certify the employer for an award of credits in accordance with section 9 of this chapter.

Sec. 9. The department of workforce development shall certify the maximum amount of credit that a qualified employer is eligible for in a taxable year to the qualified employer. The maximum amount of credit that the department of workforce development may certify for a qualified employer for a taxable year is fifty thousand dollars ($50,000).

Sec. 10. (a) A qualified employer that has a qualified employee who completes a basic skills training course and achieves a:

(1) general education degree (GED) or high school equivalent degree as defined by the state department of education under IC 20-20-6; or

(2) skill level gain in mathematics, reading, or computer literacy as determined by the department of workforce development;

in a taxable year is entitled to a credit against the qualified employer's state tax liability for the taxable year.

(b) The amount of the credit to which the qualified employer is entitled for a particular qualified employee is the least of the following:

(1) Fifty percent (50%) of the qualified employer's costs for the qualified employee's tuition expenses and regularly assessed fees.

(2) Five hundred dollars ($500).

(3) The balance of the credits awarded to the qualified employer for the taxable year that has not been applied toward the costs of another basic skills training course.

Sec. 11. If a pass through entity is entitled to a credit under this chapter but does not have state tax liability against which the credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a credit equal to:

(1) the credit determined for the pass through entity for the taxable year; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

Sec. 12. A taxpayer is not entitled to a carryforward, carryback, or refund of any unused credit.

Sec. 13. To receive a credit, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department of state revenue or (in the case of the premiums tax) the department of insurance. A qualified employer must provide a copy of the certification letter received from the department of workforce development when the credit is claimed on the taxpayer's tax return.

Sec. 14. Not more than ninety (90) days after the end of a state fiscal year, the:

(1) department of state revenue; and

(2) department of insurance;

shall certify to the department of workforce development the name of each taxpayer awarded a credit and the total amount of credits claimed on tax returns processed during the immediately preceding state fiscal year.

Sec. 15. (a) The department of workforce development shall before June 1 of each year estimate the total amount of credits that will be certified under section 9 of this chapter for the following state fiscal year. The department of workforce development shall before June 30 of each year transfer to the state general fund as follows the amount estimated for the following state fiscal year:

(1) Fifty percent (50%) of the amount shall be transferred from the skills 2016 training fund established by IC 22-4-10.5-2.

(2) Fifty percent (50%) of the amount shall be transferred from the special employment and training services fund established by IC 5-28-27-3.

(b) Notwithstanding subsection (a), for the state fiscal year beginning July 1, 2007, the department of workforce development shall before August 1, 2007, estimate the total amount of credits that will be certified under section 9 of this chapter in the state fiscal year beginning July 1, 2007, and shall make the transfer to the state general fund required by subsection (a) before September 1, 2007.

(c) The department of workforce development shall adjust each transfer made under subsection (a) to account for any amounts by which the transfer made under subsection (a) in the previous year was less than or greater than the amount of credits actually certified under section 9 of this chapter in the state fiscal year.

Sec. 16. The department of workforce development may audit each taxpayer to ensure that a qualified employer's qualified employees have completed the requirements that qualify a taxpayer for a credit granted under this chapter.

Sec. 17. This chapter expires December 31, 2008.

SECTION 3. IC 22-4-14-2, AS AMENDED BY P.L.108-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) An unemployed individual is eligible to receive benefits with respect to any week only if the individual has:

(1) registered for work at an employment office or branch thereof or other agency designated by the commissioner within the time limits that the department by rule adopts; ~~and~~

(2) subsequently reported with the frequency and in the manner, either in person or in writing, that the department by rule adopts; **and**

(3) complied with IC 22-4.1-17.

(b) Failure to comply with subsection (a) shall be excused by the commissioner or the commissioner's authorized representative upon a showing of good cause therefor. The department shall by rule waive or alter the requirements of this section as to such types of cases or situations with respect to which the department finds that compliance with such requirements would be oppressive or would be inconsistent with the purposes of this article.

(c) The department shall provide job counseling or training to an individual who remains unemployed for at least four (4) weeks. The manner and duration of the counseling shall be determined by the department.

(d) An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) is entitled to complete the reporting, counseling, or training that must be conducted in person at a one stop center selected by the individual. The department shall advise an eligible individual that this option is available.

SECTION 4. IC 22-4.1-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 17. Workforce Skill Advancement Project

Sec. 1. As used in this chapter, "project" refers to the workforce skill advancement project established by section 5 of this chapter.

Sec. 2. As used in this chapter, "regional workforce board" has the meaning set forth in IC 22-4.5-2-9.7.

Sec. 3. As used in this chapter, "work keys" means a three (3) stage standardized employability skills assessment tool implemented by the department.

Sec. 4. As used in this chapter, "workforce investment board" has the meaning set forth in IC 22-4.5-2-13.5.

Sec. 5. (a) The workforce skill advancement project is established.

(b) The department shall administer the project.

(c) The project includes the following components:

(1) Participation in an orientation to the one stop system and one stop partners. The orientation must include information about available jobs and the skills, certifications, and training necessary to qualify for the jobs.

(2) Completion of the work keys skills assessments for:

(A) reading for information;

(B) applied mathematics; and

(C) locating information.

Sec. 6. (a) Except as provided in section 8 of this chapter, if the department determines that an individual is eligible for unemployment insurance benefits under IC 22-4, the individual shall participate in the project.

(b) An individual who participates in the project shall participate in the skill remediation components for each skill area in which the individual's skill levels are deficient, as determined by the work keys skills assessment.

(c) An individual who applies for unemployment insurance and wants to work in a different occupational area than the area in which the individual was employed shall participate in a work keys skills assessment for the new occupational area. The individual shall participate in a skill remediation component for each occupational area in which the individual's skill levels are deficient, as determined by the work keys skills assessment.

Sec. 7. Each regional workforce board, together with local elected officials, shall develop a plan of short term training options, not to exceed six (6) weeks in length, and placement assistance to provide to individuals who participate in the project. To the extent possible, a regional workforce board shall use existing remediation software and adult education programs for skill remediation under this chapter.

Sec. 8. (a) For purposes of this section, an individual is job attached if the individual:

(1) expects to be recalled to a job within twelve (12) weeks after becoming separated from employment; and

(2) is not required to contact other employers or register for work until after the expiration of twelve (12) weeks;

as confirmed by the department with the individual's employer.

(b) An individual who:

(1) is eligible for unemployment insurance as determined by the department; and

(2) is not job attached;

shall participate in the project unless the individual is exempt under subsection (c).

(c) The department, in consultation with the workforce investment boards and the regional workforce boards, shall develop a policy under which an individual described in subsection (b) is exempt from participation in the project if the individual's participation poses a hardship to the individual. A hardship may include the following:

(1) There is a lack of training provided within a reasonable distance from the individual's residence or most recent worksite.

(2) The individual has already been assessed and remediated by means of a suitable assessment tool, as determined by the department.

(3) The individual possesses basic work skills that department and the regional workforce board determine are in demand.

(4) There are insufficient funds to provide training.

(d) An individual who is:

(1) job attached; and

(2) temporarily laid off;

may participate in the project at the discretion of the regional workforce board.

Sec. 9. (a) An individual who is required to participate in the project but fails to begin participation is ineligible for unemployment insurance benefits for the week in which the individual's participation is scheduled to begin and for each following week until the individual begins participation in the project.

(b) The department shall make a determination that an individual is ineligible for unemployment insurance benefits under subsection (a) in accordance with IC 22-4-17.

Sec. 10. The department, workforce investment boards, and regional workforce boards shall fund the project with set asides from the existing funds available from the following sources:

(1) Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(2) Workforce Investment Act (29 U.S.C. 2801 et seq.).

(3) Skills 2016 training fund established by IC 5-28-27-3.

The general assembly shall determine the amount of funding from each source.

Sec. 11. (a) Not later than June 1 of each year, each regional workforce board shall report to the department in an electronic format on the status of the regional workforce board's programs under this chapter.

(b) Not later than July 1 of each year, the department shall compile the reports submitted under subsection (a) and submit the compilation in an electronic format under IC 5-14-6 to the general assembly.

Sec. 12. The department may adopt rules under IC 4-22-2 to fulfill its duties and obligations under this chapter.".

Page 5, after line 38, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE UPON PASSAGE] **To carry out IC 6-3.1-31.7, as added by this act, the department of workforce development may adopt temporary rules in the manner provided for the adoption, filing, and publication of emergency rules under IC 4-22-2-37.1. A temporary rule adopted under this SECTION expires on the earlier of the following:**

(1) The date that another temporary rule is adopted under this SECTION to replace the previously adopted temporary rule.

(2) January 1, 2009.

SECTION 8. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] **IC 6-3.1-31.7, as added by this act, applies to taxable years beginning after December 31, 2006.**

SECTION 9. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 129 as printed April 3, 2007.)

DAVIS

After discussion, Representative Davis withdrew the motion.

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

Engrossed Senate Bill 134

Representative Tyler called down Engrossed Senate Bill 134 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 134–2)

Mr. Speaker: I move that Engrossed Senate Bill 134 be amended to read as follows:

Page 3, line 2, delete "basic first aid,".

Page 3, line 2, after "resuscitation" delete ",".

Page 3, line 4, delete "Ensure" and insert "**Reasonably ensure**".

Page 3, line 5, after "premises" insert "**when staff is present at the health club**".

Page 3, between lines 6 and 7, begin a new line block indented and insert:

"**(4) A health club that is not staffed must have the following on the premises:**

(A) A telephone for 911 telephone call access.

(B) A sign in plain view containing an advisory warning that indicates that members of the unstaffed health spa should be aware that working out alone may pose risks to the health spa member's health and safety.

(C) A sign in plain view providing instruction in the use of the automated external defibrillator and in cardiopulmonary resuscitation.".

Page 3, line 7, delete "(4)" and insert "**(5)**".

Page 3, line 9, delete "(5)" and insert "**(6)**".

(Reference is to ESB 134 as printed April 3, 2007.)

TYLER

Motion prevailed.

HOUSE MOTION
(Amendment 134–1)

Mr. Speaker: I move that Engrossed Senate Bill 134 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

Page 3, between lines 24 and 25, begin a new paragraph and insert:

"**Sec. 9. There is annually appropriated to the state department from the state general fund an amount sufficient for the state department's use in reimbursing owners and operators of health clubs for the cost of purchasing defibrillators in compliance with this chapter.**".

Page 3, line 25, delete "Sec. 9." and insert "**Sec. 10.**".

(Reference is to ESB 134 as printed April 3, 2007.)

DAVIS

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

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

Representatives Bosma and Dobis were excused.

Engrossed Senate Bill 500

Representative Kuzman called down Engrossed Senate Bill 500 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 500–1)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 61, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 44. IC 8-1-8.8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) As used in this chapter, "renewable energy resources" means alternative sources of renewable energy, including the following:

(1) Energy from wind.

(2) Solar energy.

(3) Photovoltaic cells and panels.

(4) Dedicated crops grown for energy production.

(5) Organic waste biomass, **including any of the following organic matter that is available on a renewable basis:**

(A) Agricultural crops.

(B) Agricultural wastes and residues.

(C) Wood and wood wastes, including the following:

(i) Wood residues.

(ii) Forest thinnings.

(iii) Mill residue wood.

(iv) Waste from clean construction and

demolition.

(D) Animal wastes.

(E) Municipal wastes.

(F) Aquatic plants.

(6) Hydropower from existing dams.

(7) Fuel cells.

(8) Energy from waste to energy facilities producing steam not used for the production of electricity.

(b) Except for energy described in subsection (a)(8), the term does not include energy from the incinerations, burning, or heating of any of the following:

~~(1) Waste wood.~~

~~(2)~~ **(1)** Tires.

~~(3)~~ **(2)** General household, institutional, commercial, industrial lunchroom, office, or landscape waste.

~~(4) Construction or demolition debris.~~

(c) The term excludes treated or painted lumber.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 500 as printed April 3, 2007.)

KUZMAN

Motion prevailed.

HOUSE MOTION
(Amendment 500–7)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 61, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 44. IC 24-5-24 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 24. Airline Tickets.

Sec. 1. (a) As used in this section, "terrorist threat" means a threat of a violent act or threat of an act that is dangerous to human life, that is a violation of the criminal laws of Indiana or of the United States, and is intended to:

(1) intimidate, injure, or coerce a civilian population;

(2) influence the policy of a government by intimidation or coercion; or

(3) affect the conduct of a government through:

(A) destruction of property;

(B) assassination;

(C) murder;

(D) kidnapping; or

(E) aircraft piracy.

(b) If an airline cancels a flight or delays a flight by more than one (1) hour, the airline must honor the purchaser's ticket at a later date or reimburse the purchaser:

(1) the cost of the ticket; and

(2) pay the purchaser an amount equal to the airline's flight-change penalty fee.

(c) Subsection (b) does not apply if the flight delay or cancellation is caused by any of the following:

(1) Inclement weather.

(2) An immediate terrorist threat.

(3) International conditions that are not related to terrorism, including:

(A) riots;

(B) civil unrest;

(C) embargoes; or

(D) war.

(4) Any other condition outside the control of the airline.

(d) In addition to any other penalties or remedies provided by law, a person aggrieved by a knowing and willful violation of this section may bring a civil action in a court with jurisdiction against the airline for the recovery of:

(1) reimbursement for the ticket;

(2) payment of the flight-change fee;

(3) actual and consequential damages;

(4) court costs; and

(5) reasonable attorney's fees.

(e) An airline that knowingly violates this section two (2) or more times within a calendar year commits a Class C misdemeanor.

Sec. 2. (a) There is no expiration date for an airline ticket issued anywhere in the world for an airline flight originating in Indiana.

(b) If the airline ticket is nonrefundable and the ticket purchaser is unable to use the ticket, the airline must allow the ticket to be transferred to another person. The airline may charge the purchaser a processing fee of the lesser of:

(1) twenty five percent (25%) of the original price of the ticket; or

(2) fifty dollars ($50).

(c) A ticket purchaser may not transfer a ticket if the ticket purchaser missed the flight due to the fault of the purchaser.".

Page 71, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 58. [EFFECTIVE JULY 1, 2007] **IC 24-5-24-1(e), as added by this act, applies only to offenses committed after June 30, 2007.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 500 as printed April 3, 2007.)

WHETSTONE

Motion prevailed.

HOUSE MOTION
(Amendment 500–18)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 6, delete line 24.

Page 6, line 25, delete "(10)" and insert "**(9)**".

Page 28, delete lines 11 through 42.

Page 29, delete lines 1 through 31.

Renumber all SECTIONS consecutively.

(Reference is to ESB 500 as printed April 3, 2007.)

WHETSTONE

Upon request of Representatives Whetstone and Espich, the Speaker ordered the roll of the House to be called. Roll Call 443: yeas 45, nays 51. Motion failed.

HOUSE MOTION
(Amendment 500–11)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 47, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 31. IC 6-3.5-6-28, AS ADDED BY P.L.214-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 28. (a) This section applies only to Howard County.

(b) Maintaining low property tax rates is essential to economic development, and the use of county option income tax revenues as provided in this ~~chapter~~ **section** and as needed in the county to fund the operation and maintenance of a jail and juvenile detention center, rather than the use of property taxes, promotes that purpose.

(c) In addition to the rates permitted by sections 8 and 9 of this chapter, the county fiscal body may impose ~~the~~ **a** county option income tax at a rate ~~of~~ **that does not exceed** twenty-five hundredths percent (0.25%) on the adjusted gross income of resident county taxpayers. ~~if~~ **The tax rate may be adopted in any increment of one hundredth percent (0.01%). Before** the county fiscal body ~~makes~~ **may adopt a tax rate under this section, the county fiscal body must make** the finding and determination set forth in subsection (d). Section 8(e) of this chapter applies to the application of the additional **tax** rate to nonresident taxpayers. **However, notwithstanding section 1 of**

this chapter, for the purposes of applying section 8(e) of this chapter to this section, the term "county taxpayers" includes any individual who maintains a principal place of business or employment in the county on the date specified in section 20 of this chapter regardless of whether the individual resides in another county that has imposed a tax under this chapter, IC 6-3.5-1.1, or IC 6-3.5-7. A tax imposed under this section on a taxpayer who is not a resident county taxpayer applies only to the adjusted gross income derived from the nonresident taxpayer's principal place of business or employment. The tax rate on an individual who is not a resident county taxpayer is one-fourth (1/4) of the tax rate imposed on resident county taxpayers, rounded to the nearest one hundredth percent (0.01%).

(d) In order to impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance:

(1) finding and determining that revenues from the county option income tax are needed in the county to fund the operation and maintenance of a jail, a juvenile detention center, or both; and

(2) agreeing to freeze the part of any property tax levy imposed in the county for the operation of the jail or juvenile detention center, or both, covered by the ordinance at the rate imposed in the year preceding the year in which a full year of additional county option income tax is certified for distribution to the county under this section for the term in which an ordinance is in effect under this section.

(e) If the county fiscal body makes a determination under subsection (d), the county fiscal body may adopt a tax rate under subsection (c). Subject to the limitations in subsection (c), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. As soon as practicable after the adoption of an ordinance under this section, the county fiscal body shall send a certified copy of the ordinance to the county auditor, the department of local government finance, and the department of state revenue. An ordinance adopted under this section before April 1 in a year applies to the imposition of county income taxes after June 30 in that year. An ordinance adopted under this section after March 31 of a year initially applies to the imposition of county option income taxes after June 30 of the immediately following year.

(f) The county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 18 of this chapter.

(g) County option income tax revenues derived from the tax rate imposed under this section:

(1) may only be used for the purposes described in this section; and

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5.

(h) The department of local government finance shall enforce an agreement under subsection (d)(2).

(i) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts an increased tax rate under this section and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

(j) The department shall separately designate a tax rate imposed under this section in any tax form as the Howard County jail operating and maintenance income tax.".

Page 71, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 58. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: **An ordinance adopted by the fiscal body for Howard County that:**

(1) was adopted before April 29, 2007; and

(2) would have been in compliance with IC 6-3.5-6-28, as amended by this act, if this act had been enacted before the ordinance was adopted;

is legalized and validated to the same extent as if this act had been enacted before the ordinance was adopted.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 500 as printed April 3, 2007.)

BUCK

Motion prevailed.

HOUSE MOTION
(Amendment 500–3)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 57, line 16, strike "published in the auditor of".

Page 57, line 17, strike "state's comprehensive annual financial report." and insert "**determined by the treasurer of state on or before October 1 of each year and reported to the commissioner.**".

(Reference is to ESB 500 as printed April 3, 2007.)

AVERY

Motion prevailed.

Representative Bosma, who had been excused, was present.

HOUSE MOTION
(Amendment 500–17)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 44, between lines 39 and 40, begin a new paragraph and insert:

"**(c) If an individual is not a citizen of the United States, the individual shall include with the estimated tax the amounts attributable to income that are excluded from the individual's adjusted gross income:**

(1) for a spouse under IC 6-3-1-3.5(a)(3);

(2) under IC 6-3-1-3.5(a)(4)(A);

(3) under IC 6-3-1-3.5(a)(4)(C); and

(4) under IC 6-3-1-3.5(a)(5)(A).

The individual shall indicate on the individual's estimated tax returns that the individual is not a citizen of the United States.".

Page 44, line 40, strike "(c)" and insert "**(d)**".

Page 45, line 7, strike "(d)" and insert "**(e)**".

Page 45, line 25, strike "(e)" and insert "**(f)**".

Page 45, line 27, strike "(d) or (g)." and insert "**(e) or (h).**".

Page 45, line 32, delete "(d);" and insert "**(e);**".

Page 45, line 40, strike "(f)" and insert "**(g)**".

Page 45, line 40, strike "(d)" and insert "**(e)**".

Page 46, line 3, strike "(g)" and insert "**(h)**".

Page 46, line 16, strike "(h)" and insert "**(i)**".

Page 46, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 30. IC 6-3-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) Except as provided in subsection ~~(d)~~ **(e)** or ~~(f),~~ **(m),** every employer making payments of wages subject to tax under this article, regardless of the place where such payment is made, who is required under the provisions of the Internal Revenue Code to withhold, collect, and pay over income tax on wages paid by such employer to such employee, shall, at the time of payment of such wages, deduct and retain therefrom the amount prescribed

in withholding instructions issued by the department. The department shall base its withholding instructions on the adjusted gross income ~~tax rate for persons,~~ **of the employee,** on the total ~~rates of any~~ income ~~taxes~~ **tax** that the ~~taxpayer~~ **employee** is subject to under IC 6-3.5, and on the total amount of exclusions the ~~taxpayer~~ **employee** is entitled to under IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4). **If the employee is not a citizen of the United States, the employee shall:**

(1) request withholding as if the employee were single, regardless of the employee's actual marital status;

(2) request withholding as if the employee did not have dependents, regardless of whether the employee actually has dependents; and

(3) write "noncitizen" on the form prescribed by the department to determine the employee's exemptions.

(b) ~~Such~~ **An** employer making payments of any wages:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and withheld under this section and shall not be liable to any ~~individual~~ **employee** for the amount deducted from the ~~individual's~~ **employee's** wages and paid over in compliance or intended compliance with this section; and

(2) shall make return of and payment to the department monthly of the amount of tax which under this article and IC 6-3.5 the employer is required to withhold.

~~(b)~~ **(c)** An employer shall pay taxes withheld under subsection ~~(a)~~ **(b)** during a particular month to the department no later than thirty (30) days after the end of that month. However, in place of monthly reporting periods, the department may permit an employer to report and pay the tax for:

(1) a calendar year reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed ten dollars ($10);

(2) a six (6) month reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed twenty-five dollars ($25); or

(3) a three (3) month reporting period, if the average monthly amount of all tax required to be withheld by the employer in the previous calendar year does not exceed seventy-five dollars ($75).

An employer using a reporting period (other than a monthly reporting period) must file the employer's return and pay the tax for a reporting period no later than the last day of the month immediately following the close of the reporting period. If an employer files a combined sales and withholding tax report, the reporting period for the combined report is the shortest period required under this section, section 8.1 of this chapter, or IC 6-2.5-6-1.

~~(c)~~ **(d)** For purposes of determining whether an employee is subject to taxation under IC 6-3.5, an employer is entitled to rely on the statement of an employee as to the employee's county of residence as represented by the statement of address in forms claiming exemptions for purposes of withholding, regardless of when the employee supplied the forms. Every employee shall notify the employee's employer within five (5) days after any change in the employee's county of residence.

~~(d)~~ **(e)** A county that makes payments of wages subject to tax under this article:

(1) to a precinct election officer (as defined in IC 3-5-2-40.1); and

(2) for the performance of the duties of the precinct election officer imposed by IC 3 that are performed on election day;

is not required, at the time of payment of the wages, to deduct and retain from the wages the amount prescribed in withholding instructions issued by the department.

~~(e)~~ **(f)** Every employer shall, at the time of each payment made by the employer to the department, deliver to the department a return upon the form prescribed by the department showing:

(1) the total amount of wages paid to the employer's employees;

(2) the amount deducted therefrom in accordance with the provisions of the Internal Revenue Code;

(3) the amount of adjusted gross income tax deducted therefrom in accordance with the provisions of this section;

(4) the amount of income tax, if any, imposed under IC 6-3.5 and deducted therefrom in accordance with this section; and

(5) any other information the department may require.

Every employer making a declaration of withholding as provided in this section shall furnish the employer's employees annually, but not later than thirty (30) days after the end of the calendar year, a record of the total amount of adjusted gross income tax and the amount of each income tax, if any, imposed under IC 6-3.5, withheld from the employees, on the forms prescribed by the department.

~~(f)~~ **(g)** All money deducted and withheld by an employer shall immediately upon such deduction be the money of the state, and every employer who deducts and retains any amount of money under the provisions of this article shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in this article. Any employer may be required to post a surety bond in the sum the department determines to be appropriate to protect the state with respect to money withheld pursuant to this section.

~~(g)~~ **(h)** The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to employers subject to the provisions of this section, and for these purposes any amount deducted or required to be deducted and remitted to the department under this section shall be considered to be the tax of the employer, and with respect to such amount the employer shall be considered the taxpayer. In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest.

~~(h)~~ **(i)** Amounts deducted from wages of an employee during any calendar year in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such employee for the employee's taxable year which begins in such calendar year, and a return made by the employer under subsection ~~(b)~~ **(c)** shall be accepted by the department as evidence in favor of the employee of the amount so deducted from the employee's wages. Where the total amount so deducted exceeds the amount of tax on the employee as computed under this article and IC 6-3.5, the department shall, after examining the return or returns filed by the employee in accordance with this article and IC 6-3.5, refund the amount of the excess deduction. However, under rules promulgated by the department, the excess or any part thereof may be applied to any taxes or other claim due from the taxpayer to the state of Indiana or any subdivision thereof. No refund shall be made to an employee who fails to file the employee's return or returns as required under this article and IC 6-3.5 within two (2) years from the due date of the return or returns. In the event that the excess tax deducted is less than one dollar ($1), no refund shall be made.

~~(i)~~ **(j)** This section shall in no way relieve any ~~taxpayer~~ **employee** from the ~~taxpayer's~~ **employee's** obligation of filing a return or returns at the time required under this article and IC 6-3.5, and, should the amount withheld under the provisions of this section be insufficient to pay the total tax of such ~~taxpayer,~~ **employee,** such unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

~~(j)~~ **(k)** Notwithstanding subsection ~~(b),~~ **(c),** an employer of a domestic service employee that enters into an agreement with the domestic service employee to withhold federal income tax under

Section 3402 of the Internal Revenue Code may withhold Indiana income tax on the domestic service employee's wages on the employer's Indiana individual income tax return in the same manner as allowed by Section 3510 of the Internal Revenue Code.

~~(k)~~ **(l)** To the extent allowed by Section 1137 of the Social Security Act, an employer of a domestic service employee may report and remit state unemployment insurance contributions on the employee's wages on the employer's Indiana individual income tax return in the same manner as allowed by Section 3510 of the Internal Revenue Code.

~~(l)~~ **(m)** The department shall adopt rules under IC 4-22-2 to exempt an employer from the duty to deduct and remit from the wages of an employee adjusted gross income tax withholding that would otherwise be required under this section whenever:

(1) an employee has at least one (1) qualifying child, as determined under Section 32 of the Internal Revenue Code;

(2) the employee is eligible for an earned income tax credit under IC 6-3.1-21;

(3) the employee elects to receive advance payments of the earned income tax credit under IC 6-3.1-21 from money that would otherwise be withheld from the employee's wages for adjusted gross income taxes; and

(4) the amount that is not deducted and remitted is distributed to the employee, in accordance with the procedures prescribed by the department, as an advance payment of the earned income tax credit for which the employee is eligible under IC 6-3.1-21.

The rules must establish the procedures and reports required to carry out this subsection.

~~(m)~~ **(n)** A person who knowingly fails to remit trust fund money as set forth in this section commits a Class D felony.".

Page 70, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 57. [EFFECTIVE JANUARY 1, 2008] **IC 6-3-4-8, as amended by this act, applies to taxable years beginning after December 31, 2007.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 500 as printed April 3, 2007.)

LEONARD

During discussion of the motion of Representative Leonard, Representative Kuzman withdrew the call of Engrossed Senate Bill 500.

Engrossed Senate Bill 191

Representative Tincher called down Engrossed Senate Bill 191 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 191–1)

Mr. Speaker: I move that Engrossed Senate Bill 191 be amended to read as follows:

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 3. IC 4-23-24.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. ~~Eight (8)~~ **Five (5)** members of the commission constitute a quorum.

SECTION 4 IC 4-23-24.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. **(a)** The civil rights commission shall furnish the necessary staff support for the commission.

(b) The staff support for the commission may not make any decisions on behalf of the commission.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 191 as printed April 3, 2007.)

SUMMERS

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 220

Representative GiaQuinta called down Engrossed Senate Bill 220 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 220–1)

Mr. Speaker: I move that Engrossed Senate Bill 220 be amended to read as follows:

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 3. IC 9-20-6-2, AS AMENDED BY P.L.36-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The Indiana department of transportation or local authority that:

(1) has jurisdiction over a highway or street; and

(2) is responsible for the repair and maintenance of the highway or street;

may, upon proper application in writing and upon good cause shown, grant a permit for transporting heavy vehicles and loads or other objects not conforming to this article, **including a vehicle transporting an ocean going container,** if the department or authority finds that other traffic will not be seriously affected and the highway or bridge will not be seriously damaged. However, the permit must authorize the operation of a tractor-semitrailer and load that:

(1) exceeds the maximum length limitation under this chapter; and

(2) is subject to regulation under this chapter;

from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(b) A permit may be issued under this section for the following:

(1) A single trip.

(2) A definite time not exceeding thirty (30) days.

(3) A ninety (90) day period.

(4) A one (1) year period.

(c) This subsection applies to the transportation of ocean going containers that:

(1) have been sealed at the place of origin and have not been opened except by an agent of the federal government that may inspect the contents;

(2) originated outside the United States; and

(3) is being transported to or from a distribution facility.

The total gross weight, with load of a vehicle or combination of vehicles transporting an ocean going container may not exceed ninety thousand (90,000) pounds. A permit issued under this section must be issued on an annual basis. A permit issued under this subsection may not impose a limit on the number of movements generated by the applicant or operator of a vehicle granted a permit under this subsection.".

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 5. IC 9-29-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The fees for permits issued under IC 9-20-6 to exceed the legal weight limit are as follows:

(1) A trip permit, twenty dollars ($20).

(2) A mileage fee, which is in addition to the trip permit fee in subdivision (1), to be calculated for that part of the gross weight exceeding eighty thousand (80,000) pounds as follows:

(A) For loads greater than eighty thousand (80,000) pounds but not more than one hundred eight thousand (108,000) pounds, thirty-five cents ($0.35) per mile.

(B) For loads greater than one hundred eight thousand (108,000) pounds but not more than one hundred fifty thousand (150,000) pounds, sixty cents ($0.60) per mile.

(C) For loads greater than one hundred fifty thousand (150,000) pounds, one dollar ($1) per mile.

(3) A ninety (90) day permit, two hundred dollars ($200).

(4) An annual permit issued under IC 9-20-6-2(c), eight hundred dollars ($800).

(b) If an application for a permit involves transporting heavy vehicles or loads, or other objects, that exceed the legal length, width, or height limit and that also exceed the legal weight limit in the same movement, the applicant shall pay only the greater of the two (2) fees established in section 2 or 3 of this chapter and the issuing officer or body shall issue a single oversize-overweight permit. The fee for a ninety (90) day permit described in IC 9-20-6-2(b)(3) is two hundred dollars ($200).".

Renumber all SECTIONS consecutively.

(Reference is to ESB 220 as printed April 3, 2007.)

THOMPSON

The Speaker ordered a division of the House and appointed Representatives Stilwell and Bosma to count the yeas and nays. Yeas 51, nays 45. Motion prevailed. The bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 44, 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 5-8-2-2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. Any person holding any office under the Constitution of the State of Indiana or Indiana law who:**

(1) is delinquent in the payment of at least fifteen thousand dollars ($15,000) in child support; and

(2) has been subject to a judgment under IC 31-16-16 for delinquent child support payments for more than sixty (60) days;

forfeits office and shall be removed from office under IC 34-17.".

Page 1, line 2, delete "JULY 1, 2007]:" and insert "UPON PASSAGE]:".

Page 2, line 19, delete "JULY 1, 2007]:" and insert "UPON PASSAGE]:".

Page 2, line 30, delete "JULY 1, 2007]:" and insert "UPON PASSAGE]:".

Page 3, line 8, delete "JULY 1, 2007]:" and insert "UPON PASSAGE]:".

Page 4, line 14, delete "JULY 1, 2007]:" and insert "UPON PASSAGE]:".

Page 4, line 17, delete "related" and insert "**relating**".

Page 4, line 24, delete "JULY 1, 2007]:" and insert "UPON PASSAGE]:".

Page 5, line 33, delete "JULY 1, 2007]:" and insert "UPON PASSAGE]:".

Page 8, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 8. IC 35-40-4-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.5. "Employee" means a victim employed by an employer.**

SECTION 9. IC 35-40-4-4.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.6. "Employer" means a person who:**

(1) employs or will employ at least fifty (50) persons for each working day in each of twenty (20) or more calendar weeks in the current calendar year; or

(2) employed at least fifty (50) persons for each working day in each of twenty (20) or more calendar weeks in the previous calendar year.

The term includes a person who acts directly or indirectly in the interest of an employer in relation to an employee.

SECTION 10. IC 35-40-5-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10. (a) Subject to subsections (b), (c), and (f), an employee has the right to leave work to:**

(1) be present at a proceeding in accordance with:

(A) sections 5 through 7 of this chapter, in order to exercise the rights of a victim; and

(B) IC 35-40-11-1, in order to exercise the employee's rights as a victim to be present and to be heard at court proceedings;

(2) file a petition for an order for protection under IC 34-26-5-2;

(3) attend a hearing on a petition upon notification from a court under IC 34-26-5-10(a); and

(4) confer with a representative of the prosecuting attorney's office in accordance with section 3 of this chapter.

(b) An employer:

(1) may not:

(A) dismiss an employee; or

(B) reduce or restrict the:

(i) seniority;

(ii) precedence;

(iii) eligibility for a promotion;

(iv) eligibility for a salary increase; or

(v) eligibility for any other work related benefit;

of an employee who exercises the employee's rights under this section;

(2) may require an employee to use the employee's accrued vacation time, personal time, sick time, or compensatory leave time during the period the employee is absent from work while exercising the employee's rights under this section; and

(3) is not required to compensate an employee for any work time lost due to the employee's exercise of the employee's rights under this section.

(c) An employee may not exercise the employee's rights under this section unless the employee provides the employer with a copy of:

(1) the notice of victim's rights provided to the employee under IC 35-40-6-4; and

(2) any notice of scheduled proceedings that has been provided to the employee.

(d) Records maintained by an employer concerning an employee's exercise of the employee's rights under this section are confidential.

(e) An employer may not refuse to employ a person because the person has exercised the person's rights under this section.

(f) An employer may restrict the amount of time an employee is absent under this section if the employee's absence would create significant difficulty or cause significant expense to the employer in light of the size of the employer's business and the importance of the employee to the operation of the employer's business.

SECTION 11. IC 35-40-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A prosecuting attorney or a victim assistance program shall do the following:

(1) Inform a victim that the victim may be present at all public stages of the criminal justice process to the extent that:

(A) the victim's presence and statements do not interfere with a defendant's constitutional rights; and
(B) there has not been a court order restricting, limiting, or prohibiting attendance at the criminal proceedings.
(2) Timely notify a victim of all criminal justice hearings and proceedings that are scheduled for a criminal matter in which the victim was involved.
(3) Promptly notify a victim when a criminal court proceeding has been rescheduled or canceled.
(4) Obtain an interpreter or translator, if necessary, to advise a victim of the rights granted to a victim under the law.
(5) Coordinate efforts of local law enforcement agencies that are designed to promptly inform a victim after an offense occurs of the availability of, and the application process for, community services for victims and the families of victims, including information concerning services such as the following:
(A) Victim compensation funds.
(B) Victim assistance resources.
(C) Legal resources.
(D) Mental health services.
(E) Social services.
(F) Health resources.
(G) Rehabilitative services.
(H) Financial assistance services.
(I) Crisis intervention services.
(J) Transportation and child care services to promote the participation of a victim or a member of the victim's immediate family in the criminal proceedings.
(6) Inform the victim that the court may order a defendant convicted of the offense involving the victim to pay restitution to the victim under IC 35-50-5-3.
(7) Upon request of the victim, inform the victim of the terms and conditions of release of the person accused of committing a crime against the victim.
(8) Upon request of the victim, give the victim notice of the criminal offense for which:
(A) the defendant accused of committing the offense against the victim was convicted or acquitted; or
(B) the charges were dismissed against the defendant accused of committing the offense against the victim.
(9) In a county having a victim-offender reconciliation program (VORP), provide an opportunity for a victim, if the accused person or the offender agrees, to:
(A) meet with the accused person or the offender in a safe, controlled environment;
(B) give to the accused person or the offender, either orally or in writing, a summary of the financial, emotional, and physical effects of the offense on the victim and the victim's family; and
(C) negotiate a restitution agreement to be submitted to the sentencing court for damages incurred by the victim as a result of the offense.
(10) Assist a victim in preparing verified documentation necessary to obtain a restitution order under IC 35-50-5-3.
(11) Advise a victim of other rights granted to a victim under the law, **including the rights of an employee under IC 35-40-5-10.**".

Page 8, line 37, delete "JULY 1, 2007]:" and insert "UPON PASSAGE]:".

Page 9, line 7, delete "JULY 1, 2007]:" and insert "UPON PASSAGE]:".

Page 9, after line 24, begin a new paragraph and insert:

"SECTION 14. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 44 as printed January 19, 2007.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 154, 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 4-4-2.4-2, AS ADDED BY P.L.144-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The office of the lieutenant governor may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of the office of the lieutenant governor relating to:
(1) energy policy under section 1 of this chapter; **and**
(2) the administration of the center for coal technology research under IC 4-4-30-5.5. ~~and~~
~~(3) the Indiana recycling and energy development board under IC 4-23-5.5-6.5.~~".

Page 5, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 3. IC 4-23-5.5-1, AS AMENDED BY P.L.1-2006, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:
(1) "board" ~~means~~ **refers to** the Indiana recycling ~~and energy~~ **market** development board created by this chapter; **and**
(2) "division" refers to the division of pollution prevention established by IC 13-27-2-1.

SECTION 4. IC 4-23-5.5-2, AS AMENDED BY P.L.1-2006, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The Indiana recycling ~~and energy~~ **market** development board is created and constitutes a public instrumentality of the state. The exercise by the board of the powers conferred by this chapter is an essential governmental function.

(b) The board consists of ~~thirteen (13)~~ **nine (9)** members, one (1) of whom shall be the lieutenant governor or the lieutenant governor's designee and ~~twelve (12)~~ **eight (8)** of whom shall be appointed by the governor for four (4) year terms. The governor's appointees shall be chosen from among representatives of:
(1) the coal industry;
~~(2) other regulated and nonregulated energy related industries;~~
~~(3)~~ **(2)** Indiana universities and colleges with expertise in:
(A) recycling research and development; or
(B) energy research and development;
~~(4) agriculture;~~
~~(5)~~ **(3)** labor;
~~(6)~~ **(4)** industrial and commercial consumers **of recycled feedstock;**
~~(7)~~ **(5)** environmental groups; and
~~(8)~~ **(6)** private citizens with a special interest in
~~(A)~~ recycling. ~~or~~
~~(B) energy resources development.~~
No more than ~~six (6)~~ **four (4)** appointive members shall be of the same political party.

(c) A vacancy in the office of an appointive member, other than by expiration, shall be filled in like manner as the original appointment for the remainder of the term of that retiring member. Appointed members may be removed by the governor for cause.

(d) The board shall have seven (7) ex officio advisory members as follows:

(1) The governor.
(2) The director of the department of natural resources.
(3) The commissioner of the department of environmental management.
(4) Two (2) members from the house of representatives of opposite political parties appointed by the speaker of the house of representatives for two (2) year terms.
(5) Two (2) members from the senate of opposite political parties appointed by the president pro tempore of the senate for two (2) year terms.

(e) The ~~office of the lieutenant governor~~ **division** shall serve as the staff of the board.

SECTION 5. IC 4-23-5.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The governor shall appoint one (1) of the appointed members as chairman. ~~Seven (7)~~ **Five (5)** members of the board shall constitute a quorum and the affirmative vote of a majority of the membership shall be necessary for any action taken by the board. A vacancy in the membership of the board does not impair the right of the quorum to act.

(b) All the members of the board shall be reimbursed for their actual expenses incurred in the performance of their duties. The appointed members may also receive a per diem allowance as determined by the budget agency for attendance of board meetings and activities. All reimbursement for expenses shall be as provided by law.

SECTION 6. IC 4-23-5.5-4, AS AMENDED BY P.L.1-2006, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. **A representative appointed by** the **division, in consultation with the** lieutenant governor or the lieutenant governor's designee, shall be the chief administrative officer for the board and shall direct and supervise the administrative affairs and technical activities of the board in accordance with rules, regulations, and policies established by the board. The ~~lieutenant governor or the lieutenant governor's designee~~ **division** may appoint the employees as the board may require and the agents or consultants as may be necessary for implementing this chapter. The ~~lieutenant governor or the lieutenant governor's designee~~ **division** shall prepare an annual administrative budget for review by the budget agency and the budget committee.

SECTION 7. IC 4-23-5.5-6, AS AMENDED BY P.L.1-2006, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The board shall do the following:

(1) Adopt procedures for the regulation of its affairs and the conduct of its business.
(2) Meet at the offices of the ~~lieutenant governor~~ **division** on call of:
(A) the lieutenant governor or the lieutenant governor's designee; **or**
(B) the commissioner of the department of environmental management or the commissioner's designee;
at least once each calendar quarter. The meetings shall be upon ten (10) days written notification, shall be open to the public, and shall have official minutes recorded for public scrutiny.
(3) Report annually in an electronic format under IC 5-14-6 to the legislative council the projects in which it has participated and is currently participating with a complete list of expenditures for those projects.
(4) Annually prepare an administrative budget for review by the budget agency and the budget committee.
(5) Keep proper records of accounts and make an annual report of its condition to the state board of accounts.

~~(b) The board may request that the lieutenant governor conduct assessments of the opportunities and constraints presented by all sources of energy. The board shall encourage the balanced use of all sources of energy with primary emphasis on:~~
~~(1) the utilization of Indiana's high sulphur coal; and~~
~~(2) the utilization of Indiana's agricultural and forest resources and products for the production of alcohol fuel. However, the board shall seek to avoid possible undesirable consequences of total reliance on a single source of energy.~~

~~(c)~~ **(b)** The board shall consider projects involving the creation of the following:
(1) Markets for products made from recycled materials.
(2) New products made from recycled materials.

~~(d)~~ **(c)** The board may promote, fund, and encourage programs facilitating the development and ~~effective use of all sources of energy~~ **implementation of waste reduction, reuse, and recycling** in Indiana.

SECTION 8. IC 4-23-5.5-6.5, AS ADDED BY P.L.144-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.5. The ~~office of the lieutenant governor~~ **department of environmental management** may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of this chapter.

SECTION 9. IC 4-23-5.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board, upon approval by the governor and the budget agency, may make the following expenditures:

(1) Matching grants to federal, state, and local governmental agencies for research and development of: ~~energy~~
(A) recycling resources projects; and
(B) recycling market development projects;
in Indiana.
(2) Matching grants to individuals, corporations, limited liability companies, partnerships, educational institutions, and other private sector groups for ~~energy~~ **recycling** resources and recycling market research and development.
(3) Direct grants, loans, or loan guarantees to those individuals and organizations specified in subdivision (1) or (2) of this section.
(4) Contractual services for ~~energy~~ **recycling** resources and recycling market research and development programs.
~~(5) Purchase or lease land for energy resources and recycling market research and development projects.~~
~~(6)~~ **(5)** Other projects and expenses consistent with this chapter.

SECTION 10. IC 4-23-5.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. The board may:

(1) on behalf of the state, receive and accept grants, gifts, and contributions from public agencies, including the federal government, and from private agencies and private sources, including the Indiana business modernization and technology corporation, for the purpose of researching and developing ~~energy~~ **recycling** resources within the state, and may administer such, including contracting with other public and private organizations, to carry out the purposes for which such grants, gifts, and contributions were made;
(2) establish application forms and procedures for programs consistent with this chapter;
(3) accept applications from private and public sources for funding of programs consistent with this chapter;
(4) provide funding for studies, research projects, and other activities required to assess the nature and extent of recycling markets in Indiana and the nature and extent of ~~energy~~ **recycling** resources to meet the needs of the state; ~~including but not limited to coal and other fossil fuels, alcohol fuels produced from agricultural and forest products and resources, renewable, and other energy resources;~~
(5) deposit funds not currently needed to meet the obligations of the board with the treasurer of state to the

credit of the fund, or invest in obligations as provided by IC 5-13-10.5; and

(6) participate in or sponsor programs, conferences, or seminars aimed at assisting the state in promoting recycling market development. ~~and the effective use of all sources of energy in Indiana.~~".

Page 8, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 14. IC 13-20-13-8, AS AMENDED BY P.L.1-2006, SECTION 202, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Except as provided in subsection (d)(2), (d)(3), (d)(6), and (d)(7), the waste tire management fund is established for the following purposes:

(1) **The department may use not more than** thirty-five percent (35%) of the money deposited in the fund each year ~~shall be used to assist the department:~~ **for:**

(A) ~~in~~ the removal and disposal of waste tires from sites where the waste tires have been disposed of improperly; **and**

(B) ~~in~~ operating the waste tire education program under section 15 of this chapter. ~~and~~

~~(C) to pay the expenses of administering the programs described in clause (B).~~

(2) ~~Sixty-five percent (65%) of~~ **The department may use** the **remaining** money deposited in the fund each year ~~shall be used~~ to: ~~assist the lieutenant governor:~~

(A) ~~in providing~~ **provide** grants and loans **under section 9(b) of this chapter** to ~~persons~~ **entities** involved in waste tire management activities; ~~under section 9 of this chapter;~~ and

(B) ~~to~~ pay the expenses of administering the programs described in:

(i) subdivision (1)(B); and

(ii) clause (A).

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) Sources of money for the fund are the following:

(1) Fees paid under section 4(a)(6) of this chapter and IC 13-20-14-5(e).

(2) Fees collected under section 7 of this chapter. All money deposited in the fund under this subdivision may be used by the department for waste reduction, recycling, removal, or remediation projects.

(3) Costs and damages recovered from a person **or other entity** under section 14 of this chapter or IC 13-20-14-8. All money deposited in the fund under this subdivision may be used by the department for removal and remediation projects.

(4) Fees established by the general assembly for the purposes of this chapter.

(5) Appropriations made by the general assembly.

(6) Gifts and donations intended for deposit in the fund. A gift or donation deposited in the fund under this subdivision may be specified to be entirely for the use of the department. ~~or the lieutenant governor.~~

(7) Civil penalties collected under IC 13-30-4 for violations of:

(A) this chapter;

(B) IC 13-20-14; and

(C) rules adopted under section 11 of this chapter and IC 13-20-14-6.

All money deposited in the fund under this subdivision may be used by the department for ~~waste tire removal and remediation~~ **eligible** projects.

SECTION 15. IC 13-20-13-9, AS AMENDED BY P.L.1-2006, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The department may use money in the fund to assist the department in:

(1) removing waste tires from sites where waste tires have been disposed of improperly;

(2) properly managing waste tires;

(3) performing surveillance and enforcement activities used to implement proper waste tire management; and

(4) conducting the waste tire education program under section 15 of this chapter.

(b) The ~~lieutenant governor~~ **department** may use money in the fund to provide grants and loans to ~~persons~~ **entities** to establish and operate programs involving the following:

(1) Recycling or reuse of waste tires.

(2) Using waste tires as a source of fuel.

(3) Developing markets for waste tires and products containing recycled or reused waste tires.

(c) The ~~lieutenant governor~~ **department** may adopt rules under IC 4-22-2 necessary to implement this section.

SECTION 16. IC 13-26-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A district may do the following:

(1) Sue or be sued.

(2) Make contracts in the exercise of the rights, powers, and duties conferred upon the district.

(3) Adopt and alter a seal and use the seal by causing the seal to be impressed, affixed, reproduced, or otherwise used. However, the failure to affix a seal does not affect the validity of an instrument.

(4) Adopt, amend, and repeal the following:

(A) Bylaws for the administration of the district's affairs.

(B) Rules and regulations for the following:

(i) The control of the administration and operation of the district's service and facilities.

(ii) The exercise of all of the district's rights of ownership.

(5) Construct, acquire, lease, operate, or manage works and obtain rights, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property, whether real, personal, or mixed, of a person or an eligible entity.

(6) Assume in whole or in part any liability or obligation of:

(A) a person;

(B) a nonprofit water, sewage, or solid waste project system; or

(C) an eligible entity;

including a pledge of part or all of the net revenues of a works to the debt service on outstanding bonds of an entity in whole or in part in the district and including a right on the part of the district to indemnify and protect a contracting party from loss or liability by reason of the failure of the district to perform an agreement assumed by the district or to act or discharge an obligation.

(7) Fix, alter, charge, and collect reasonable rates and other charges in the area served by the district's facilities to every person whose premises are, whether directly or indirectly, supplied with water or provided with sewage or solid waste services by the facilities for the purpose of providing for the following:

(A) The payment of the expenses of the district.

(B) The construction, acquisition, improvement, extension, repair, maintenance, and operation of the district's facilities and properties.

(C) The payment of principal or interest on the district's obligations.

(D) To fulfill the terms of agreements made with:

(i) the purchasers or holders of any obligations; or

(ii) a person or an eligible entity.

(8) Except as provided in section 2.5 of this chapter,

require connection to the district's sewer system of property producing sewage or similar waste, and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures if:

(A) there is an available sanitary sewer within three hundred (300) feet of the property line; ~~and~~

(B) the district has given written notice by certified mail to the property owner at the address of the property at least ninety (90) days before a date for connection to be stated in the notice; **and**

(C) if the property is located outside the district's territory, the district has:

(i) obtained; and

(ii) provided to the property owner;

a certification from the local health department that the connection is necessary to protect the public's health. The district shall provide the property owner the certification required by this clause along with the notice required by clause (B).

However, a district may not require the owner of a property described in this subdivision to connect to the district's sewer system if the property is already connected to a sewer system that has received all necessary permits from and approvals by the state, or any agency of the state, and has been determined to be functioning satisfactorily.

(9) Provide by ordinance for reasonable penalties for failure to connect and also apply to the circuit or superior court of the county in which the property is located for an order to force connection, with the cost of the action, including reasonable attorney's fees of the district, to be assessed by the court against the property owner in the action.

(10) Refuse the services of the district's facilities if the rates or other charges are not paid by the user.

(11) Control and supervise all property, works, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to the district.

(12) Construct, acquire by purchase or otherwise, operate, lease, preserve, and maintain works considered necessary to accomplish the purposes of the district's establishment within or outside the district and enter into contracts for the operation of works owned, leased, or held by another entity, whether public or private.

(13) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease as lessee or lessor, use, and sell interests in real and personal property or franchises within or outside the district for:

(A) the location or protection of works;

(B) the relocation of buildings, structures, and improvements situated on land required by the district or for any other necessary purpose; or

(C) obtaining or storing material to be used in constructing and maintaining the works.

(14) Upon consent of two-thirds (2/3) of the members of the board, merge or combine with another district into a single district on terms so that the surviving district:

(A) is possessed of all rights, franchises, and authority of the constituent districts; and

(B) is subject to all the liabilities, obligations, and duties of each of the constituent districts, with all rights of creditors of the constituent districts being preserved unimpaired.

(15) Provide by agreement with another eligible entity for the joint construction of works the district is authorized to construct if the construction is for the district's own benefit and that of the other entity. For this purpose the cooperating entities may jointly appropriate land either within or outside their respective borders if all subsequent proceedings, actions, powers, liabilities, rights, and duties are those set forth by statute.

(16) Enter into contracts with a person, an eligible entity, the state, or the United States to provide services to the contracting party for any of the following:

(A) The distribution or purification of water.

(B) The collection or treatment of sanitary sewage.

(C) The collection, disposal, or recovery of solid waste.

(17) Make provision for, contract for, or sell the district's byproducts or waste.

(18) Exercise the power of eminent domain.

(19) Remove or change the location of a fence, building, railroad, canal, or other structure or improvement located within or outside the district. If:

(A) it is not feasible or economical to move the building, structure, or improvement situated in or upon land acquired; and

(B) the cost is determined by the board to be less than that of purchase or condemnation;

the district may acquire land and construct, acquire, or install buildings, structures, or improvements similar in purpose to be exchanged for the buildings, structures, or improvements under contracts entered into between the owner and the district.

(20) Employ consulting engineers, superintendents, managers, and other engineering, construction, and accounting experts, attorneys, bond counsel, employees, and agents that are necessary for the accomplishment of the district's purpose and fix their compensation.

(21) Procure insurance against loss to the district by reason of damages to the district's properties, works, or improvements resulting from fire, theft, accident, or other casualty or because of the liability of the district for damages to persons or property occurring in the operations of the district's works and improvements or the conduct of the district's activities.

(22) Exercise the powers of the district without obtaining the consent of other eligible entities. However, the district shall:

(A) restore or repair all public or private property damaged in carrying out the powers of the district and place the property in the property's original condition as nearly as practicable; or

(B) pay adequate compensation for the property.

(23) Dispose of, by public or private sale or lease, real or personal property determined by the board to be no longer necessary or needed for the operation or purposes of the district.

SECTION 17. IC 13-26-8-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) This section applies to the addition of territory to a district other than at the request of an eligible entity described in section 1 of this chapter.**

(b) To add territory to a district already established, the board must do the following:

(1) Adopt an ordinance establishing the boundaries of the additional territory to be included in the district.

(2) Obtain either of the following:

(A) The signed consent of more than fifty percent (50%) of the freeholders within the territory proposed to be added to the district.

(B) A certification from the local health department that the addition of the territory to the district is needed to protect the public's health.

(3) Submit to the department a petition that includes the following:

(A) A description of the territory proposed to be

added to the district.

(B) The signed consent or the certification obtained under subdivision (2).

(C) A certification that the board has mailed, either separately or along with a periodic billing statement, written notice of:

(i) the proposed addition to the district;

(ii) any potential effect that the proposed addition will have on the rates and charges for the use of and services provided by the district's works; and

(iii) a statement of a freeholder's rights under section 15 of this chapter, if the proposed addition of territory will potentially increase the rates and charges by the amount specified in section 15(c) of this chapter;

to each user of the works whose rates and charges will be potentially affected by the proposed addition of territory to the district.

(c) If the department determines that:

(1) the board has provided a petition that meets the requirements set forth in subsection (b); and

(2) the proposed addition of territory to the district is practical and feasible;

the department shall approve the board's proposed addition of territory to the district.

SECTION 18. IC 13-26-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The board shall, by ordinance, establish just and equitable rates or charges for the use of and the service provided by a works. The rates or charges are payable by the owner of each lot, parcel of land, or building that:

(1) is connected with and uses a works; or

(2) in any way uses or is served by a works.

(b) **Subject to sections 13(c) and 15 of this chapter,** the board may periodically change and readjust the rates or charges as provided in this article.

SECTION 19. IC 13-26-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The ordinance establishing the initial rates or charges, either as:

(1) originally introduced; or

(2) modified and amended;

shall be passed and put into effect after the hearing.

(b) A copy of the schedule of the rates and charges established must be:

(1) kept on file in the office of the district; and

(2) open to public inspection.

(c) This subsection applies to a regional sewage district. Whenever the board acts under section 8(b) of this chapter to change or readjust the rates and charges, the board shall mail, either separately or along with a periodic billing statement, a notice of the new rates and charges to each user affected by the change or readjustment. If the change or readjustment increases the rates and charges by the amount specified in section 15(c) of this chapter, the notice required by this subsection:

(1) must include a statement of a freeholder's rights under section 15 of this chapter; and

(2) shall be mailed within the time specified in section 15(c) of this chapter.

SECTION 20. IC 13-26-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The rates or charges established for a class of users of property served shall be extended to cover any additional premises served after the rates or charges are established that are in the same class, without the necessity of hearing or notice.

(b) **Subject to sections 13(c) and 15 of this chapter,** a change or readjustment of the rates or charges may be made in the same manner as the rates or charges were originally established.

SECTION 21. IC 13-26-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A district authority is established in each regional sewage district established under this article.

(b) The district authority of a regional sewage district consists of the following:

(1) In the case of a regional sewage district located in one (1) county:

(A) except as provided in clause (B), the county executive of that county; or

(B) if the members of the county executive are trustees of the regional sewage district, the members of the county fiscal body.

(2) In the case of a regional sewage district located in more than one (1) county, one (1) county executive member, appointed by that member's county executive, from each county in which the district is located.

However, a person who serves on the board of trustees of a district may not be a member of the district authority.

(c) If a district adopts an ordinance increasing sewer rates and charges at a rate that is greater than five percent (5%) per year, as calculated from the rates and charges in effect from the date of the district's last rate increase before January 1, 2001, **the district shall mail a notice of the new rates and charges to each user of the sewer system who is affected by the increase, as required by section 13(c) of this chapter. The notice required by section 13(c) of this chapter:**

(1) shall be mailed not later than seven (7) days after the board adopts the ordinance increasing the rates and charges; and

(2) must include a statement of a freeholder's rights under this section.

(d) If subsection (c) applies, fifty (50) freeholders of the district or ten percent (10%) of the district's freeholders, whichever is fewer, may file a written petition objecting to the rates and charges of the district. A petition filed under this subsection must:

(1) contain the name and address of each petitioner;

(2) be filed with a member of the district authority, in the county where at least one (1) petitioner resides, not later than thirty (30) days after the district adopts the ordinance establishing the rates and charges; and

(3) set forth the grounds for the freeholders' objection.

~~(d)~~ If a petition meeting the requirements of **this** subsection ~~(c)~~ is filed, the district authority shall investigate and conduct a public hearing on the petition. If more than one (1) petition concerning a particular increase in rates and charges is filed, the district authority shall consider the objections set forth in all the petitions at the same public hearing.

(e) The district authority shall set the matter for public hearing not less than ten (10) business days but not later than twenty (20) business days after the petition has been filed. The district authority shall send notice of the hearing by certified mail to the district and the petitioner and publish the notice of the hearing in a newspaper of general circulation in each county in the district.

(f) Upon the date fixed in the notice, the district authority shall hear the evidence produced and determine whether the increased sewer rates and charges established by the board by ordinance are just and equitable rates and charges, according to the standards set forth in section 9 of this chapter. The district authority, by a majority vote, shall:

(1) sustain the ordinance establishing the rates and charges;

(2) sustain the petition; or

(3) make any other ruling appropriate in the matter.

(g) The order of the district authority may be appealed by the district or a petitioner to the circuit court of the county in which the district is located. The court shall try the appeal without a jury and shall determine one (1) or both of the following:

(1) Whether the board of trustees of the district, in adopting the ordinance increasing sewer rates and charges, followed

the procedure required by this chapter.

(2) Whether the increased sewer rates and charges established by the board by ordinance are just and equitable rates and charges, according to the standards set forth in section 9 of this chapter.

Either party may appeal the circuit court's decision in the same manner that other civil cases may be appealed.

SECTION 22. [EFFECTIVE UPON PASSAGE] **(a) The terms of the members of the Indiana recycling and energy development board are terminated on June 30, 2007.**

(b) Before July 1, 2007, the governor shall appoint the members of the Indiana recycling market development board.

(c) This SECTION expires July 1, 2007.".

Renumber all SECTIONS consecutively.

(Reference is to SB 154 as printed January 19, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 190, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-18-2-137 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 137. **(a)** "Food establishment", for purposes of IC 16-42-5 and IC 16-42-5.2, means any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food.

(b) The term does not include the following:

(1) A dwelling where food is prepared on the premises by the occupants, free of charge, for their consumption or for consumption by their guests.

(2) A gathering of individuals at a venue of an organization that is organized for educational purposes in a nonpublic educational setting or for religious purposes, if:

(A) the individuals separately or jointly provide or prepare, free of charge, and consume their own food or that of others attending the gathering; and

(B) the gathering is for a purpose of the organization.

Gatherings for the purpose of the organization include funerals, wedding receptions, christenings, bar or bat mitzvahs, baptisms, communions, and other events or celebrations sponsored by the organization.

(3) A vehicle used to transport food solely for distribution to the needy, either free of charge or for a nominal donation.

(4) A private gathering of individuals who separately or jointly provide or prepare and consume their own food or that of others attending the gathering, regardless of whether the gathering is held on public or private property.

(5) Except for food prepared by a for-profit entity, a venue of the sale of food prepared for the organization:

(A) that is organized for:

(i) religious purposes; or

(ii) educational purposes in a nonpublic educational setting;

(B) that is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) that offers the food for sale to the final consumer at an event held for the benefit of the organization;

unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods.

(6) A nonprofit organization that:

(A) is organized for civic, fraternal, veterans, or charitable purposes;

(B) is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) offers food for sale to the final consumer at an event held for the benefit of the organization;

if the events conducted by the organization take place for not more than fifteen (15) days in a calendar year.

SECTION 2. IC 16-42-5-4 IS REPEALED [EFFECTIVE JULY 1, 2007].

(Reference is to SB 190 as printed January 26, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 201, 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 11-10-3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. (a) As used in this section, "confirmatory test" means a laboratory test or a series of tests approved by the state department of health and used in conjunction with a screening test to confirm or refute the results of the screening test for the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV).

(b) As used in this section, "screening test" means a laboratory screening test or a series of tests approved by the state department of health to determine the possible presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV).

(c) For an individual who is committed to the department after June 30, 2001, the examination required under section 2(a) of this chapter must include the following:

(1) A blood test for hepatitis C.

(2) A screening test for the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV).

(d) If the screening test required under subsection (c)(2) indicates the presence of antibodies to the human immunodeficiency virus (HIV), the department shall administer a confirmatory test to the individual.

(e) The department may require an individual who:

(1) was committed to the department before July 1, 2001; and

(2) is in the custody of the department after June 30, 2001;

to undergo the tests required by subsection (c) and, if applicable, subsection (d).

(f) Ninety (90) days before an individual committed to the department is:

(1) released on:

(A) parole; or

(B) probation;

(2) transferred to a:

(A) community transition program; or

(B) community corrections program; or

(3) discharged;

the department shall perform the blood and screening tests described in subsection (c).

~~(f)~~ **(g)** Except as otherwise provided by state or federal law, the results of a test administered under this section are confidential.

~~(g)~~ **(h)** The department shall ~~beginning September 1, 2002,~~ file an annual report in an electronic format under IC 5-14-6 with the executive director of the legislative services agency containing statistical information on the number of individuals tested and the number of positive test results determined under this section.

SECTION 2. IC 11-10-12-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. Ninety (90) days before an individual committed to the department is:**

(1) released on:

(A) parole; or

(B) probation;

(2) transferred to a:

(A) community transition program; or

(B) community corrections program; or

(3) discharged;

the department shall perform the blood and screening tests described in IC 11-10-3-2.5(c).".

Renumber all SECTIONS consecutively.

(Reference is to ESB 201 as printed March 30, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 287, 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 19, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 292, 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 3-5-2-40.5, AS ADDED BY P.L.109-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40.5. "Proof of identification" refers to a document that satisfies all the following:

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

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

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

(A) is not expired; or

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

(4) The document was issued by **any of the following:**

(A) The United States. ~~or~~ **Notwithstanding subdivision (3), a document issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:**

(i) otherwise complies with the requirements of this section; and

(ii) has no expiration date or states that the document has an indefinite expiration date;

is sufficient proof of identification for purposes of this title.

(B) The state of Indiana.

(C) An approved institution of higher learning (as defined in IC 20-12-21-3).".

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 4. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) This section applies to an absentee ballot cast by an individual confined in a long term care facility.**

(b) A person may not challenge the right of an individual to vote at an election by absentee ballot solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record.".

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 7. IC 3-7-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person who is:

(1) convicted of a crime; and

(2) imprisoned following conviction;

is deprived of the right of suffrage by the general assembly pursuant to Article 2, Section 8 of the Constitution of the State of Indiana.

(b) A person described in subsection (a) is ineligible to register under this article during the period that the person is:

(1) imprisoned; or

(2) otherwise subject to lawful detention.

(c) A person who is subject to lawful detention but has not been convicted of a crime is eligible to:

(1) register under this article; and

(2) vote;

until the person has been convicted of a crime and imprisoned following conviction.".

Page 10, line 25, reset in roman "by facsimile".

Page 10, line 26, reset in roman "transmission or".

Page 10, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 14. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a ~~member of the~~ precinct election ~~board~~ **officer** shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

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

(2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

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

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) **A voter described by either of the following is not**

required to provide proof of identification before voting in a primary election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. ~~is not required to provide proof of identification before voting in a primary election.~~

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee.

(B) The voter has a religious objection to being photographed.".

Page 11, delete lines 1 through 33.

Page 13, delete lines 33 through 40.

Page 14, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 19. IC 3-11-2-10, AS AMENDED BY P.L.58-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed at the top of the ballot. The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device.

(b) The instructions for voting a straight party ticket must conform as nearly as possible to the following: "To vote a straight (insert political party name) ticket for all (political party name) candidates on this ballot, make a voting mark on or in this circle and do not make any other marks on this ballot, **unless you want to vote for any candidates of a political party other than the (political party name). If you want to vote for candidates for offices other than candidates of the (political party name) party, you must:**

(1) make a voting mark on or in the square to the left of that candidate's name; or

(2) write in the name of the candidate on the ballot where write-in votes may be cast and make a voting mark on or in the square to the left of the candidate's name you write in.

If more than one (1) candidate is to be elected to an office, you must also make a voting mark on or in the square to the left of the names of the candidates of the (political party name) party for whom you want to vote for that office in addition to the names of the candidates you want to vote for who are not (political party name) candidates. DO NOT VOTE FOR MORE CANDIDATES FOR AN OFFICE THAN ARE TO BE ELECTED; IF YOU DO, THE VOTES FOR THE (POLITICAL PARTY NAME) CANDIDATES FOR THAT OFFICE WILL NOT BE COUNTED AND IT IS POSSIBLE THAT ALL THE VOTES YOU CAST FOR CANDIDATES FOR THE OFFICE WILL NOT BE COUNTED. If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot.".

(c) If the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot.".

(d) The ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted.".

(e) The list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(f) The election division or the circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 20. IC 3-11-3-22, AS AMENDED BY P.L.164-2006, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English ~~braille,~~ and any other language that the board considers necessary the following:

(1) Instructions for the guidance of voters in preparing their ballots.

(2) Instructions explaining the procedure for write-in voting.

(3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.

(b) The write-in notice cards described in subsection (a)(3) must inform all voters that a voter:

(1) who wants to cast write-in votes may cast the voter's ballot on the voting system required to be available to all voters in the precinct under IC 3-11-15-13.3(e); and

(2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.

(c) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards.".

Page 19, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 26. IC 3-11-4-17.5, AS AMENDED BY P.L.164-2006, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

(1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;

(2) the information set forth on the application appears to be true; and

(3) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (3), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

(b) If:

(1) the applicant is not a voter of the precinct according to the registration record; or

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) ~~This subsection applies to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d),~~ If the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is denied; and

(2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

The notice must include information telling the applicant how the application can be corrected and can be approved, if possible.

(d) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(e) If the applicant:

(1) is a voter of the precinct according to the registration record;

(2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; and

(3) provides a voter identification number on the application to permit transfer of registration under IC 3-7-13-13;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.".

Page 21, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 32. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a ~~member of the~~ precinct election ~~board~~ **officer** shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

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

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

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

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) **A voter described by either of the following is not required to provide proof of identification before voting in an election:**

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. ~~is not required to provide proof of identification before voting in an election.~~

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

(i) indigent; and

(ii) unable to obtain proof of identification without the payment of a fee.

(B) The voter has a religious objection to being photographed.

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

(1) The voter's name.

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

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

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

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

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

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

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

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

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

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

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

SECTION 33. IC 3-11-10-4, AS AMENDED BY P.L.198-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the

absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the ~~application for the absentee ballot.~~ **voter's affidavit of registration.** The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the ~~application for the absentee ballot.~~ **voter's affidavit of registration.** The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter.

(d) If a member of the absentee voter board questions whether a signature on a ballot envelope or transmitted affidavit is genuine, the matter shall be referred to the county election board for consideration under section 5 of this chapter.".

Page 21, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 34. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. **(a)** If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a ~~large or~~ carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

(b) The envelope shall be securely sealed and endorsed with the ~~name and~~ official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open.

SECTION 35. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open. ~~and in sufficient time to enable~~ The precinct election ~~boards to~~ **board shall** vote ~~the~~ ballots **received** during the time the polls are open. **Any ballots received by the precinct election board after the polls are closed shall be returned to the county election board for counting under section 14 of this chapter.**

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

(1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and

(2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

(1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and

(2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

(e) This subsection applies to a special write-in absentee ballot described in:

(1) 42 U.S.C. 1973ff for federal offices; and

(2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board.".

Page 22, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 36. IC 3-11-10-14, AS AMENDED BY P.L.198-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. **(a)** Subject to **IC 3-10-8-7.5 and** section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day **shall be delivered to the county election board for counting.**

(b) An absentee ballot delivered to the county election board under subsection (a) shall be counted by the county election board if the ballot is not otherwise successfully challenged under this title.

(c) The election returns from the precinct shall be adjusted to reflect the votes on an absentee ballot required to be counted under subsection (b).

(d) Except as provided in subsection (e), absentee ballots received by the county election board after the close of the polls on election day are considered as arriving too late and ~~need~~ **may** not be ~~delivered to the polls.~~ **counted.**

(e) Absentee ballots received by the precinct election board as described in section 12(b) of this chapter after the close of the polls shall be returned to the county election board and be counted as provided in this section.

SECTION 37. IC 3-11-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At any time between the opening and closing of the polls on election day, the inspector, in the presence of the precinct election board, shall do all of the following:

(1) Open the outer or carrier envelope containing an absentee ballot envelope and application.

(2) Announce the absentee voter's name.

(3) Compare the signature upon the ~~application~~ **voter's affidavit of registration** with the signature upon the affidavit on the ballot envelope or transmitted affidavit attached to the ballot envelope.

SECTION 38. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to

administer the election for which the absentee ballot is requested.

(3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(11) The voter is subject to lawful detention but has not been convicted of a crime.

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 39. IC 3-11-10-25, AS AMENDED BY P.L.164-2006, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. (a) A voter who votes by absentee ballot because ~~of:~~ **the voter:**

(1) **has an** illness or injury; ~~or~~

(2) **is** caring for a confined person at a private residence; **or**

(3) is subject to lawful detention but has not been convicted of a crime;

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

(1) during the regular office hours of the circuit court clerk;

(2) at a time agreed to by the board and the voter;

(3) on any of the twelve (12) days immediately before election day; and

(4) only once before an election, unless:

(A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or

(B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

(1) agreed to by the board and the voter; and

(2) during the regular office hours of the circuit court clerk.

A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in subsection (b).

(e) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.".

Page 25, delete lines 38 through 42.

Page 26, delete lines 1 through 2.

Page 26, delete lines 25 through 28.

Page 26, line 33, delete ":".

Page 26, line 34, delete "(1)".

Page 26, line 35, after "chapter" insert "."

Page 26, line 35, delete "by the secretary of".

Page 26, run in lines 33 through 35.

Page 26, delete lines 36 through 38.

Page 26, line 41, delete "secretary of"

Page 26, line 42, delete "state or the".

Page 27, line 17, delete "secretary of state" and insert "**election division**".

Page 27, line 20, delete "secretary of state" and insert "**election division**".

Page 27, line 24, delete "secretary of state" and insert "**election division**".

Page 27, line 26, delete "secretary of state" and insert "**election division**".

Page 27, line 28, delete "secretary of state" and insert "**election division**".

Page 27, after line 42, begin a new paragraph and insert:

"SECTION 47. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Subject to section 7 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after ~~noon~~ **the close of the polls** on election day are considered as arriving too late and may not be counted.

SECTION 48. IC 3-11.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. At any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

(1) open the outer or carrier envelope containing an absentee ballot envelope and application;

(2) announce the absentee voter's name; and

(3) compare the signature upon the ~~application with the signature upon the~~ affidavit on the ballot envelope or transmitted affidavit **with the signature on the voter's affidavit of registration.**

SECTION 49. IC 3-11.5-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. If a voter has not returned an absentee ballot, the voter may vote in person. However, before the voter may vote, the voter must return the ballot to the **precinct election board or the** county election board. The absentee ballot shall be marked "canceled" and preserved with the rejected ballots.".

Page 28, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 51. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) A voter who:

(1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and

(2) cast a provisional ballot;

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

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

(1) provides proof of identification to the circuit court clerk or county election board; and

(2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

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

(B) cast the provisional ballot on election day;

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

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

~~(1) the voter is the same individual who:~~

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

~~(B) cast the provisional ballot on election day; and~~

~~(2) the voter:~~

~~(A) is:~~

~~(i) indigent; and~~

~~(ii) unable to obtain proof of identification without the payment of a fee; or~~

~~(B) has a religious objection to being photographed;~~

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

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

~~(1) find that the voter's provisional ballot is valid; and~~

~~(2) direct that the provisional ballot be:~~

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

~~(B) processed in accordance with this chapter.~~

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

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

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

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

(1) appear before the county election board; and

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

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

SECTION 52. IC 3-12-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to votes cast by any method.

(b) Except as provided in section 13 of this chapter, a ballot that has been marked and cast by a voter in compliance with this title but may otherwise not be counted solely as the result of the act or failure to act of an election officer ~~may nevertheless~~ **shall** be counted ~~in a proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11~~ unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. ~~by a party to the proceeding.~~

(c) The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.".

Page 29, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 54. IC 3-12-4-18, AS AMENDED BY P.L.221-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems are used in a precinct, the county election board may ~~request authorization from the state recount commission to~~ inspect the registering counter or other recording device on any electronic voting system showing the number of votes cast for any candidate or public question. ~~If authorized by the state recount commission,~~ The board may conduct an inspection either before it proceeds to count and tabulate the vote or within one (1) day after the count and tabulation are finished.".

Page 33, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 63. IC 5-4-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Except as provided in subsection (b) **or (c),** the following city, town, county, or township officers and employees shall file an individual surety bond:

(1) City judges, controllers, clerks, and clerk-treasurers.

(2) Town judges and clerk-treasurers.

(3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.

(4) Township trustees and assessors.

(5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.

(b) The fiscal body of a city, town, county, or township may by ordinance authorize the purchase of a blanket bond or a crime insurance policy endorsed to include faithful performance to cover the faithful performance of all employees, commission members, and persons acting on behalf of the local government unit including those officers described in subsection (a).

(c) A county may purchase a blanket bond to cover the elected officers of one (1) or more local government units in the county, including those officers described in subsection (a). The local units for whom the county purchases a blanket bond shall make the necessary appropriation to reimburse the county. The cost of a blanket bond purchased under this subsection is apportioned to each unit in the same ratio as the number of elected officers of the unit covered by the bond bears to the total number of elected officers covered by the bond.

~~(c)~~ **(d)** The fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

(1) The amount must equal fifteen thousand dollars ($15,000) for each one million dollars ($1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).

(2) The amount may not be less than fifteen thousand dollars ($15,000) nor more than three hundred thousand dollars ($300,000).

County auditors shall file bonds in amounts of not less than fifteen thousand dollars ($15,000), as fixed by the fiscal body of the county. The amount of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit at not less than eight thousand five hundred dollars ($8,500).

~~(d)~~ **(e)** A controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

(1) fixed by the board of directors of the solid waste management district; and

(2) that is at least fifteen thousand dollars ($15,000).

~~(e)~~ **(f)** Except as provided under subsection ~~(d),~~ **(e),** a person who is required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

~~(f)~~ **(g)** In 1982 and every four (4) years after that, the state examiner shall review the bond amounts fixed under this section and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.

~~(g)~~ **(h)** The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section, in consultation with the commission on public records under IC 5-15-5.1-6.

SECTION 64. IC 5-10.1-2-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: **Sec. 9. (a) The agreement shall be modified to exclude services performed by an election official or an election worker for calendar year 2007 in which the remuneration paid for such services is less than one thousand three hundred dollars ($1,300), and for each calendar year after 2007 in which the remuneration paid is less than the adjusted amount, as described in subsection (b), beginning with services performed in the year that this modification was mailed or delivered by other means to the Commissioner of Social Security.**

(b) The one thousand three hundred dollar ($1,300) limit on the excludable amount of remuneration paid in a calendar year for the services specified in this modification is subject to adjustment for calendar years after 2007 to reflect changes in wages in the economy without any further modification of the agreement, with respect to such services performed during such calendar years, in accordance with Section 218(c)(8)(B) of the Social Security Act.

(c) This exclusion applies to all coverage groups of the state and its political subdivisions currently (as of the date this modification is executed), including under this agreement and to which the agreement is hereafter made applicable.

SECTION 65. IC 20-23-8-10, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) A change in a plan may be initiated by one (1) of the following procedures:

(1) By filing a petition signed by at least ~~twenty~~ **ten** percent ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of the school corporation with the clerk of the circuit court.

(2) By a resolution adopted by the governing body of the school corporation.

(3) By ordinance adopted by a city legislative body under section 13 of this chapter.

(b) A petition, resolution, or ordinance must set forth a description of the plan that conforms with section 7 of this chapter.

~~(c) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), a change in a plan may be initiated by filing a petition signed by ten percent (10%) or more of the voters of the school corporation with the clerk of the circuit court.~~

SECTION 66. IC 20-23-8-14, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) Not more than ten (10) days after a governing body has:

(1) initiated;

(2) approved; or

(3) disapproved;

a plan initiated by the petition filed with it, the governing body shall publish a notice one (1) time in a newspaper of general circulation in the county of the school corporation. If a newspaper of general circulation is not published in the county

of the school corporation, the governing body shall publish a notice one (1) time in a newspaper of general circulation published in a county adjoining the county of the school corporation.

(b) The notice must set out the text of a plan initiated by the governing body or another plan filed with the governing body before the preparation of the notice. The notice must also state the right of a voter, as provided in this section, to file a petition for alternative plans or a petition protesting the adoption of a plan or plans to which the notice relates.

(c) If the governing body fails to publish a notice required by this section, the governing body shall, not more than five (5) days after the expiration of the ten (10) day period for publication of notice under this section, submit the petition that has been filed with the clerk to the state board, whether or not the plan contained in the petition or the petition meets the requirements of this chapter.

(d) Not later than one hundred twenty (120) days after the publication of the notice, voters of the school corporation may file with the clerk a petition protesting a plan initiated or approved by the governing body or a petition submitting an alternative plan as follows:

(1) A petition protesting a plan ~~shall~~ **must** be signed by at least ~~twenty~~ **ten** percent ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of the school corporation or five hundred (500) voters of the school corporation, whichever is less.

(2) A petition submitting an alternative plan ~~shall~~ **must** be signed by at least ~~twenty~~ **ten** percent ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of the school corporation.

A petition filed under this subsection shall be certified by the clerk and shall be filed with the governing body in the same manner as is provided for a petition in section 11 of this chapter.

(e) The governing body or the voters may not initiate or file additional plans until the plans that were published in the notice or submitted as alternative plans not later than one hundred twenty (120) days after the publication of the notice have been disposed of by:

(1) adoption;

(2) defeat at a special election held under section 16 of this chapter; or

(3) combination with another plan by the state board under section 15 of this chapter.

SECTION 67. IC 20-23-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 14.5. Election of Governing Body Members in Mishawaka

Sec. 1. In a school city established under IC 20-23-4 located in a city having a population of more than forty-six thousand five hundred (46,500) but less than fifty thousand (50,000), if a majority of the voters voting in the municipal election held on November 6, 2007, vote in favor of an elected school board, the governing body consists of a board of trustees of seven (7) members elected in the manner provided in this chapter.

Sec. 2. (a) For purposes of this section, a reference to a common council district of the city is a reference to the district as it existed on January 1, 2007.

(b) The city is divided into the following three (3) districts:

(1) District One consists of the first district of the common council and the second district of the common council.

(2) District Two consists of the third district of the common council and the fourth district of the common council.

(3) District Three consists of the fifth district of the common council and the sixth district of the common council.

Sec. 3. As used in this chapter, "district" refers to a district of the governing body established by section 2(b) of this chapter.

Sec. 4. Beginning with the general election held in November 2008, and every four (4) years thereafter, three (3) members of the governing body shall be elected by voters of the districts as provided in this chapter. The candidate who receives the greatest number of votes among all candidates for a district seat is elected.

Sec. 5. (a) Beginning with the general election held in November 2008, and every four (4) years thereafter, one (1) member of the governing body shall be elected by all the voters of the school city as provided in this chapter. The candidate who receives the greatest number of votes among all candidates for an at-large seat is elected.

(b) Beginning with the general election held in November 2010, and every four (4) years thereafter, three (3) members of the governing body shall be elected by all the voters of the school city as provided in this chapter. The three (3) candidates who receive the greatest number of votes among all candidates for an at-large seat are elected.

Sec. 6. Except as provided in this chapter, IC 3 applies to an election held under this chapter.

Sec. 7. The circuit court clerk shall prepare a separate ballot to be used for governing body elections. Candidates shall appear on the ballot in alphabetical order.

Sec. 8. (a) The term of a member of the governing body is four (4) years, beginning on January 1 following the member's election.

(b) A member may be reelected.

SECTION 68. IC 24-5-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) As used in this chapter, "commercial telephone solicitation" means any unsolicited call to a subscriber when:

(1) the person initiating the call has not had a prior business or personal relationship with the subscriber; and

(2) the purpose of the call is to solicit the purchase or the consideration of the purchase of goods or services by the subscriber.

(b) The term does not include calls initiated by the following:

(1) The state or a political subdivision (as defined by IC 36-1-2-13) for exclusively public purposes.

(2) The United States or any of its subdivisions for exclusively public purposes (involving real property in Indiana).

(3) A public opinion polling organization.

SECTION 69. IC 24-5-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) This section does not apply to messages:

(1) from school districts to students, parents, or employees;

(2) to subscribers with whom the caller has a current business or personal relationship; ~~or~~

(3) advising employees of work schedules; **or**

(4) surveying public opinion by a public opinion polling organization.

(b) A caller may not use or connect to a telephone line an automatic dialing-announcing device unless:

(1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or

(2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.".

Page 34, line 42, delete "IC 3-11-11-1.6." and insert "IC 3-11-11-1.6; IC 3-14-2-29.".

Page 35, line 10, after "IC 3-11-17-3" insert "**,**".

Page 35, line 10, delete "and IC 3-11-17-4, both".

Page 35, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 75. [EFFECTIVE UPON PASSAGE] **(a) The Spencer County election board shall place the following public question on the November 2007 municipal election ballot in the town of Grandview in Spencer County:**

"Would you support funding a storm water utility through a fee added to your utility bill?".

(b) The county election board shall print the following immediately below the public question stated in subsection (a):

"The vote on these statements is only advisory. The result of the vote on these statements is not binding on the Town of Grandview or any public official.".

(c) The county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results under IC 3-12-4-9. The circuit court clerk shall send a copy of the certification required by this subsection to the legislative body of the town of Grandview.

(d) IC 3 applies to the public question placed on the ballot under this SECTION to the extent IC 3 is not inconsistent with this SECTION.

(e) This SECTION expires July 1, 2008.

SECTION 76. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 3-5-2 apply throughout this SECTION.**

(b) This SECTION applies to a proposed precinct establishment order:

(1) that was filed with the election division:

(A) after January 31, 2006; and

(B) before February 1, 2007;

(2) with respect to which technical comments were received from the office of census data concerning some or all of the order, which technical comments were transmitted to the election division before February 1, 2007; and

(3) that was not approved by the commission or the election division under IC 3-11-1.5 before February 1, 2007.

(c) Beginning June 1, 2007, and not later than August 31, 2007, the proposed precinct establishment order, as amended by the election division to respond to technical comments or to ensure compliance with state law, may be approved under IC 3-11-1.5-18 by the election division or by the Indiana election commission.

(d) Notwithstanding IC 3-11-1.5, a proposed precinct establishment order approved under this SECTION is effective upon the earlier of the adoption of the order by the county under IC 3-11-1.5-18(e), or upon the approval of the commission under IC 3-11-1.5.

(e) This SECTION expires January 1, 2008.".

Renumber all SECTIONS consecutively.

(Reference is to SB 292 as printed February 2, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

PIERCE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 293, 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, delete lines 4 through 20.

Page 7, delete lines 32 through 42.

Delete page 8.

Page 9, delete lines 1 through 25.

Page 9, delete lines 37 through 42.

Page 10, delete lines 1 through 5.

Page 13, delete lines 1 through 15.

Page 13, line 21, reset in roman "error".

Page 13, line 22, delete "voter registration".

Page 13, delete lines 26 through 35.

Page 13, line 38, reset in roman "error".

Page 13, line 38, delete "voter registration".

Page 14, delete lines 2 through 16.

Page 15, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 21. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

(1) by mail;

(2) before an absentee voter board as ~~otherwise~~ provided in this article; ~~a voter voting by absentee ballot must vote~~

(3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(4) at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section 12 and 13 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 22. IC 3-11-4-2, AS AMENDED BY P.L.103-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The name of the individual.

(2) The voter registration address of the individual.

(3) The mailing address of the individual.

(4) The date of birth of the individual.

(5) The voter identification number of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

~~(4) The reason why the individual is entitled to vote an absentee ballot:~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

(1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

(1) noon seven (7) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(4) A statement that the person is executing the affidavit under the penalties of perjury.

(5) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 23. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail,~~ The county election board shall, at the request of ~~the~~ **a** voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

(1) on the day of the receipt of the voter's application; or

(2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

(1) must be mailed:

(A) on the day of the receipt of the voter's application; or

(B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

(2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.".

Delete page 16.

Page 17, delete lines 1 through 17.

Page 18, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 25. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a voter ~~who satisfies any of the following~~ is entitled to vote by mail.

~~(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.~~

~~(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:~~

~~(A) a precinct election officer under IC 3-6-6;~~

~~(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;~~

~~(C) a challenger or pollbook holder under IC 3-6-7, or~~

~~(D) a person employed by an election board to administer the election for which the absentee ballot is requested.~~

~~(3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.~~

~~(4) The voter is a voter with disabilities.~~

~~(5) The voter is an elderly voter.~~

~~(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.~~

~~(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.~~

~~(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.~~

~~(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.~~

~~(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).~~

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 26. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

(1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than ~~twenty-nine (29)~~ **twenty-eight (28)** days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than ~~twenty-nine (29)~~ **twenty-eight (28)** days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the

ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

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

(2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(j) The county election board, by unanimous vote of the entire membership of the board, may adopt a resolution providing that absentee ballots be cast at satellite offices instead of in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2).

SECTION 27. IC 3-11-15-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 43. (a) The audit record provisions in this chapter are essential to the complete recording of election operations and reporting of the vote tally. This list of audit records must reflect all of the idiosyncrasies of a system.

(b) ~~As required by 42 U.S.C. 15481,~~ The voting system must **do the following:**

(1) Produce a permanent paper record with a manual audit capacity for the system. ~~and~~

(2) Permit the voter to examine the paper record of the voter's vote to verify the voter's votes. This subdivision applies only to a voting system purchased, leased, or lease purchased after April 30, 2007.

~~(2)~~ **(3)** Provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(c) The paper record produced under subsection (b) ~~must be made available as~~ **is** an official record for a recount or contest conducted with respect to any election in which the voting system was used.

(d) A voter may not keep the paper record the voter has examined under subsection (b)(3).".

Page 18, line 16, reset in roman "error".

Page 18, line 17, delete "voter registration"

Page 18, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 29. IC 3-12-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 1.5. Auditing Election Results

Sec. 1. This chapter applies to an election in which ballots are counted other than by hand.

Sec. 2. As used in this chapter, "appropriate statistical sample" refers to a sample of ballots or precincts randomly chosen to produce a statistically significant result.

Sec. 3. (a) After each general election, the commission shall conduct an audit of the election.

(b) An audit conducted under this section must do the following:

(1) Hand count an appropriate statistical sample of the ballots cast on ballot cards from the following in each county:

(A) If the year is a year in which an election for electors of President and Vice President of the United States is conducted, that election.

(B) At least one (1) election for a state office.

(2) Audit the performance of an appropriate statistical sample of the results from electronic voting systems.

(c) A sample shall be chosen of each of the following for each county:

(1) All precincts within the county.

(2) All absentee ballots.

(3) All ballots cast at a vote center under IC 3-11-18.

Sec. 4. (a) The commission shall take any action:

(1) required by this chapter; and

(2) requiring statistical or sampling knowledge only after consultation with a panel designated under subsection (b).

(b) Each commission member may designate an individual who has a doctoral degree in statistics, or the equivalent of such a degree, to serve on a statistical advisory panel to assist the commission with decisions and analysis of data requiring knowledge of statistics.

Sec. 5. Upon completion of an audit required by this chapter, the commission shall issue an audit report that contains the commission's findings, including findings on the reliability of voting systems used in the election.

SECTION 30. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A manager or an employee may use ~~any~~ **either** of the following methods to transmit paper copies of voter registration applications under section 4 of this chapter:

(1) Hand delivery to the county voter registration office.

(2) ~~Certified~~ **First class United States** mail. ~~return receipt requested.~~".

Page 19, delete lines 1 through 24.

Page 20, delete lines 15 through 16, begin a new paragraph and insert:

"SECTION 33. IC 3-7-36-11 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 34. [EFFECTIVE JULY 1, 2007] **(a) As used in this SECTION, "committee" refers to the census data advisory committee established by IC 2-5-19-2.**

(b) The committee shall do the following:

(1) Study all issues relating to the possibility of changing the current voting systems by conducting all elections by mail-in ballots.

(2) Assess the results of permitting voters to cast absentee ballots without requiring voters to state a reason for casting absentee ballots.

(3) Make any recommendations regarding the issues described in subdivision (1) and the assessment required by subdivision (2).

(c) This SECTION expires January 1, 2008.".

Renumber all SECTIONS consecutively.

(Reference is to SB 293 as printed February 9, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

PIERCE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 328, 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 10-13-3-27.5, AS AMENDED BY P.L.146-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27.5. (a) If:

(1) exigent circumstances require the emergency placement of a child; and

(2) the department will be unable to obtain criminal history information from the Interstate Identification Index before the emergency placement is scheduled to occur;

upon request of the department of child services established by IC 31-25-1-1, a caseworker, or a juvenile probation officer, the department may conduct a national name based criminal history record check of each individual **who is at least eighteen (18)**

years of age and who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location. The department shall promptly transmit a copy of the report it receives from the Interstate Identification Index to the agency or person that submitted a request under this section.

(b) Not later than seventy-two (72) hours after the department of child services, the caseworker, or the juvenile probation officer receives the results of the national name based criminal history record check, the department of child services, the caseworker, or the juvenile probation officer shall provide the department with a complete set of fingerprints for each individual **who is at least eighteen (18) years of age and** who is currently residing in the location designated as the out-of-home placement at the time the child will be placed in the location. The department shall:

(1) use fingerprint identification to positively identify each individual ~~who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location~~; **whose fingerprints are provided to the department under this subsection;** or

(2) submit the fingerprints to the Federal Bureau of Investigation not later than fifteen (15) calendar days after the date on which the national name based criminal history record check was conducted.

The child shall be removed from the location designated as the out-of-home placement if an individual **who is at least eighteen (18) years of age and** who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location fails to provide a complete set of fingerprints to the department of child services, the caseworker, or the juvenile probation officer.

(c) The department and the person or agency that provided fingerprints shall comply with all requirements of 42 U.S.C. 5119a and any other applicable federal law or regulation regarding:

(1) notification to the subject of the check; and

(2) the use of the results obtained based on the check of the person's fingerprints.

(d) If an out-of-home placement is denied as the result of a national name based criminal history record check, an individual who is ~~currently residing in the location designated as the out-of-home placement at the time the child will reside in the location~~ **the subject of the name based criminal history record check** may contest the denial by submitting to the department of child services, the caseworker, or the juvenile probation officer:

(1) a complete set of the individual's fingerprints; and

(2) written authorization permitting the department of child services, the caseworker, or the juvenile probation officer to forward the fingerprints to the department for submission to the Federal Bureau of Investigation;

not later than five (5) days after the out-of-home placement is denied.

(e) The:

(1) department; and

(2) Federal Bureau of Investigation;

may charge a reasonable fee for processing a national name based criminal history record check. The department shall adopt rules under IC 4-22-2 to establish a reasonable fee for processing a national name based criminal history record check and for collecting fees owed under this subsection.

(f) The:

(1) department of child services, for an out-of-home placement arranged by a caseworker or the department of child services; or

(2) juvenile court, for an out-of-home placement ordered by the juvenile court;

shall pay the fee described in subsection (e), arrange for fingerprinting, and pay the costs of fingerprinting, if any.".

Page 3, line 39, delete "IC 31-25-2-20" and insert "**IC 31-25-2-20.4**".

Page 5, line 8, after "age" insert "**as**".

Page 5, line 13, after "(1)(A)" insert ", **or a person for whom a fingerprint based criminal history background check is required under IC 31,**".

Page 5, line 26, after "office"" delete "," and insert "**or "county office of family and children",**".

Page 6, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 9. IC 31-9-2-38.5, AS AMENDED BY P.L.145-2006, SECTION 187, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 38.5. "Department", for purposes of IC 31-19, ~~IC 31-25, IC 31-26, IC 31-27, IC 31-28, IC 31-33, IC 31-34, IC 31-38,~~ and **IC 31-25 through** IC 31-40, has the meaning set forth in IC 31-25-2-1.".

Page 8, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 18. IC 31-19-11-1, AS AMENDED BY P.L.140-2006, SECTION 17, AS AMENDED BY P.L.173-2006, SECTION 17, AND AS AMENDED BY P.L.145-2006, SECTION 253, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

(1) the adoption requested is in the best interest of the child;

(2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;

(3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;

(4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;

(5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;

(6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

(7) proper consent, if consent is necessary, to the adoption has been given;

(8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and

(9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the ~~*department's*~~ *state department of health's* affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

(1) Murder (IC 35-42-1-1).

(2) Causing suicide (IC 35-42-1-2).

(3) Assisting suicide (IC 35-42-1-2.5).
(4) Voluntary manslaughter (IC 35-42-1-3).
(5) Reckless homicide (IC 35-42-1-5).
(6) Battery as a felony (IC 35-42-2-1).
(7) Domestic battery (IC 35-42-2-1.3).
~~(7)~~ **(8)** Aggravated battery (IC 35-42-2-1.5).
~~(8)~~ **(9)** Kidnapping (IC 35-42-3-2).
~~(9)~~ **(10)** Criminal confinement (IC 35-42-3-3).
~~(10)~~ **(11)** A felony sex offense under IC 35-42-4.
~~(11)~~ **(12)** Carjacking (IC 35-42-5-2).
~~(12)~~ **(13)** Arson (IC 35-43-1-1).
~~(13)~~ **(14)** Incest (IC 35-46-1-3).
~~(14)~~ **(15)** Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
~~(15)~~ **(16)** Child selling (IC 35-46-1-4(d)).
~~(16)~~ **(17)** A felony involving a weapon under IC 35-47 or IC 35-47.5.
~~(17)~~ **(18)** A felony relating to controlled substances under IC 35-48-4.
~~(18)~~ **(19)** An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
~~(19)~~ **(20)** A felony that is substantially equivalent to a felony listed in subdivisions (1) through ~~(18)~~ **(19)** for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), ~~(11),~~ (12), **(13),** (~~16),~~ ~~or~~ (17), or **(18), or** its equivalent under subdivision ~~(19),~~ **(20),** if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is ~~*an*~~ *a sex* offender (as defined in ~~*IC 5-2-12-4).*~~ IC *11-8-8-5).*".

Page 8, line 8, delete "IC 31-25-2-20" and insert "IC 31-25-2-20.4".

Page 8, line 10, delete "20." and insert "**20.4.**".

Page 9, line 42, strike "submit".

Page 11, line 4, delete "national".

Page 11, line 7, after "volunteer" delete "in" and insert "**to**".

Page 11, line 17, delete "national".

Page 11, line 41, delete "applicant" and insert "**applicant's**".

Page 12, line 10, delete "record information".

Page 13, line 12, delete "IC 31-27-4-13(a); or" and insert "**IC 31-27-4-13(a).**".

Page 13, line 25, strike "(a)(2)," and insert "**(a) or (b),**".

Page 13, line 27, after "conviction of" insert ", **or a determination of child abuse or neglect by,**".

Page 13, line 30, after "of" insert ", **or determination of child abuse or neglect by,**".

Page 14, line 11, delete "IC 31-25-2-20." and insert "**IC 31-25-2-20.4.**".

Page 15, line 11, delete "IC 31-27-4-13(a); or" and insert "**IC 31-27-4-13(a).**

Page 15, line 24, after "subsection" insert "**(a) or**".

Page 15, line 25, delete "A license" and insert "**a license**".

Page 15, line 25, delete "of" and insert "**of, or a determination of child abuse or neglect by,**".

Page 15, line 29, delete "conviction;" and insert "**conviction or determination;**".

Page 15, line 30, after "of" insert ", **or determination of child abuse or neglect by,**".

Page 17, line 7, delete "national".

Page 17, line 14, delete "national".

Page 17, line 29, delete "national".

Page 18, line 11, delete "applicant" and insert "**applicant's**".

Page 18, line 22, delete "record information".

Page 18, line 39, after "applicant" delete ",".

Page 19, line 19, delete "adult" and insert "**individual**".

Page 19, line 25, delete "IC 31-27-4-13(a); or" and insert "**IC 31-27-4-13(a).**".

Page 19, line 29, delete "." and insert "**or to permit the individual to reside in the applicant's residence.**".

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

"**(5) The nature and extent of unsupervised contact with children residing in the home.**".

Page 19, line 38, strike "(a)(2)," and insert "**(a) or (b),**".

Page 19, line 40, after "of" insert ", **or a determination of child abuse or neglect by,**".

Page 20, line 3, after "of" insert ", **or determination of child abuse or neglect by,**".

Page 20, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 31-27-4-13, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) The department shall deny a license when an applicant fails to meet the requirements for a license. The department shall deny a license to an applicant who has been convicted of any of the following felonies:

(1) Murder (IC 35-42-1-1).
(2) Causing suicide (IC 35-42-1-2).
(3) Assisting suicide (IC 35-42-1-2.5).
(4) Voluntary manslaughter (IC 35-42-1-3).
(5) Reckless homicide (IC 35-42-1-5).
(6) Battery (IC 35-42-2-1).
(7) Domestic battery (IC 35-42-2-1.3).
~~(7)~~ **(8)** Aggravated battery (IC 35-42-2-1.5).
~~(8)~~ **(9)** Kidnapping (IC 35-42-3-2).
~~(9)~~ **(10)** Criminal confinement (IC 35-42-3-3).
~~(10)~~ **(11)** A felony sex offense under IC 35-42-4.
~~(11)~~ **(12)** Carjacking (IC 35-42-5-2).
~~(12)~~ **(13)** Arson (IC 35-43-1-1).
~~(13)~~ **(14)** Incest (IC 35-46-1-3).
~~(14)~~ **(15)** Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
~~(15)~~ **(16)** Child selling (IC 35-46-1-4(d)).
~~(16)~~ **(17)** A felony involving a weapon under IC 35-47 or IC 35-47.5.
~~(17)~~ **(18)** A felony relating to controlled substances under IC 35-48-4.
~~(18)~~ **(19)** An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
~~(19)~~ **(20)** A felony that is substantially equivalent to a felony listed in subdivisions (1) through ~~(18)~~ **(19)** for which the conviction was entered in another state.

The department may deny a license to an applicant who has been convicted of a felony that is not listed in this subsection.

(b) The department shall send written notice by certified mail that the application has been denied and give the reasons for the denial.

(c) An administrative hearing concerning the denial of a license shall be provided upon written request by the applicant. The request must be made not more than thirty (30) days after receiving the written notice under subsection (b).

(d) An administrative hearing shall be held not more than sixty (60) days after receiving a written request.

(e) An administrative hearing shall be held in accordance with IC 4-21.5-3.

(f) The department shall issue a decision not more than sixty (60) days after the conclusion of a hearing.".

Page 20, line 26, delete "IC 31-25-2-20." and insert "**IC 31-25-2-20.4.**".

Page 21, line 18, delete "adult" and insert "**individual**".

Page 21, line 23, delete "IC 31-27-4-13(a); or" and insert "**IC 31-27-4-13(a).**".

Page 21, line 27, delete "." and insert "**or to permit the individual to reside in the licensee's residence.**".

Page 21, line 37, delete "A license" and insert "**a license**".

Page 21, line 37, delete "of" and insert "**of, or a determination of child abuse or neglect by,**".

Page 21, line 38, delete ";" and insert "**or an individual residing in the residence of the licensee;**".

Page 21, line 41, delete ";" and insert "**or that the individual no longer resides in the licensee's residence;**".

Page 21, line 42, after "of" insert "**, or determination of child abuse or neglect by,**".

Page 21, line 42, delete "employee or" and insert "**employee,**".

Page 22, line 1, delete "volunteer" and insert "**volunteer, or former household resident**".

Page 23, line 28, delete "national".

Page 23, line 42, delete "national".

Page 24, line 24, delete "applicant" and insert "**applicant's**".

Page 24, line 35, delete "record information".

Page 26, line 18, strike "(a)(2)," and insert "**(a) or (b),**".

Page 26, line 20, after "conviction of" insert "**, or a determination of child abuse or neglect by,**".

Page 26, line 23, after "of" insert "**, or determination of child abuse or neglect by,**".

Page 27, line 3, delete "IC 31-25-2-20." and insert "**IC 31-25-2-20.4.**".

Page 28, line 16, after "subsection" insert "**(a) or**".

Page 28, line 17, delete "A license" and insert "**a license**".

Page 28, line 17, delete "of" and insert "**of, or a determination of child abuse or neglect by,**".

Page 28, line 22, after "of" insert "**, or determination of child abuse or neglect by,**".

Page 30, delete lines 9 through 17, begin a new paragraph and insert:

"**(h) A criminal history background check required under subsection (d)(2) or (d)(3) must be completed on or before the date on which the subject of the check is employed or assigned as a volunteer. However, a fingerprint based criminal history background check as described in IC 31-9-2-22.5(1)(B) and required under subsection (d)(3) must be completed not later than the conclusion of the first ninety (90) days of employment in or assignment of a volunteer to a position described in subsection (d)(3). If a person described in this subsection has been the subject of a criminal history background check (as described in IC 31-9-2-22.5) that was conducted not more than one (1) year before the date the license application is submitted to the department, a new criminal history check of that person is not required.**

(i) An applicant or a licensee may provisionally employ an individual or assign a volunteer for whom a criminal history background check is required under subsection (d)(3) during the period after the process of requesting fingerprint based criminal history background check information has been initiated by or on behalf of the applicant or licensee but before the determination is obtained by or communicated to the applicant or licensee. If the determination is not received within ninety (90) days after the effective date of hire or volunteer assignment, the employee or volunteer relationship must be terminated or suspended until a determination is received. An employee or a volunteer whose determination has not yet been received may not have direct contact with a child who is or will be placed at a facility operated by the applicant or licensee unless the direct contact occurs only in the presence of a volunteer or an employee of the applicant or licensee who has been the subject of a completed and approved criminal history background check. In determining whether to provisionally hire or assign as a volunteer an individual under subsection (d)(3), the applicant or licensee shall consider the following:

(1) The training time required by an employee or a volunteer.

(2) The safety and security of the children under the supervision of the applicant or licensee.

(3) The safety and security of the other staff and volunteers working under the supervision of the applicant or licensee.

(4) The staffing concerns of the applicant or licensee.

(5) Any other factor relating to the safety and security of the applicant's or licensee's operations.".

Page 30, line 18, delete "(i)" and insert "**(j)**".

Page 30, line 25, delete "(j)" and insert "**(k)**".

Page 30, line 28, delete "record information".

Page 31, line 21, after "that the" insert "**applicant**".

Page 32, line 1, strike "(a)(2)," and insert "**(a) or (b),**".

Page 32, line 3, after "conviction of" insert "**, or a determination of child abuse or neglect by,**".

Page 32, line 6, after "of" insert "**, or determination of child abuse or neglect by,**".

Page 32, line 25, delete "IC 31-25-2-20." and insert "**IC 31-25-2-20.4.**".

Page 32, line 39, delete ",".

Page 33, line 38, after "subsection" insert "**(a) or**".

Page 33, line 39, delete "A license" and insert "**a license**".

Page 33, line 39, delete "of," and insert "**of, or a determination of child abuse or neglect by,**".

Page 34, line 1, delete "conviction;" and insert "**conviction or determination;**".

Page 34, line 2, after "of" insert "**, or determination of child abuse or neglect by,**".

Page 34, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 37. IC 31-32-1-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) Any written notice of a hearing or other court proceeding in a child in need of services case under IC 31-34 or a delinquency case under IC 31-37 shall be given to:**

(1) a party in the manner provided by Rule 5 of the Indiana Rules of Trial Procedure; or

(2) an individual who is not a party by:

(A) personal delivery to the individual; or

(B) mail as provided in Rule 5(B)(2) of the Indiana Rules of Trial Procedure.

(b) Notice by mail must be deposited in the United States mail not less than five (5) calendar days (excluding Saturdays, Sundays, and national legal holidays recognized by the federal government) before the date of the scheduled hearing or proceeding.

(c) Written notice may be given by either:

(1) a copy of a court order or docket entry; or

(2) a letter addressed to the individual required to be notified;

that states the date, time, and purpose of the hearing.

(d) Written notice is not required if verbal notice of the date, time, place, and purpose of the hearing is given by the court at an earlier hearing or proceeding at which the individual to be notified is present.

(e) Written notice is not required if:

(1) the hearing or proceeding is scheduled to be held at a time within forty eight (48) hours (excluding Saturdays, Sundays, and any day on which a legal holiday is observed for state employees) after the court sets the time for the hearing or proceeding; and

(2) the individual responsible for giving the notice under this section:

(A) provides verbal notice of the date, time, place, and purpose of the hearing or proceeding directly to the person required to be notified; and

(B) verifies by affidavit or testimony at the hearing that verbal notice was given as required under this subsection.

(f) Except as provided in subsection (d):

(1) the department is responsible for giving all notices

of a hearing or proceeding in a child in need of services case under IC 31-34; and

(2) the prosecuting attorney or the probation department of the juvenile court is responsible for giving all notices of a hearing or proceeding in a delinquency case under IC 31-37.".

Page 34, line 28, delete "index of" and insert "**index a**".

Page 36, line 36, delete "IC 31-25-2-20." and insert "**IC 31-25-2-20.4.**".

Page 37, line 20, delete "worker" and insert "**caseworker**".

Page 37, line 28, delete "workers" and insert "**caseworkers**".

Page 39, line 38, delete "on" and insert "**on:**

(1)".

Page 39, line 40, delete "neglect." and insert "**neglect; or**

(2) facts presented to the court at a hearing in a child in need of services case commenced under IC 31-34 that are consistent with the facts and conclusions stated in the report, if the department approved the substantiated report after the court's determination.".

Page 41, line 23, delete "whether" and insert "**whether:**

(1)".

Page 41, line 23, after "is" insert "**properly**".

Page 41, line 24, delete "substantiated," and insert "**substantiated;**

(2) child abuse or neglect occurred; or

(3) any person was a perpetrator of child abuse or neglect;".

Page 41, line 24, beginning with "the determination" begin a new line blocked left.

Page 44, line 30, delete "(12)" and insert "**(10)**".

Page 45, line 17, strike "legal holidays," and insert "**any day on which a legal holiday is observed for state employees as provided in IC 1-1-9,**".

Page 45, between lines 23 and 24, begin a new line block indented and insert:

"**(3) Each foster parent or other caretaker with whom the child has been placed for temporary care under IC 31-34-4.**".

Page 45, between lines 26 and 27, begin a new paragraph and insert:

"**(c) The court shall:**

(1) provide a person who is required to be notified under subsection (a)(2) or (a)(3) an opportunity to be heard; and

(2) allow a person described in subdivision (1) to make recommendations to the court;

at the detention hearing.".

Page 46, between lines 1 and 2, begin a new paragraph and insert:

"**(d) The department shall notify each foster parent or other caretaker with whom the child has been temporarily placed under IC 31-34-2.5 of the detention hearing. The court shall:**

(1) provide a person who is required to be notified under this subsection an opportunity to be heard; and

(2) allow a person described in subdivision (1) to make recommendations to the court;

at the detention hearing."

Page 46, delete lines 15 through 17.

Page 46, line 18, delete "(e)" and insert "**(d)**".

Page 46, line 21, delete "(f)" and insert "**(e)**".

Page 46, line 25, delete "(g)" and insert "**(f)**".

Page 46, between lines 32 and 33, begin a new paragraph and insert:

"**(g) The department shall provide notice of the time, place, and purpose of the initial hearing and any additional initial hearing scheduled under this section to each foster parent or other caretaker with whom the child has been temporarily placed under IC 31-34-2.5, IC 31-34-4, or IC 31-34-5. The notice under this subsection may be combined with the notice of the detention hearing under IC 31-34-5. The court shall:**

(1) provide a:

(A) person for whom a summons is required to be issued under subsection (b); and

(B) person who is required to be notified under this subsection;

an opportunity to be heard; and

(2) allow a person described in subdivision (1) to make recommendations to the court;

at the initial hearing.

SECTION 45. IC 31-34-11-1, AS AMENDED BY P.L.146-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (b), unless the allegations of a petition have been admitted, the juvenile court shall complete a factfinding hearing not more than sixty (60) days after a petition alleging that a child is a child in need of services is filed in accordance with IC 31-34-9.

(b) The juvenile court may extend the time to complete a factfinding hearing, as described in subsection (a), for an additional sixty (60) days if all parties in the action consent to the additional time.

(c) If the factfinding hearing is not held immediately after the initial hearing as provided under IC 31-34-10-9, the department shall provide notice of any factfinding hearing to each foster parent or other caretaker with whom the child has been placed for temporary care. The court shall provide a person who is required to be notified under this subsection an opportunity to be heard at the factfinding hearing.

SECTION 46. IC 31-34-19-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.3. (a) The department shall provide notice of the date, time, place, and purpose of the dispositional hearing under this chapter to each:**

(1) party or person for whom a summons is required to be issued under IC 31-34-10-2; and

(2) foster parent or other caretaker with whom the child is placed for temporary care;

at the time the dispositional hearing is scheduled.

(b) The court shall:

(1) provide a person required to be notified under subsection (a) an opportunity to be heard; and

(2) allow a person described in subdivision (1) to make recommendations to the court;

at the dispositional hearing.

SECTION 47. IC 31-34-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Any predispositional report may be admitted into evidence to the extent that the report contains evidence of probative value even if the report would otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, or custodian, a factual summary of the report may be admitted.

(c) The:

(1) child;

(2) child's parent, guardian, or custodian; and

(3) person representing the interests of the state;

and a foster parent or other caretaker who is entitled to notice of the dispositional hearing under section 1.3 of this chapter shall be given a fair opportunity to controvert any part of the report admitted into evidence.".

Page 47, line 12, delete "child," and insert "**child in person, or through an interview with, or written statement or report submitted by:**

(A) a guardian ad litem or court appointed special advocate for the child;

(B) a case manager; or

(C) the person with whom the child is living and who

has primary responsibility for the care and supervision of the child;".

Page 47, line 12, beginning with "in" begin a new line block indented.

Page 47, line 25, after "(1)" insert "**require the department to**".

Page 48, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 49. IC 31-34-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Before a case review under IC 31-34-21-2 or hearing under IC 31-34-21-7, the probation department or the ~~county office of family and children~~ **department** shall prepare a report on the progress made in implementing the dispositional decree, including the progress made in rehabilitating the child, preventing placement out-of-home, or reuniting the family.

(b) Before preparing the report required by subsection (a), the probation department or the ~~county office of family and children~~ **department** shall consult a foster parent of the child about the child's progress made while in the foster parent's care.

(c) If modification of the dispositional decree is recommended, the probation department or the ~~county office of family and children~~ **department** shall prepare a modification report containing the information required by IC 31-34-18 and request a formal court hearing.

SECTION 50. IC 31-34-22-2, AS AMENDED BY P.L.146-2006, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in subsection (b), a report prepared by the state:

(1) for the juvenile court's review of the court's dispositional decree; or

(2) prepared for use at a periodic case review under IC 31-34-21-2 or hearing under IC 31-34-21-7;

shall be made available to the child, and the child's parent, foster parent, guardian, guardian ad litem, court appointed special advocate, ~~or~~ custodian, **or any other person who is entitled to receive notice of the periodic case review or permanency hearing under IC 31-34-21-4** within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to ~~the child or the child's parent, foster parent, guardian, or custodian,~~ **any person entitled to receive a report under subsection (a),** the court is not required to make the report available to the person as required in subsection (a). However, the court shall provide a copy of the report to the following:

(1) Each attorney or guardian ad litem representing the child.

(2) Each attorney representing the child's parent, guardian, or custodian.

(3) Each court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, foster parent, guardian, or custodian.

~~(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.~~

SECTION 51. IC 31-34-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Any report may be admitted into evidence to the extent that the report contains evidence of probative value even if the evidence would otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, ~~or~~ custodian, **or any other person who is entitled to receive a report under section 2 of this chapter,** a factual summary of the report may be admitted.

(c) The:

(1) child;

(2) child's parent, guardian, or custodian; and

(3) person representing the interests of the state;

and any other person who is entitled to receive a report under section 2 of this chapter shall be given a fair opportunity to controvert any part of the report admitted into evidence.

SECTION 52. IC 31-34-23-4, AS AMENDED BY P.L.129-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. If a hearing is required, IC 31-34-18 governs the preparation and use of a modification report. The report shall be prepared if the state or any person other than the child or the child's parent, guardian, guardian ad litem, court appointed special advocate, or custodian is requesting the modification. **Notice of any hearing under this chapter shall be given in accordance with IC 31-34-19-1.3.**".

Page 52, line 38, delete "(2)each" and insert "**(2) each**".

Page 56, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 79. IC 31-37-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** Notice of the time, place, and purpose of a detention hearing shall be given to:

(1) the child; ~~and~~

(2) the child's parent, guardian, or custodian if the person can be located; **and**

(3) each foster parent or other caretaker with whom the child has been placed for temporary care under IC 31-37-5.

(b) The court shall:

(1) provide a person who is required to be notified under subsection (a)(2) or (a)(3) an opportunity to be heard; and

(2) allow a person described in subdivision (1) to make recommendations to the court;

at the detention hearing.

SECTION 80. IC 31-37-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition.

(b) The juvenile court shall set a time for the initial hearing. A summons shall be issued for the following:

(1) The child.

(2) The child's parent, guardian, custodian, or guardian ad litem.

(3) Any other person necessary for the proceedings.

(c) A copy of the petition must accompany each summons. The clerk shall issue the summons under Rule 4 of the Indiana Rules of Trial Procedure.

(d) The prosecuting attorney or the probation department of the juvenile court shall provide notice of the time, place, and purpose of the initial hearing scheduled or held under this section to each foster parent or other caretaker with whom the child has been placed for temporary care under IC 31-37-5 or IC 31-37-7. The court shall:

(1) provide a:

(A) person for whom summons is required to be issued under subsection (b); and

(B) person required to be notified under this subsection;

an opportunity to be heard; and

(2) allow a person described in subdivision (1) to make recommendations to the court;

at the initial hearing.

SECTION 81. IC 31-37-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a)** Unless the

allegations of a petition have been admitted, the juvenile court shall hold a factfinding hearing.

(b) If the factfinding hearing is not held immediately after the initial hearing as provided under IC 31-37-12-9, the prosecuting attorney or probation department of the juvenile court shall provide notice of any factfinding hearing to each foster parent or other caretaker with whom the child has been placed for temporary care. The court shall provide a person required to be notified under this subsection an opportunity to be heard at the factfinding hearing.

SECTION 82. IC 31-37-18-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.3. (a) The prosecuting attorney or probation department of the juvenile court shall provide notice of the date, time, place, and purpose of the dispositional hearing under this chapter to each:**

(1) party or person for whom a summons is required to be issued under IC 31-37-12-2; and

(2) foster parent or other caretaker with whom the child is placed for temporary care;

at the time the dispositional hearing is scheduled.

(b) The court shall:

(1) provide a person who is required to be notified under subsection (a) an opportunity to be heard; and

(2) allow a person described in subdivision (1) to make recommendations to the court;

at the dispositional hearing.

SECTION 83. IC 31-37-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Any predispositional report may be admitted into evidence to the extent that the report contains evidence of probative value even if the report would otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, or custodian, a factual summary of the report may be admitted.

(c) The:

(1) child;

(2) child's parent, guardian, or custodian; and

(3) person representing the interests of the state;

and a foster parent or other caretaker who is entitled to notice of the dispositional hearing under section 1.3 of this chapter shall be given a fair opportunity to controvert any part of the report admitted into evidence.

SECTION 84. IC 31-37-20-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.5. (a) At least ten (10) days before a hearing under section 2 or 3 of this chapter, the probation department shall send notice of the hearing to each of the following:**

(1) The child's parent, guardian, or custodian.

(2) An attorney who has entered an appearance on behalf of the child's parent, guardian, or custodian.

(3) The child or an attorney who has entered an appearance on behalf of the child.

(4) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:

(A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the county office;

(B) the court having jurisdiction in the adoption case has determined under any applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or

(C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2 has been filed under IC 31-35 and is pending.

(5) Any other person who:

(A) the probation department has knowledge is currently providing care for the child; and

(B) is not required to be licensed under IC 12-17.2 or IC 31-27 to provide care for the child.

(6) Any other suitable relative or person whom the probation department knows has had a significant or caretaking relationship to the child.

(b) The court shall provide to a person described in subsection (a) an opportunity to be heard and to make any recommendations to the court in a hearing under section 2 or 3 of this chapter. The right to be heard and to make recommendations under this subsection includes:

(1) the right of a person described in subsection (a) to submit a written statement to the court that, if served upon all parties to the delinquency proceeding and the persons described in subsection (a), may be made a part of the court record; and

(2) the right to present oral testimony to the court and cross-examine any of the witnesses at the hearing.

(c) This section does not exempt the probation department from sending a notice of the review to each party to the delinquency proceeding.

(d) The court shall continue the hearing if, at the time set for the hearing, the probation department has not provided the court with a signed verification that any person required to be notified under this section has been notified in the manner stated in the verification, unless the person appears for the hearing.

SECTION 85. IC 31-37-21-2, AS AMENDED BY P.L.146-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided by subsection (b), a report prepared by the state:

(1) for the juvenile court's review of the court's dispositional decree; or

(2) for use at a periodic case review or hearing under IC 31-37-20-2 or IC 31-37-20-3;

shall be made available to the child, and the child's parent, foster parent, guardian, guardian ad litem, custodian, ~~or~~ court appointed special advocate, **or any other person who is entitled to receive notice under IC 31-37-20-4.5** within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to ~~the child or the child's parent, foster parent, guardian, or custodian,~~ **any person who is entitled to receive a report under subsection (a),** the court is not required to make the report available to the person as required under subsection (a). However, the court shall provide a copy of the report to the following:

(1) Each attorney or a guardian ad litem representing the child.

(2) Each attorney representing the child's parent, guardian, or custodian.

(3) A court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, foster parent, guardian, or custodian.

~~(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.~~

SECTION 86. IC 31-37-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Any report may be admitted into evidence to the extent that the report contains evidence of probative value even if the evidence would

otherwise be excluded.

(b) If a report contains information that should not be released to the child or the child's parent, guardian, ~~or~~ custodian, **or any other person who is entitled to receive a report under section 2 of this chapter,** a factual summary of the report may be admitted.

(c) The:

(1) child;

(2) child's parent, guardian, or custodian; and

(3) person representing the interests of the state;

and any other person who is entitled to receive a report under section 2 of this chapter shall be given a fair opportunity to controvert any part of the report admitted into evidence.

SECTION 87. IC 31-37-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. If a hearing is required, IC 31-37-17 governs the preparation and use of a modification report. The report shall be prepared if the state or any person other than the child or the child's parent, guardian, guardian ad litem, or custodian is requesting the modification. **Notice of any hearing under this chapter shall be given in accordance with IC 31-37-18-1.3.**".

Page 56, line 5, after "IC 31-9-2-128;" insert "IC 31-33-8-14;".

Renumber all SECTIONS consecutively.

(Reference is to SB 328 as reprinted February 21, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 329, 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 14, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 8. IC 29-3-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) This article applies to the following:

(1) The business affairs, physical person, and property of every incapacitated person and minor residing in Indiana.

(2) Property located in Indiana of every incapacitated person and minor residing outside Indiana.

(3) Property of every incapacitated person or minor, regardless of where the property is located, coming into the control of a fiduciary who is subject to the laws of Indiana.

(b) Except as provided in subsections (c) through (e), the court has exclusive original jurisdiction over all matters concerning the following:

(1) Guardians.

(2) Protective proceedings under IC 29-3-4.

(c) A juvenile court has exclusive original jurisdiction over matters relating to the following:

(1) Minors described in IC 31-30-1-1.

(2) Matters related to guardians of the person and guardianships of the person described in IC 31-30-1-1(10).

(d) Except as provided in subsection (c), courts with child custody jurisdiction under:

(1) IC 31-14-10;

(2) IC 31-17-2-1; or

(3) **IC 31-21-5 (or** IC 31-17-3-3 **before its repeal);**

have original and continuing jurisdiction over custody matters relating to minors.

(e) A mental health division of a superior court under IC 33-33-49 has jurisdiction concurrent with the court in mental health proceedings under IC 12-26 relating to guardianship and protective orders.

(f) Jurisdiction under this section is not dependent on issuance or service of summons.

SECTION 9. IC 31-9-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. Except as otherwise provided, the definitions in this article do not apply to the following:

(1) IC 31-11-3.

(2) **IC 31-21 (or** IC 31-17-3 **before its repeal).**

(3) IC 31-18.

(4) IC 31-19-29.

(5) IC 31-37-23.

SECTION 10. IC 31-9-2-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.3. "Abandoned", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-2.**".

Page 14, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 12. IC 31-9-2-13, AS AMENDED BY P.L.145-2006, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:

(1) Children born out of wedlock to the parties.

(2) Children born or adopted during the marriage of the parties.

(b) "Child", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-2.

(c) "Child", for purposes of IC 31-19-5, includes an unborn child.

(d) "Child", for purposes of the juvenile law, means:

(1) a person who is less than eighteen (18) years of age;

(2) a person:

(A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and

(B) who either:

(i) is charged with a delinquent act committed before the person's eighteenth birthday; or

(ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or

(3) a person:

(A) who is alleged to have committed an act that would have been murder if committed by an adult; and

(B) who was less than eighteen (18) years of age at the time of the alleged act.

(e) "Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(f) "Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:

(1) a child support order issued under IC 31-14-10 or IC 31-16-6; or

(2) any other child support order that is enforceable under IC 31-16-12.5.

(g) "Child", for purposes of IC 31-33-24, has the meaning set forth in IC 31-33-24-1.

(h) "Child", for purposes of IC 31-33-25, has the meaning set forth in IC 31-33-25-1.

(i) "Child", for purposes of IC 31-27, means an individual who is less than eighteen (18) years of age.

(j) "Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3.

SECTION 13. IC 31-9-2-16.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16.8. "Child**

custody determination", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-4.

SECTION 14. IC 31-9-2-16.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16.9. "Child custody proceeding", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-5.**

SECTION 15. IC 31-9-2-20.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 20.5. "Commencement", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-6.**

SECTION 16. IC 31-9-2-27, AS AMENDED BY P.L.145-2006, SECTION 185, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) "Court", for purposes of IC 31-15, IC 31-16, and IC 31-17, means the circuit, superior, or other courts of Indiana upon which jurisdiction to enter dissolution decrees has been or may be conferred.

(b) "Court", for purposes of IC 31-16-15, refers to the court having jurisdiction over child support orders.

(c) "Court", for purposes of IC 31-37-23, has the meaning set forth in IC 31-37-23-3.

(d) "Court", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.

(e) "Court", for purposes of IC 31-27, means a circuit or superior court.

(f) "Court", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-7.

SECTION 17. IC 31-9-2-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 53. (a) "Home state", for purposes of the Uniform Child Custody Jurisdiction ~~Law~~ **Act** under ~~IC 31-17-3,~~ **IC 31-21,** has the meaning set forth in ~~IC 31-17-3-2.~~ **IC 31-21-2-8.**

(b) "Home state", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-5.

SECTION 18. IC 31-9-2-59.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 59.5. "Initial determination", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-9.**

SECTION 19. IC 31-9-2-64.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 64.5. "Issuing court", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-10.**

SECTION 20. IC 31-9-2-65 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 65. **(a)** "Issuing state", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-11.

(b) "Issuing state", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-11.

SECTION 21. IC 31-9-2-80.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 80.8. "Modification", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-12.**".

Page 14, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 23. IC 31-9-2-89, AS AMENDED BY P.L.145-2006, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 89. (a) "Person", for purposes of the juvenile law, means:

(1) a human being;
(2) a corporation;
(3) a limited liability company;
(4) a partnership;
(5) an unincorporated association; or
(6) a governmental entity.

(b) "Person", for purposes of section 44.5 of this chapter, means an adult or a minor.

(c) "Person", for purposes of IC 31-27, means an individual who is at least twenty-one (21) years of age, a corporation, a partnership, a voluntary association, or other entity.

(d) "Person", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-13.

SECTION 24. IC 31-9-2-90 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 90. "Person acting as **a** parent", for purposes of the Uniform Child Custody Jurisdiction ~~Law~~ **Act** under ~~IC 31-17-3,~~ **IC 31-21,** has the meaning set forth in ~~IC 31-17-3-2.~~ **IC 31-21-2-14.**

SECTION 25. IC 31-9-2-91 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 91. **(a)** "Petitioner" or "obligee", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-14.

(b) "Petitioner", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-15.

SECTION 26. IC 31-9-2-92 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 92. "Physical custody", for purposes of the Uniform Child Custody Jurisdiction ~~Law~~ **Act** under ~~IC 31-17-3,~~ **IC 31-21,** has the meaning set forth in ~~IC 31-17-3-2.~~ **IC 31-21-2-16.**

SECTION 27. IC 31-9-2-102.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 102.7. "Record", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-17.**

SECTION 28. IC 31-9-2-110 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 110. **(a)** "Respondent" or "obligor", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-15.

(b) "Respondent", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-18.

SECTION 29. IC 31-9-2-119 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 119. (a) "State", for purposes of the Uniform Child Custody Jurisdiction ~~Law~~ **Act** under ~~IC 31-17-3,~~ **IC 31-21,** has the meaning set forth in ~~IC 31-17-3-2.~~ **IC 31-21-2-19.**

(b) "State", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-21.

(c) "State", for purposes of the Interstate Compact on Adoption Assistance under IC 31-19-29, has the meaning set forth in IC 31-19-29-2.

(d) "State", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.".

Page 15, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 32. IC 31-9-2-130.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 130.5. "Tribe",**

for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-20.

SECTION 33. IC 31-9-2-135, AS ADDED BY P.L.145-2006, SECTION 218, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 135. **(a)** "Warrant", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means an instrument that is:

(1) the equivalent of a money payment; and

(2) immediately convertible into cash by the payee for the full face amount of the instrument.

(b) "Warrant", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-21.".

Page 17, line 26, delete "finds by clear and convincing evidence" and insert "**issues a written finding**".

Page 24, line 2, delete ";" and insert "**.**".

Page 33, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 61. IC 31-17-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Jurisdiction of a child custody proceeding under:

(1) this chapter, IC 31-17-4, IC 31-17-6, and IC 31-17-7; or

(2) **IC 31-21 (or** IC 31-17-3 **before its repeal);**

shall be determined under **IC 31-21 (or** IC 31-17-3 **before its repeal).**

SECTION 62. IC 31-17-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. If the marriage of the child's parents has been dissolved in another state, the child's maternal or paternal grandparent may seek visitation rights if:

(1) the custody decree entered in the action for dissolution of marriage does not bind the grandparent under **IC 31-21-3-1 (or** IC 31-17-3-12 **before its repeal);** and

(2) an Indiana court would have jurisdiction under **IC 31-21-5-1 (or** IC 31-17-3-3 **before its repeal), IC 31-21-5-2, or IC 31-21-5-3** (or IC 31-17-3-14 **before its repeal)** to grant visitation rights to the grandparent in a modification decree.

SECTION 63. IC 31-21 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 21. UNIFORM CHILD CUSTODY JURISDICTION ACT

Chapter 1. Applicability

Sec. 1. This article does not apply to:

(1) an adoption proceeding; or

(2) a proceeding pertaining to the authorization of emergency medical care for a child.

Sec. 2. (a) A child custody proceeding pertaining to an Indian child, as defined in the Indian Child Welfare Act (25 U.S.C. 1901 et seq.), is not subject to this article to the extent that it is governed by the Indian Child Welfare Act.

(b) An Indiana court shall treat a tribe as if the tribe were a state of the United States for purposes of applying IC 31-21-3 through IC 31-21-5.

(c) A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of this article must be recognized and enforced under IC 31-21-6.

Sec. 3. (a) An Indiana court shall treat a foreign country as if the foreign country were a state of the United States for purposes of applying IC 31-21-3 through IC 31-21-5.

(b) Except as otherwise provided in subsection (c), a child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standard of this article must be recognized and enforced under IC 31-21-6.

(c) An Indiana court need not apply this article if the child custody law of a foreign country violates the fundamental principles of human rights.

Chapter 2. Definitions

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

Sec. 2. "Abandoned" means left without provision for reasonable and necessary care or supervision.

Sec. 3. "Child" means a person who is less than eighteen (18) years of age.

Sec. 4. (a) "Child custody determination" means a judgment, decree, or other court order providing for:

(1) legal custody;

(2) physical custody; or

(3) visitation;

with respect to a child.

(b) The term does not include an order relating to child support or other monetary obligation of a person.

Sec. 5. (a) "Child custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for:

(1) dissolution of marriage or legal separation;

(2) child abuse or neglect;

(3) guardianship;

(4) paternity;

(5) termination of parental rights; and

(6) protection from domestic violence;

in which the issue of child custody or visitation may appear.

(b) The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement of child custody under IC 31-21-6.

Sec. 6. "Commencement" means the filing of the first pleading in a proceeding.

Sec. 7. "Court" means an entity authorized by state law to establish, enforce, or modify a child custody determination.

Sec. 8. "Home state" means the state in which a child lived with:

(1) a parent; or

(2) a person acting as a parent;

for at least six (6) consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six (6) months of age, the term means the state in which the child lived since birth with a parent or person acting as a parent. A period of temporary absence of the parent or person acting as a parent is part of the period.

Sec. 9. "Initial determination" means the first child custody determination concerning a child.

Sec. 10. "Issuing court" means the court that makes a child custody determination for which enforcement is sought under this article.

Sec. 11. "Issuing state" means the state in which a child custody determination is made.

Sec. 12. "Modification" means a child custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, regardless of whether the determination is made by the court that made the previous determination.

Sec. 13. "Person" means an individual, a corporation, a business trust, an estate, a trust, a partnership, a limited liability company, an association, a joint venture, a government, a governmental subdivision, an agency or instrumentality, a public corporation, or any other legal or commercial entity.

Sec. 14. "Person acting as a parent" means a person, other than a parent, who:

(1) has physical custody of the child or has had physical custody for a period of at least six (6) consecutive months, including a temporary absence, within one (1) year immediately before the commencement of a child

custody proceeding; and

(2) has been awarded legal custody by a court or claims a right to legal custody under Indiana law.

Sec. 15. "Petitioner" means a person who seeks enforcement of:

(1) an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction; or

(2) a child custody determination.

Sec. 16. "Physical custody" means the physical care and supervision of a child.

Sec. 17. "Record" means information that is:

(1) inscribed on a tangible medium; or

(2) stored in an electronic or other medium;

and that is retrievable in a perceivable form.

Sec. 18. "Respondent" means a person against whom a proceeding has been commenced for enforcement of:

(1) an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction; or

(2) a child custody determination.

Sec. 19. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or a territory or an insular possession subject to the jurisdiction of the United States.

Sec. 20. "Tribe" means an Indian tribe or band or Alaskan Native village that is:

(1) recognized by federal law; or

(2) formally acknowledged by a state.

Sec. 21. "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

Chapter 3. Procedural Considerations

Sec. 1. A child custody determination made by an Indiana court that has jurisdiction under this article binds each person who has:

(1) been served with notice in accordance with Indiana law;

(2) been notified in accordance with section 3 of this chapter; or

(3) submitted to the jurisdiction of the court;

and who has been given an opportunity to be heard. A child custody determination described in this section is conclusive as to the decided issues of law and fact except to the extent the determination is modified.

Sec. 2. If a question of existence or exercise of jurisdiction under this article is raised in a child custody proceeding, the question, on a request of a party, must be given priority on the court's calendar and handled expeditiously.

Sec. 3. (a) Notice required for the exercise of jurisdiction when a person is outside Indiana may be given in a manner prescribed by:

(1) Indiana law for service of process; or

(2) the law of the state in which the service is made.

Notice must be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.

(b) Proof of service may be made in the manner prescribed by:

(1) Indiana law; or

(2) the law of the state in which the service is made.

(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

Sec. 4. A party to a child custody proceeding, including a modification proceeding, or a petitioner or respondent in a proceeding to enforce or register a child custody determination, is not subject to personal jurisdiction in Indiana for another proceeding or purpose solely by reason of having participated, or of having been physically present for the purpose of participating, in the proceeding.

Sec. 5. A person who is subject to personal jurisdiction in Indiana on a basis other than physical presence is not immune from service of process in Indiana. A person present in Indiana who is subject to the jurisdiction of another state is not immune from service of process allowable under the laws of that state.

Sec. 6. The immunity granted by section 4 of this chapter does not extend to civil litigation based on acts unrelated to the participation in a proceeding under this article committed by an individual while present in Indiana.

Chapter 4. Communication and Cooperation Between Courts

Sec. 1. An Indiana court may communicate with a court in another state concerning a proceeding arising under this article.

Sec. 2. The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, the parties must be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

Sec. 3. Communication between courts regarding:

(1) schedules;

(2) calendars;

(3) court records; and

(4) similar matters;

may occur without informing the parties. A record need not be made of the communication.

Sec. 4. A record must be made of a communication under sections 1 and 2 of this chapter. The parties must be:

(1) promptly informed of the communication; and

(2) granted access to the record.

Sec. 5. In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in Indiana for testimony taken in another state. The court on its own motion may:

(1) order that the testimony of a person be taken in another state; and

(2) prescribe the manner in which and the terms on which the testimony is taken.

Sec. 6. An Indiana court may permit a person residing in another state to be deposed or to testify by:

(1) telephone;

(2) audiovisual means; or

(3) other electronic means;

before a designated court or another location in that state. An Indiana court shall cooperate with courts in other states in designating an appropriate location for the deposition or testimony.

Sec. 7. Documentary evidence transmitted from another state to an Indiana court by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

Sec. 8. An Indiana court may request the appropriate court of another state to do the following:

(1) Hold an evidentiary hearing.

(2) Order a person to produce or give evidence under the procedures of the other state.

(3) Order that an evaluation be made with respect to the custody of a child involved in a pending proceeding.

(4) Forward to the Indiana court:

(A) a certified copy of the transcript of the record of the hearing;

(B) the evidence otherwise presented; and

(C) an evaluation prepared in compliance with the request.

(5) Order:

(A) a party to a child custody proceeding; or

(B) any person having physical custody of the child;
to appear in the proceeding with or without the child.

Sec. 9. On the request of a court of another state, an Indiana court may:
(1) hold a hearing; and
(2) enter an order described in section 8 of this chapter.

Sec. 10. Travel and other necessary and reasonable expenses incurred under sections 8 and 9 of this chapter may be assessed against the parties according to Indiana law.

Sec. 11. An Indiana court shall preserve the:
(1) pleadings;
(2) orders;
(3) decrees;
(4) records of hearings;
(5) evaluations; and
(6) other pertinent records;
with respect to a child custody proceeding until the child becomes eighteen (18) years of age. On appropriate request by a court or law enforcement official of another state, the Indiana court shall forward a certified copy of the records to the court of the other state.

Chapter 5. Jurisdiction

Sec. 1. (a) Except as otherwise provided in section 4 of this chapter, an Indiana court has jurisdiction to make an initial child custody determination only if one (1) of the following applies:
(1) Indiana is the home state of the child on the date of the commencement of the proceeding or was the home state of the child within six (6) months before the commencement of the proceeding, and the child is absent from Indiana but a parent or person acting as a parent continues to live in Indiana.
(2) A court of another state does not have jurisdiction under subdivision (1) or a court of the home state of the child has declined to exercise jurisdiction on the ground that Indiana is the more appropriate forum under section 8 or 9 of this chapter and:
(A) the child and the child's parents, or the child and at least one (1) parent or person acting as a parent, have a significant connection with Indiana other than mere physical presence; and
(B) substantial evidence is available in Indiana concerning the child's care, protection, training, and personal relationships.
(3) All courts having jurisdiction under subdivision (1) or (2) have declined to exercise jurisdiction on the ground that an Indiana court is the more appropriate forum to determine the custody of the child under section 8 or 9 of this chapter.
(4) No court of any other state would have jurisdiction under the criteria specified in subdivision (1), (2), or (3).

(b) The jurisdictional requirements described in this section provide the exclusive jurisdictional basis for making a child custody determination by an Indiana court.

(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

Sec. 2. (a) Except as otherwise provided in section 4 of this chapter, an Indiana court that has made a child custody determination consistent with section 1 or 3 of this chapter has exclusive, continuing jurisdiction over the determination until:
(1) an Indiana court determines that:
(A) neither:
(i) the child;
(ii) the child's parents; nor
(iii) any person acting as a parent;
has a significant connection with Indiana; and
(B) substantial evidence is no longer available in Indiana concerning the child's care, protection, training, and personal relationships; or
(2) an Indiana court or a court of another state determines that:
(A) the child;
(B) the child's parents; and
(C) any person acting as a parent;
do not presently reside in Indiana.

(b) An Indiana court that:
(1) has made a child custody determination; and
(2) does not have exclusive, continuing jurisdiction under this section;
may modify the determination only if the Indiana court has jurisdiction to make an initial determination under section 1 of this chapter.

Sec. 3. Except as provided in section 4 of this chapter, an Indiana court may not modify a child custody determination made by a court of another state unless an Indiana court has jurisdiction to make an initial determination under section 1(a)(1) or 1(a)(2) of this chapter and:
(1) the court of the other state determines that:
(A) it no longer has exclusive, continuing jurisdiction under section 2 of this chapter; or
(B) an Indiana court would be a more convenient forum under section 8 of this chapter; or
(2) an Indiana court or a court of the other state determines that:
(A) the child;
(B) the child's parents; and
(C) any person acting as a parent;
do not presently reside in the other state.

Sec. 4. (a) An Indiana court has temporary emergency jurisdiction if the child is present in Indiana and:
(1) the child has been abandoned; or
(2) it is necessary in an emergency to protect the child because:
(A) the child;
(B) the child's sibling; or
(C) the child's parent;
is subjected to or threatened with mistreatment or abuse.

(b) If:
(1) there is no previous child custody determination that is entitled to be enforced under this article; and
(2) a child custody proceeding has not been commenced in a court of a state having jurisdiction under sections 1 through 3 of this chapter;
a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under sections 1 through 3 of this chapter.

(c) If a child custody proceeding has not been or is not commenced in a court of a state having jurisdiction under sections 1 through 3 of this chapter, a child custody determination made under this section becomes a final determination, and, if it so provides, Indiana becomes the home state of the child.

(d) If:
(1) there is a previous child custody determination that is entitled to be enforced under this article; or
(2) a child custody proceeding has been commenced in a court of a state having jurisdiction under sections 1 through 3 of this chapter;
an order issued by an Indiana court under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under sections 1 through 3 of this chapter.

(e) The order issued in Indiana remains in effect until an order is obtained from the other state within the period

specified or the period expires.

(f) An Indiana court that has been asked to make a child custody determination under this section, on being informed that:

(1) a child custody proceeding has been commenced in; or

(2) a child custody determination has been made by;

a court of a state having jurisdiction under sections 1 through 3 of this chapter, shall immediately communicate with the other court.

(g) An Indiana court that is exercising jurisdiction under sections 1 through 3 of this chapter, on being informed that:

(1) a child custody proceeding has been commenced in; or

(2) a child custody determination has been made by;

a court of another state under a statute similar to this section, shall immediately communicate with the court of the other state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

Sec. 5. (a) Before a child custody determination is made under this article, notice and an opportunity to be heard in accordance with the standards of IC 31-21-3-3 must be given to the following persons:

(1) Persons entitled to notice under Indiana law as in child custody proceedings between residents of Indiana.

(2) A parent whose parental rights have not been previously terminated.

(3) Any person having physical custody of the child.

(b) This article does not govern the enforceability of a child custody determination made without notice or an opportunity to be heard.

(c) The obligation to join a party and the right to intervene as a party in a child custody proceeding under this article are governed by Indiana law in the same manner as in child custody proceedings between Indiana residents.

Sec. 6. (a) Except as otherwise provided in section 4 of this chapter, an Indiana court may not exercise its jurisdiction under this article if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child has been commenced in a court of another state having jurisdiction substantially in conformity with this article, unless the proceeding:

(1) has been terminated; or

(2) is stayed by the court of the other state because an Indiana court is a more convenient forum under section 8 of this chapter.

(b) Except as otherwise provided in section 4 of this chapter, an Indiana court, before hearing a child custody proceeding, shall examine the court documents and other information supplied by the parties under sections 10 through 13 of this chapter. If the court determines that a child custody proceeding has been commenced in a court in another state having jurisdiction substantially in accordance with this article, the Indiana court shall:

(1) stay its proceeding; and

(2) communicate with the court of the other state.

If the court of the state having jurisdiction substantially in accordance with this article does not determine that the Indiana court is a more appropriate forum, the Indiana court shall dismiss the proceeding.

Sec. 7. In a proceeding to modify a child custody determination, an Indiana court shall determine whether a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child custody determination has been commenced in another state, the Indiana court may:

(1) stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying, or dismissing the proceeding for enforcement;

(2) enjoin the parties from continuing with the proceeding for enforcement; or

(3) proceed with the modification under conditions the Indiana court considers appropriate.

Sec. 8. (a) An Indiana court that has jurisdiction under this article to make a child custody determination may decline to exercise its jurisdiction at any time if the Indiana court determines that:

(1) the Indiana court is an inconvenient forum under the circumstances; and

(2) a court of another state is a more appropriate forum.

The issue of inconvenient forum may be raised on motion of a party, the court's own motion, or request of another court.

(b) Before determining whether an Indiana court is an inconvenient forum, the Indiana court shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the Indiana court shall allow the parties to submit information and shall consider the relevant factors, including the following:

(1) Whether domestic violence has occurred and is likely to continue in the future and which state is best able to protect the parties and the child.

(2) The length of time the child has resided outside Indiana.

(3) The distance between the Indiana court and the court in the state that would assume jurisdiction.

(4) The relative financial circumstances of the parties.

(5) An agreement of the parties as to which state should assume jurisdiction.

(6) The nature and location of the evidence required to resolve the pending litigation, including the child's testimony.

(7) The ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence.

(8) The familiarity of the court of each state with the facts and issues in the pending litigation.

(c) If an Indiana court determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, the Indiana court:

(1) shall stay the proceedings on condition that a child custody proceeding be promptly commenced in another designated state; and

(2) may impose any other condition the Indiana court considers just and proper.

(d) An Indiana court may decline to exercise its jurisdiction under this article if a child custody determination is incidental to an action for dissolution of marriage or another proceeding while still retaining jurisdiction over the dissolution of marriage or other proceeding.

Sec. 9. (a) Except as otherwise provided in section 4 of this chapter or by any other Indiana law, if an Indiana court has jurisdiction under this article because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

(1) the child's parents and any person acting as a parent have acquiesced in the exercise of jurisdiction;

(2) a court of the state otherwise having jurisdiction under sections 1 through 3 of this chapter determines that Indiana is a more appropriate forum under section 8 of this chapter; or

(3) no court of any other state would have jurisdiction under the criteria specified in sections 1 through 3 of this chapter.

(b) If an Indiana court declines to exercise its jurisdiction under subsection (a), the Indiana court may fashion an appropriate remedy to:

(1) ensure the safety of the child; and
(2) prevent a repetition of the unjustifiable conduct;
including staying the proceeding until a child custody proceeding is commenced in a court having jurisdiction under sections 1 through 3 of this chapter.

(c) If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction under subsection (a), the court shall assess against the party seeking to invoke its jurisdiction necessary and reasonable expenses, including:
(1) costs;
(2) communication expenses;
(3) attorney's fees;
(4) investigative fees;
(5) expenses for witnesses;
(6) travel expenses; and
(7) child care during the course of the proceedings;
unless the party from whom fees are sought establishes that the assessment would be clearly inappropriate. The court may not assess fees, costs, or expenses against the state unless authorized by law other than this article.

Sec. 10. (a) Subject to local law providing for the confidentiality of procedures, addresses, and other identifying information in a child custody proceeding, each party, in its first pleading or in an attached affidavit, shall provide information, under oath, regarding:
(1) the child's present address or whereabouts and the places where the child has lived during the immediately preceding five (5) years; and
(2) the names and present addresses of the persons with whom the child has lived during that period.

(b) The pleading or affidavit must state the following:
(1) Whether the party has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify:
(A) the court;
(B) the case number; and
(C) the date of the child custody determination, if any.
(2) Whether the party knows of a proceeding that may affect the current proceeding, including proceedings for enforcement and proceedings relating to:
(A) domestic violence;
(B) protective orders;
(C) termination of parental rights; and
(D) adoptions;
and, if so, identify the court, the case number, and the nature of the proceeding.
(3) Whether the party knows the names and addresses of a person not a party to the proceeding who:
(A) has physical custody of the child; or
(B) claims rights of legal custody or physical custody of, or visitation with, the child;
and, if so, the names and addresses of the persons.

(c) If the information required by subsection (a) is not furnished, the court, on motion of a party or its own motion, may stay the proceeding until the information is furnished.

Sec. 11. If the declaration as to any of the items described in section 10(b)(1) through 10(b)(3) of this chapter is in the affirmative, the party shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to:
(1) the court's jurisdiction; and
(2) the disposition of the case.

Sec. 12. Each party has a continuing duty to inform the court of a proceeding in Indiana or any other state that may affect the current proceeding.

Sec. 13. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court:
(1) takes into consideration the health, safety, or liberty of the party or child; and
(2) determines that the disclosure is in the interest of justice.

Sec. 14. (a) In a child custody proceeding in Indiana, the court may order a party to the proceeding who is in Indiana to appear before the court in person with or without the child. The court may order any person who:
(1) is in Indiana; and
(2) has physical custody or control of the child;
to appear in person with the child.

(b) If a party to a child custody proceeding whose presence is desired by the court is outside Indiana, the court may order that a notice given under IC 31-21-3-3 include a statement:
(1) directing the party to appear in person with or without the child; and
(2) informing the party that failure to appear may result in a decision adverse to the party.

(c) The court may enter an order necessary to ensure the safety of:
(1) the child; and
(2) any person ordered to appear under this section.

(d) If a party to a child custody proceeding who is outside Indiana:
(1) is directed to appear under subsection (b); or
(2) desires to appear personally before the court with or without the child;
the court may require another party to pay reasonable and necessary travel and other expenses of the party who appears and of the child.

Chapter 6. Enforcement

Sec. 1. Under this chapter, an Indiana court may enforce an order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child custody determination.

Sec. 2. (a) An Indiana court shall recognize and enforce a child custody determination of a court of another state if the court of another state exercised jurisdiction in substantial conformity with this article or the determination:
(1) was made under factual circumstances meeting the jurisdictional standards of this article; and
(2) has not been modified in accordance with this article.

(b) An Indiana court may use a remedy available under any other Indiana law to enforce a child custody determination made by a court of another state. The remedies provided in this article:
(1) are cumulative; and
(2) do not affect the availability of other remedies to enforce a child custody determination.

Sec. 3. (a) An Indiana court that does not have jurisdiction to modify a child custody determination may issue a temporary order enforcing:
(1) a visitation schedule made by a court of another state; or
(2) the visitation provisions of a child custody determination of another state that does not provide for a specific visitation schedule.

(b) If an Indiana court makes an order under subsection (a)(2), the Indiana court shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in IC 31-21-5. The order remains in effect until:

(1) an order is obtained from the court having jurisdiction; or
(2) the period expires.

Sec. 4. (a) A child custody determination issued by a court of another state may be registered in Indiana, with or without a simultaneous request for enforcement, by sending the following to the appropriate Indiana court:
(1) A letter or other document requesting registration.
(2) Two (2) copies, including one (1) certified copy, of the determination sought to be registered and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified.
(3) Except as otherwise provided in section 13 of this chapter:
(A) the name and address of the person seeking registration; and
(B) the name of a parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

(b) On receipt of the documents required by subsection (a), the registering court shall:
(1) cause the determination to be filed as a foreign judgment, together with one (1) copy of the accompanying documents and information, regardless of their form; and
(2) serve notice on each person named under subsection (a)(3) and provide the person with an opportunity to contest the registration in accordance with this section.

(c) The notice required by subsection (b)(2) must state the following:
(1) A registered determination is enforceable as of the date of the registration in the same manner as a child custody determination issued by an Indiana court.
(2) A hearing to contest the validity of the registered determination must be requested not more than twenty (20) days after service of notice.
(3) Failure to contest the registration shall:
(A) result in confirmation of the child custody determination; and
(B) preclude further contest of that determination with respect to a matter that may have otherwise been asserted.

Sec. 5. (a) A person seeking to contest the validity of a registered order must request a hearing not more than twenty (20) days after service of the notice. At the hearing, the court shall confirm the registered order unless the person contesting the registration establishes that:
(1) the issuing court did not have jurisdiction under IC 31-21-5;
(2) the child custody determination sought to be registered has been:
(A) vacated;
(B) stayed; or
(C) modified;
by a court having jurisdiction to do so under IC 31-21-5; or
(3) the person contesting registration was entitled to notice, but notice was not given in accordance with the standards of IC 31-21-3-3 in the proceedings before the court that issued the order for which registration is sought.

(b) If a timely request for a hearing to contest the validity of the registration is not made:
(1) the registration is confirmed as a matter of law; and
(2) the person requesting registration and each person served must be notified of the confirmation.

(c) Confirmation of a registered order whether:
(1) by operation of law; or
(2) after notice and hearing;
precludes further contest of the order with respect to a matter that may have been asserted at the time of registration.

Sec. 6. (a) An Indiana court may grant a relief normally available under Indiana law to enforce a registered child custody determination made by a court of another state.

(b) An Indiana court shall recognize and enforce, but may not modify, except in accordance with IC 31-21-5, a registered child custody determination of a court of another state.

Sec. 7. If a proceeding for enforcement under this article is commenced in an Indiana court and the court determines that a proceeding to modify the determination is pending in a court of another state having jurisdiction to modify the determination under IC 31-21-5, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

Sec. 8. (a) A petition under this article must be verified. Certified copies of:
(1) the orders sought to be enforced; and
(2) an order confirming registration;
must be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

(b) A petition for enforcement of a child custody determination must state the following:
(1) Whether the court that issued the determination identified the jurisdictional basis it relied on in exercising jurisdiction and, if so, what the basis was.
(2) Whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under this article and, if so, identify:
(A) the court;
(B) the case number; and
(C) the nature of the proceeding.
(3) Whether a proceeding has been commenced that may affect the current proceeding, including proceedings relating to:
(A) domestic violence;
(B) protective orders;
(C) termination of parental rights; and
(D) adoptions;
and, if so, identify the court, the case number, and the nature of the proceeding.
(4) The present physical address of the child and the respondent, if known.
(5) Whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought.
(6) If the child custody determination has been registered and confirmed under sections 4 and 5 of this chapter, the date and place of registration.

Sec. 9. (a) On the filing of a petition, the court:
(1) shall issue an order directing the respondent to appear in person with or without the child at a hearing; and
(2) may enter an order necessary to ensure the safety of the parties and the child.
The hearing must be held on the next judicial day after service of the order unless holding the hearing on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The court may extend the date of hearing at the request of the petitioner.

(b) An order issued under subsection (a) must state the time and place of the hearing and advise the respondent that at the hearing the court will order that the petitioner may take immediate physical custody of the child and the

payment of fees, costs, and expenses under section 15 of this chapter and may schedule a hearing to determine whether further relief is appropriate unless the respondent appears and establishes that:

(1) the child custody determination has not been registered and confirmed under sections 4 and 5 of this chapter and that:

(A) the issuing court did not have jurisdiction under IC 31-21-5;

(B) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction under IC 31-21-5; or

(C) the respondent was entitled to notice, but notice was not given in accordance with the standards of IC 31-21-3-3 in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child custody determination for which enforcement is sought was registered and confirmed under sections 4 and 5 of this chapter but has been vacated, stayed, or modified by a court of a state having jurisdiction under IC 31-21-5.

Sec. 10. Except as otherwise provided in section 13 or 14 of this chapter, the petition and order must be served, by a method authorized by Indiana law, on the respondent and any person who has physical custody of the child.

Sec. 11. Unless the court issues a temporary emergency order under IC 31-21-5-4 on a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(1) the child custody determination has not been registered and confirmed under sections 4 and 5 of this chapter and that:

(A) the issuing court did not have jurisdiction under IC 31-21-5;

(B) the child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under IC 31-21-5; or

(C) the respondent was entitled to notice, but notice was not given in accordance with the standards of IC 31-21-3-3 in the proceedings before the court that issued the order for which enforcement is sought; or

(2) the child custody determination for which enforcement is sought was registered and confirmed under sections 4 and 5 of this chapter but has been vacated, stayed, or modified by a court of a state having jurisdiction under IC 31-21-5.

Sec. 12. (a) The court:

(1) shall award the fees, costs, and expenses authorized under section 15 of this chapter; and

(2) may grant additional relief, including a request for the assistance of law enforcement officials, and set a hearing to determine whether additional relief is appropriate.

(b) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

(c) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under this chapter.

Sec. 13. (a) On the filing of a petition seeking enforcement of a child custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is immediately likely to:

(1) suffer serious physical harm; or

(2) be removed from Indiana.

(b) If the court, on the testimony of the petitioner or other witness, finds that the child is imminently likely to suffer serious physical harm or be removed from Indiana, the court may issue a warrant to take physical custody of the child. The petition must be heard on the next judicial day after the warrant is executed unless hearing the petition on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The application for the warrant must include the statements required by section 8(b) of this chapter.

Sec. 14. (a) A warrant to take physical custody of a child must:

(1) recite the facts on which a conclusion of imminent serious physical harm or removal from the jurisdiction is based;

(2) direct law enforcement officers to take physical custody of the child immediately; and

(3) provide for the placement of the child pending final relief.

(b) The respondent must be served with the petition, warrant, and order immediately after the child is taken into physical custody.

(c) A warrant to take physical custody of a child is enforceable throughout Indiana. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, the court may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

(d) The court may impose conditions on the placement of a child to ensure the appearance of the child and the child's custodian.

Sec. 15. (a) The court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including:

(1) costs;

(2) communication expenses;

(3) attorney's fees;

(4) investigative fees;

(5) expenses for witnesses;

(6) travel expenses; and

(7) child care during the course of the proceedings;

unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.

(b) The court may not assess fees, costs, or expenses against a state unless authorized by law other than this article.

Sec. 16. An Indiana court shall accord full faith and credit to an order issued by another state and consistent with this article that enforces a child custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court having jurisdiction under IC 31-21-5.

Sec. 17. An appeal may be taken from a final order in a proceeding under this article in accordance with expedited appellate procedures in other civil cases. Unless the court enters a temporary emergency order under IC 31-21-5-4, the enforcing court may not stay an order enforcing a child custody determination pending appeal.

Sec. 18. (a) In a case arising under this article or involving the Hague Convention on the Civil Aspects of International Child Abduction, a prosecuting attorney or other appropriate public official may take a lawful action, including resorting to a proceeding under this article or any other available civil proceeding, to locate a child, obtain the return of a child, or enforce a child custody determination if there is:

(1) an existing child custody determination;

(2) a request to do so from a court in a pending child

custody proceeding;

(3) a reasonable belief that a criminal statute has been violated; or

(4) a reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

(b) A prosecuting attorney or other appropriate public official acting under this section acts on behalf of the court and may not represent a party.

Sec. 19. At the request of a prosecuting attorney or other appropriate public official acting under section 18 of this chapter, a law enforcement officer may:

(1) take a lawful action reasonably necessary to locate a child or a party; and

(2) assist a prosecuting attorney or appropriate public official with responsibilities under section 18 of this chapter.

Sec. 20. If the respondent is not the prevailing party, the court may assess against the respondent the direct expenses and costs incurred by the prosecuting attorney or other appropriate public official and law enforcement officers under section 18 or 19 of this chapter.

Chapter 7. Miscellaneous Provisions

Sec. 1. In applying and construing this article, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 2. If a provision of this article or its application to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this article that can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

Sec. 3. A motion or other request for relief made:

(1) in a child custody proceeding; or

(2) to enforce a child custody determination;

that was commenced before July 1, 2007, is governed by the law in effect at the time the motion or other request was made.".

Page 34, line 28, delete "IC 31-25-4-19.5," and insert "**section 19.5 of this chapter,**".

Page 42, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 70. IC 34-26-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The division of state court administration shall:

(1) develop and adopt:

(A) a petition for an order for protection;

(B) an order for protection, including:

(i) orders issued under this chapter;

(ii) ex parte orders;

(iii) no contact orders under IC 31 and IC 35; and

(iv) forms relating to workplace violence restraining orders under IC 34-26-6;

(C) a confidential form;

(D) a notice of modification or extension for an order for protection, a no contact order, or a workplace violence restraining order;

(E) a notice of termination for an order for protection, a no contact order, or a workplace violence restraining order; and

(F) any other uniform statewide forms necessary to maintain an accurate registry of orders; and

(2) provide the forms under subdivision (1) to the clerk of each court authorized to issue the orders.

(b) In addition to any other required information, a petition for an order for protection must contain a statement listing each civil or criminal action involving:

(1) either party; or

(2) a child of either party.

(c) The following statements must be printed in boldface type or in capital letters on an order for protection, a no contact order, or a workplace violence restraining order:

VIOLATION OF THIS ORDER IS PUNISHABLE BY CONFINEMENT IN JAIL, PRISON, AND/OR A FINE.

IF SO ORDERED BY THE COURT, THE RESPONDENT IS FORBIDDEN TO ENTER OR STAY AT THE PETITIONER'S RESIDENCE, EVEN IF INVITED TO DO SO BY THE PETITIONER OR ANY OTHER PERSON. IN NO EVENT IS THE ORDER FOR PROTECTION VOIDED.

PURSUANT TO 18 U.S.C. 2265, THIS ORDER FOR PROTECTION SHALL BE GIVEN FULL FAITH AND CREDIT IN ANY OTHER STATE OR TRIBAL LAND AND SHALL BE ENFORCED AS IF IT WERE AN ORDER ISSUED IN THAT STATE OR TRIBAL LAND.

PURSUANT TO 18 U.S.C. 922(g), ONCE A RESPONDENT HAS RECEIVED NOTICE OF THIS ORDER AND AN OPPORTUNITY TO BE HEARD, IT IS A FEDERAL VIOLATION TO PURCHASE, RECEIVE, OR POSSESS A FIREARM WHILE SUBJECT TO THIS ORDER IF THE PROTECTED PERSON IS:

(A) THE RESPONDENT'S CURRENT OR FORMER SPOUSE;

(B) A CURRENT OR FORMER PERSON WITH WHOM THE RESPONDENT RESIDED WHILE IN AN INTIMATE RELATIONSHIP; OR

(C) A PERSON WITH WHOM THE RESPONDENT HAS A CHILD.

INTERSTATE VIOLATION OF THIS ORDER MAY SUBJECT THE RESPONDENT TO FEDERAL CRIMINAL PENALTIES UNDER 18 U.S.C. 2261 AND 18 U.S.C. 2262.

(d) The clerk of the circuit court, or a person or entity designated by the clerk of the circuit court, shall provide to a person requesting an order for protection:

(1) the forms adopted under subsection (a);

(2) all other forms required to petition for an order for protection, including forms:

(A) necessary for service; and

(B) required under **IC 31-21 (or** IC 31-17-3 **before its repeal);** and

(3) clerical assistance in reading or completing the forms and filing the petition.

Clerical assistance provided by the clerk or court personnel under this section does not constitute the practice of law. The clerk of the circuit court may enter into a contract with a person or another entity to provide this assistance. A person, other than a person or other entity with whom the clerk has entered into a contract to provide assistance, who in good faith performs the duties the person is required to perform under this subsection is not liable for civil damages that might otherwise be imposed on the person as a result of the performance of those duties unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct.

(e) A petition for an order for protection must be:

(1) verified or under oath under Trial Rule 11; and

(2) issued on the forms adopted under subsection (a).

(f) If an order for protection is issued under this chapter, the clerk shall comply with IC 5-2-9.".

Page 42, line 16, after "2007]:" insert "IC 31-9-2-23; IC 31-9-2-32; IC 31-9-2-33; IC 31-9-2-34; IC 31-9-2-35; IC 31-9-2-59; IC 31-9-2-81;".

Page 42, line 20, delete "." and insert " ; IC 31-17-3.".

Renumber all SECTIONS consecutively.

(Reference is to SB 329 as printed February 23, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

HOY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 345, 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 7, nays 1.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred Engrossed Senate Bill 390, 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 24-5-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) **Except as provided in subsection (d), a** contract between a consumer and a credit services organization concerning the purchase of the services of the credit services organization must be in writing, be dated and signed by both the consumer and the credit services organization, and include all of the following:

(1) A statement in at least 10 point boldface type in immediate proximity to the space reserved for the signature of the buyer that reads:

"You, the buyer, may cancel this contract at any time before midnight of the third business day after the date of the transaction. See the attached notice of cancellation form for an explanation of this right.".

(2) The terms and conditions of payment, including the total amount of all payments to be made by the buyer to the credit services organization or to another person.

(3) A complete and detailed description of the services to be performed and the results to be achieved by the credit services organization for or on behalf of the buyer, including all guarantees and all promises of full or partial refunds and a list of the adverse information appearing on the consumer's credit report that the credit services organization expects to have modified and the estimated date by which each modification will occur.

(4) The principal business address of the credit services organization and the name and address of the credit services organization's agent in Indiana authorized to receive service of process.

(b) A contract shall be accompanied by two (2) copies of a form captioned "NOTICE OF CANCELLATION" attached to the contract and that contains the following statement in at least 10 point boldface type:

NOTICE OF CANCELLATION

You may cancel this contract, without any penalty or obligation, at any time before midnight of the third business day after the date the contract is signed.

If you cancel, any payment made by you under this contract will be returned within ten days following receipt by the seller of your cancellation notice, or any other written notice, to

_____
(name of seller)

_____
(address of seller) (place of business)

not later than midnight _____
(date)

"I hereby cancel this transaction". _____
(date)

_____
(buyer's signature)

(c) A credit services organization shall give a copy of the completed contract and all other documents required by the credit services organization to the buyer at the time the contract and the documents are signed.

(d) If a contract is subject to this chapter and to IC 24-5.5, IC 24-5.5-4 applies to the contract.".

Page 2, line 16, delete "sale;" and insert "**proceeding;**".

Page 2, line 22, delete "sale." and insert "**proceeding.**".

Page 3, between lines 7 and 8, begin a new paragraph and insert:

"**Sec. 7. For purposes of this chapter, a homeowner is "subject to a foreclosure proceeding" if a person who holds a mortgage or deed of trust on residential real property owned by the homeowner has filed a legal action in a court with jurisdiction to foreclose the mortgage or deed of trust held on the homeowner's residential real property.**".

Page 3, line 20, delete "attorney general's office."." and insert "**housing and community development authority.".**".

Page 3, line 27, delete "tenth" and insert "**seventh**".

Page 3, line 27, delete "any conveyance or" and insert "**the homeowner's**".

Page 3, line 28, delete "real property." and insert "**the interest in the real property that is the subject of the agreement, as described in section 4(1) of this chapter.**".

Page 3, line 38, delete "when" and insert "**three (3) days after**".

Page 4, line 1, before "If" insert "**(a)**".

Page 4, line 2, after "or" insert "**a**".

Page 4, line 3, delete "sixty (60)" and insert "**thirty (30)**".

Page 4, between lines 9 and 10, begin a new paragraph and insert:

"**(b) A rescission by a homeowner under this chapter is void if the payments required under this section are not made within the time set forth in subsection (a).**".

Sec. 5. If a homeowner rescinds a contract with a foreclosure consultant, not less than ten (10) days following the effective date of the rescission, the consultant shall return to the homeowner any payments made by the homeowner, less any amounts for actual services rendered.".

Page 4, line 24, delete "A" and insert "**In addition to any prohibitions that apply under IC 24-5-15-1 through IC 24-5-15-8, a**".

Page 4, line 28, delete "perform;" and insert "**perform, unless the foreclosure consultant complies with the security requirements under IC 24-5-15-8;**".

Page 5, line 14, delete "and".

Page 5, line 17, delete "property." and insert "**property; and**"

(3) foreclosure purchaser complies with the security requirements under IC 24-5-15-8.".

Page 5, line 25, delete "eighty-two percent (82%)" and insert "**sixty-six percent (66%)**".

Page 6, line 15, delete "The attorney general may seek an injunction to prohibit" and insert "**A person who violates this article commits a deceptive act that is actionable by the attorney general under IC 24-5-0.5-4 and is subject to the penalties and remedies available to the attorney general under IC 24-5-0.5.**".

Page 6, delete lines 16 through 25.

Page 6, line 26, delete "4." and insert "**2.**".

Page 6, line 32, delete "5." and insert "**3.**".

Page 6, line 32, delete "4(b)" and insert "**2(b)**".

Page 6, line 37, delete "6." and insert "**4.**".

Page 6, line 38, after "commits" insert "**mortgage rescue protection fraud,**".

Page 6, line 39, delete "7." and insert "**5.**".

Page 6, line 39, delete "attorney general" and insert "**Indiana housing and community development authority**".

Page 6, line 40, delete "certified by the Indiana housing and community".

Page 6, line 41, delete "development authority".

Page 7, line 4, delete "attorney general" and insert "**Indiana housing and community development authority**".

Page 7, line 7, delete "8." and insert "**6.**".

Page 7, after line 8, begin a new paragraph and insert:

"**Sec. 7. This article may not be construed to preempt the provisions of IC 24-5-15-1 through IC 24-5-15-11.**

SECTION 3. IC 25-1-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. **(a)** The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate license appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of three (3) or more written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal may be for not more than ninety (90) days.

(c) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general must make a reasonable attempt to notify a practitioner of:

(1) a hearing by the board to suspend a practitioner's license; and

(2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general must also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to reach the practitioner is made if the consumer protection division of the office of the attorney general attempts to reach the practitioner by telephone or facsimile at the last telephone number of the practitioner on file with the board.".

Renumber all SECTIONS consecutively.

(Reference is to SB 390 as printed February 20, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

BARDON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 401, 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.

PELATH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 463, 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.

Delete page 2,

Page 3, delete lines 1 through 1 through 38.

Page 9, line 16, delete "section" and insert "**subsection**".

Page 9, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 4. IC 6-6-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of license branches operated under IC 9-16 in its administration of the motor vehicle registration laws of the state of Indiana. The license branches may be so utilized in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, in the event the bureau shall utilize such license branches in the collection of excise tax, the following apply:

(1) The excise taxes so collected by each license branch, less any refunds made by the license branch, shall be deposited daily by the license branch in a separate account in a depository duly designated by the state board of finance. The county treasurer of the county for which the collections are due may withdraw funds from the account at least two (2) times each week. The county treasurer is responsible for the safekeeping and investment of money withdrawn by the county treasurer under this subsection. Before the eleventh day of the month following the month in which the collections are made, the bureau of motor vehicles shall report the excise taxes collected and refunds made outside the county to the county treasurer of the county to which the collections are due and the refunds apply. The bureau shall forward a copy of this excise tax report to the county auditor of the county.

(2) A license branch shall each week forward a report to the county auditor of the county to whom the collections are due, showing the excise tax collected on each vehicle, each refund on a vehicle, and a copy of each registration certificate for all collections and refunds within the county.

(3) Each license branch shall also report to the bureau all excise taxes collected and refunds made under this chapter in the same manner and at the same time as registration fees are reported.

(4) Premiums for insurance to protect the funds collected by license branches against theft shall be paid by the bureau, except that the bureau may issue blanket coverage for all branches at its discretion. At the discretion of the bureau, the bureau may:

(A) self-insure to cover the activities of the license branches; or

(B) rather than purchase a bond or crime policy for each branch, purchase a single blanket bond or crime insurance policy endorsed to include faithful performance to cover all branches.

(5) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29 for each vehicle registered upon which an excise tax is collected by that branch.

(6) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau of motor vehicles on the first working day following the week of collection. Except as provided in subdivision (7), any

amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(7) This subdivision applies only to interest or a penalty collected by the department of state revenue from a person who:

(A) fails to properly register a vehicle as required by IC 9-18 and pay the tax due under this chapter; and

(B) during any time after the date by which the vehicle was required to be registered under IC 9-18 displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau of motor vehicles on the first working day following the week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards. ~~However, if there is a vendor transaction charge or discount fee, whether billed to the bureau or charged directly to the bureau's account, the bureau shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the bureau by bank or credit card vendors during the most recent collection period. This fee may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.~~

(b) On or before April 1 of each year the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor of state shall distribute to each county one-half (½) of:

(1) the amount of delinquent taxes; and

(2) any penalty or interest described in subsection (a)(7);

that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.".

Page 9, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 6. IC 9-13-2-49.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 49.5. "Electronic traffic ticket", for purposes of IC 9-30-3, has the meaning set forth in IC 9-30-3-2.5.**".

Page 10, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 11. IC 9-14-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The bureau shall issue a placard to the following:

(1) An individual of any age who:

(A) has a temporary or permanent physical disability that requires the use of a wheelchair, a walker, braces, or crutches;

(B) has temporarily or permanently lost the use of one (1) or both legs;

(C) is certified to be severely restricted in mobility, either temporarily or permanently, due to a pulmonary or cardiovascular disability, arthritic condition, or orthopedic or neurological impairment, by:

(i) a physician having an unlimited license to practice medicine;

(ii) a physician who is a commissioned medical officer of the armed forces of the United States or of the United States Public Health Service;

(iii) a physician who is a medical officer of the United States Department of Veterans Affairs;

(iv) a chiropractor licensed under IC 25-10-1; ~~or~~

(v) a podiatrist licensed under IC 25-29-1; or

(vi) an advanced practice nurse licensed under IC 25-23; or

(D) is certified by an optometrist or ophthalmologist licensed to practice in Indiana to be blind or visually impaired.

(2) Any corporation, limited liability company, partnership, unincorporated association, and any legal successor of the corporation, limited liability company, partnership, or association, empowered by the state or a political subdivision to operate programs, including the provision of transportation, or facilities for persons with physical disabilities.".

Page 10, delete lines 36 through 42.

Delete page 11.

Page 12, delete lines 1 through 4.

Page 13, line 31, delete "After" and insert "**Except as provided in subsection (c), after**".

Page 14, delete lines 21 through 29, begin a new paragraph and insert:

"**(c) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.**".

Page 16, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 16. IC 9-24-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. **(a)** An individual may not have more than one (1) valid driver's license at a time.

(b) An individual may not hold a driver's license and an identification card issued under IC 9-24-16 at the same time.".

Page 16, line 12, delete "A" and insert "**Except as provided in subsection (i),** a".

Page 17, line 41, after "purpose." insert "**".**".

Page 18, between lines 17 and 18, begin a new paragraph and insert:

"**(i) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.**".

Page 19, line 33, delete "IC 9-24-16-3.5 (1)(E)" and insert "**IC 9-24-16-3.5(1)(E)**".

Page 19, line 34, delete "though" and insert "**through**".

Page 19, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 22. IC 9-24-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "good cause" includes the following:

(1) Temporarily residing at least fifty (50) miles outside the boundaries of Indiana.

(2) Serving in the armed forces of the United States.

(b) The bureau may renew a valid Indiana operator's license held by an individual temporarily residing outside Indiana if the applicant does the following:

(1) Shows good cause why the license cannot be renewed within Indiana.

(2) Submits a completed application provided by the bureau and payment of the fee required in IC 9-29-9.

(3) Submits a written affidavit that affirms that no source document upon which the operator's license was issued has changed or been altered since the prior issuance of the operator's license.

(c) The Indiana operator's license of an individual who is temporarily residing outside Indiana remains valid for thirty (30) days beyond the expiration date of that license if the individual meets the following conditions:

(1) Has applied for a renewal of the license.

(2) Has not been denied a renewal of the license by the bureau.

(d) Upon receiving an application for the renewal of an Indiana operator's license from an individual temporarily residing outside Indiana, the bureau shall do the following:

(1) Either renew or deny the renewal of the license within ten (10) days.

(2) Notify the individual of the decision.

(e) When the Indiana operator's license of an individual who is temporarily residing outside Indiana because of service in the armed forces of the United States has expired, the license remains valid for ninety (90) days following the person's discharge from service in the armed forces. To obtain a renewed license, the individual must do the following:

(1) Apply for a renewal of the operator's license during the ninety (90) day period following the individual's discharge.

(2) Show proof of the individual's discharge from service in the armed forces when applying for the renewal.".

Page 20, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 24. IC 9-24-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. If:

(1) an individual holding a license or permit issued under this article changes the address shown on the license or permit application; or

(2) the name of a licensee or permittee is changed by marriage or otherwise;

the licensee or permittee shall ~~immediately notify the bureau in writing of the licensee's or permittee's old and new address or of the former name and new name and the number of the license or permit held by the licensee or permittee.~~ **make application for a duplicate driver's license or permit under IC 9-24-9 containing the correct information within thirty (30) days of the change.**".

Page 21, line 14, delete "After" and insert "**Except as provided in subsection (e), after**".

Page 21, between lines 38 and 39, begin a new paragraph and insert:

"**(e) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.**".

Page 22, line 2, after "(b)" delete "The" and insert "**Except as provided in subsection (g),** the".

Page 23, between lines 27 and 28, begin a new paragraph and insert:

"**(g) For purposes of subsection (b), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the address of the individual's principal residence, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.**".

Page 25, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 32. IC 9-29-9-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. The bureau may adopt rules under IC 4-22-2 to impose a service charge for the issuance of a duplicate operator's license or permit issued under IC 9-24-13-4.**

SECTION 33. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. (a) As used in this chapter, "electronic traffic ticket" means:**

(1) a traffic information and summons; or

(2) a complaint and summons;

for traffic cases that is in an electronic format prescribed by the division of state court administration.

(b) An electronic traffic ticket may be referred to as an "e-citation".

SECTION 34. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.3. In prescribing the contents of an electronic traffic ticket, the division of state court administration shall require the inclusion in an electronic traffic ticket of the contents required in an information and summons under section 6 of this chapter. The division of state court administration may modify the prescribed contents of an electronic traffic ticket as necessary for the ticket to be in an electronic format.**

SECTION 35. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.7. (a) When a law enforcement officer issues an electronic traffic ticket, the law enforcement officer:**

(1) may print the electronic traffic ticket at the site of the traffic violation; and

(2) shall inform the individual to whom the electronic traffic ticket has been issued and note on the electronic traffic ticket whether the individual must appear in court on a specific date at a specific time.

(b) An electronic traffic ticket issued under this chapter that bears a printed or digital signature of:

(1) the law enforcement officer who issued the electronic traffic ticket; and

(2) the prosecuting attorney, or a representative of the office of the prosecuting attorney, of the county in which the electronic traffic ticket was issued;

is admissible in a court proceeding as if the signatures referred to in subdivisions (1) and (2) were original signatures.

(c) A law enforcement officer who issues an electronic traffic ticket may transmit the electronic traffic ticket to the court electronically if the court and the electronic traffic ticket are in compliance with the administrative rules adopted by the supreme court.

(d) A law enforcement officer who issues an electronic traffic ticket shall indicate on the electronic traffic ticket whether the law enforcement officer served the person receiving the electronic traffic ticket.

(e) The electronic transmission of an electronic traffic ticket shall be considered by the court as an original certified copy of the traffic information and summons or complaint and summons. An electronic traffic ticket may be used:

(1) to notify the bureau of an Indiana resident who fails to:

(A) appear; or

(B) answer a traffic information and summons or complaint and summons;

(2) to notify the bureau of a defendant who is not an Indiana resident and who fails to:

(A) appear; or

(B) answer a traffic information and summons;

(3) to notify the bureau upon a final determination of a defendant's failure to appear; or

(4) as a record of a traffic case that an individual has been charged with a traffic offense when:

(A) the individual has been convicted;

(B) a judgment has been entered; or

(C) a finding has been made by a court.

SECTION 36. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **This section does not apply to electronic traffic tickets.**

(b) In traffic cases, the information and summons shall be in substantially the following form:

In the _____ Court of _____ County
Cause No. _____ Docket No. _____
Page No. _____
State of Indiana
SS: No._____
County of _____

INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:
On the _____ Day of _____, 20 ____ at ____ M
Name _____
Last First Middle
Street _____
City _____ State _____ Zip Code _____
Race ___ Sex ___ Age ___ D.O.B. _____ HT ____ WT _____
Oper. Lic. #_____ St. ____ Did Unlawfully
Operate Veh. Color _____ Veh. Yr.___ Veh. Make _____
Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____
Upon, (Location) _____
_____
A PUBLIC STREET OR HIGHWAY IN _____
COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:
_____
_____
CONTRARY TO THE FORM OF THE ( ) STATE STATUTE ( ) LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
OFFICER'S SIGNATURE _____
I.D. No. _____ Div. Dist. _____
POLICE AGENCY _____
Subscribed And Sworn to Before Me
(Deputy Clerk) _____
This _____ Day of _____, 20 ____

COURT APPEARANCE

I PROMISE TO APPEAR IN COURTROOM
_____
ADDRESS: _____
ON _____ THE _____ DAY OF_____, 20 ___ AT __ M. OR BE SUBJECT TO ARREST.
SIGNATURE _____
"YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"

The information and summons shall consist of four (4) parts:

(1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;

(2) the court copy, printed on white paper;

(3) the police record, which shall be a copy of the information, printed on pink paper; and

(4) the summons copy, printed on white stock.

The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:
RECEIPT #_____
DATE _____

COURT ACTION AND OTHER ORDERS

BAIL $ _____
REARREST BOND $ _____ DATE _____
1. CONTINUANCE TO ___ 4. CONTINUANCE TO ____
2. CONTINUANCE TO ___ 5. CONTINUANCE TO ____
3. CONTINUANCE TO ___ 6. CONTINUANCE TO ____

	Motions	Date	Ruling	Date
1.	___	___	___	___
2.	___	___	___	___
3.	___	___	___	___
4.	___	___	___	___

PLEA ( ) GUILTY
( ) NOT GUILTY
FINDING ( ) GUILTY
( ) NOT GUILTY

THE COURT THEREFORE, ENTERS THE FOLLOWING ORDER

FINE $ _____ AMOUNT SUSP. $ _____
(STATE) $ _____
COSTS
(CITY) $ _____
_____ DAYS IN _____ DAYS SUSP. _____
( ) RECOMMENDED LICENSE SUSPENDED FOR _____
( ) PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR PROBATION
_____
_____
_____
_____
JUDGE: _____
DATE: _____
ATTORNEY FOR DEFENDANT _____
ADDRESS_____ TELEPHONE _____

WITNESSES

_____
_____

The notice, the appearance, the plea of either guilty or not guilty, and the waiver shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

~~(b)~~ **(c)** In civil traffic cases, the complaint and summons shall be in substantially the following form:
In the _____ Court of _____ County
Cause No. _____ Docket No. _____
Page No._____
State of Indiana
SS: No._____
County of _____

COMPLAINT AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:
On the _____ Day of_____, 20 ____ at __ M
Name _____
Last First Middle
Street _____
City _____ State _____ Zip Code _____
Race ___ Sex ___ Age __ D.O.B. _____ HT ____ WT ___
Oper. Lic. # _____ St. _____ Did Unlawfully
Operate Veh. Color _____ Veh. Yr. ___ Veh. Make _____
Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____
Upon, (Location) _____
_____
A PUBLIC STREET OR HIGHWAY IN _____
COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

_____
_____
_____
CONTRARY TO THE FORM OF THE ( ) STATE STATUTE ( ) LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
OFFICER'S SIGNATURE _____
I.D. No. _____ Div. Dist. _____
POLICE AGENCY _____
Subscribed And Sworn to Before Me
(Deputy Clerk) _____
This _____ Day of _____, 20___

COURT APPEARANCE

I PROMISE TO APPEAR IN _____
COURTROOM _____
ADDRESS: _____
ON _____ THE _____ DAY OF ____, 20 ___
AT __ M. OR BE SUBJECT TO ARREST.
SIGNATURE _____
"YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"

The complaint and summons shall consist of four (4) parts:

(1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;

(2) the court copy, printed on white paper;

(3) the police record, which shall be a copy of the complaint, printed on pink paper; and

(4) the summons copy, printed on white stock.

The reverse sides of the complaint and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT #_____
DATE _____

COURT ACTION AND OTHER ORDERS

BAIL $ _____
REARREST BOND $ _____ DATE _____
1. CONTINUANCE TO ____ 4. CONTINUANCE TO ____
2. CONTINUANCE TO ____ 5. CONTINUANCE TO _____
3. CONTINUANCE TO ____ 6. CONTINUANCE TO _____

	Motions	Date	Ruling	Date
1.	___	___	___	___
2.	___	___	___	___
3.	___	___	___	___
4.	___	___	___	___

PLEA ( ) ADMIT
( ) DENY
( ) NOLO CONTENDERE
FINDING ( ) JUDGMENT FOR PLAINTIFF
( ) JUDGMENT FOR DEFENDANT

THE COURT THEREFORE, ENTERS THE FOLLOWING ORDER

FINE $ _____ AMOUNT SUSP. $ _____
(STATE) $ _____
COSTS
(CITY) $ _____
( ) RECOMMENDED LICENSE SUSPENDED FOR _____
( ) PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR PROBATION

_____
_____
_____
_____
_____
JUDGE: _____
DATE: _____
ATTORNEY FOR DEFENDANT _____
ADDRESS _____ TELEPHONE _____

WITNESSES

_____
_____

The notice, appearance, plea of either admission, denial, or nolo contendere shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

~~(c)~~ **(d)** The complaint form shall be used in traffic cases, whether the charge is made by a law enforcement officer or by any other person.

~~(d)~~ **(e)** Each judicial officer or police authority issuing traffic complaints and summons:

(1) is responsible for the disposition of all the traffic complaints and summons issued under the authority of the officer or authority; and

(2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

SECTION 37. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court **either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration,** the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

(d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

(1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and

(2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination **either in an electronic format or** upon forms

prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and **information from** the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 38. IC 9-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

(1) engage counsel;

(2) a reasonable continuance to engage counsel to subpoena witnesses;

(3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;

(4) testify or not to testify in the defendant's own behalf;

(5) a trial by jury; and

(6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment **in an electronic format** or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information **in an electronic format or** in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau of motor vehicles.

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars ($100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action.".

Page 26, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 40. [EFFECTIVE JULY 1, 2007] **(a) The bureau of motor vehicles shall adopt a written exceptions process to create exceptions under which licenses, permits, and identification cards may be issued pursuant to federal law under IC 9-24-9-2, IC 9-24-11-5, IC 9-24-16-2, and IC 9-24-16-3, all as amended by this act, to:**

(1) individuals whose addresses have been suppressed under state or federal court orders;

(2) individuals whose addresses are protected under section 384 of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101f); and

(3) individuals who have no fixed addresses;

without requiring the individuals to provide all of the information that would otherwise be required under IC 9-24-9-2, IC 9-24-11-5, IC 9-24-16-2, and IC 9-24-16-3, all as amended by this act.

(b) This SECTION expires on the earlier of the following:

(1) The date a written exceptions process is adopted under subsection (a).

(2) December 31, 2008.

SECTION 41. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "bureau" means the bureau of motor vehicles established by IC 9-14-1-1.**

(b) Notwithstanding IC 9-24-12-1(c), as amended by this act, an operator's license issued:

(1) after May 14, 2007, and before January 1, 2008, expires at midnight on the birthday of the holder that occurs five (5) years following the date of issuance;

(2) after December 31, 2007, and before January 1, 2009, expires at midnight on the birthday of the holder that occurs four (4) years following the date of issuance; and

(3) after December 31, 2008, expires at midnight on the birthday of the holder that occurs six (6) years following the date of issuance.

(c) Notwithstanding IC 9-29-9-2, the fee for an operator's license issued under IC 9-24 is:

(1) seven dollars and fifty cents ($7.50) for an operator's license issued after May 14, 2007, and before January 1, 2008;

(2) six dollars ($6) for an operator's license issued after December 31, 2007, and before January 1, 2009; and

(3) nine dollars ($9) for an operator's license issued after December 31, 2008.

(d) An additional fee, other than a fee set forth in subsection (c), that is assessed or collected by the bureau under IC 9-16 or IC 9-29-3-19 for the issuance of an operator's license after May 14, 2007, and before January 1, 2009, shall be at the rate set forth in:

(1) a statute; or

(2) a rule adopted under IC 4-22-2;

as of May 14, 2007.

(e) This SECTION expires December 31, 2009.".

Renumber all SECTIONS consecutively.

(Reference is to SB 463 as printed February 16, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Engrossed Senate Bill 467, 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 8-1-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. **(a)** The commission shall keep itself informed of all new construction, extensions and additions to the property of such public utility and shall prescribe the necessary forms, regulations and instructions to the officers and employees of such public utility for the keeping of construction accounts which shall clearly distinguish all operating expenses and new construction. Unless a public utility shall obtain the approval by the commission of any expenditure exceeding ten thousand dollars ($10,000) for an extension, construction, addition or improvement of its plant and equipment, the commission shall not, in any proceeding involving the rates of such utility, consider the property acquired by such expenditures as a part of the rate base, unless in such proceeding the **public** utility shall show that such property is in

fact used and useful in the public service; provided, that the commission in its discretion may authorize the expenditure for such purpose of a less amount than shown in such estimate.

(b) For purposes of subsection (a), the construction, addition, extension, or improvement of a public utility's plant or equipment to provide electric or gas service to a customer of the public utility that produces biodiesel, ethanol, or any other biofuel is in fact used and useful in the public service.

(c) This subsection applies to a public utility's general rate proceeding that immediately follows the public utility's investment in a construction, an addition, an extension, or an improvement described in subsection (b). The public utility may accrue for recovery in the rate proceeding a return on the public utility's investment, beginning on the date the public utility initially records the investment in the public utility's books or records, as determined by the commission, at the rate of return authorized by the commission in the public utility's general rate proceeding immediately preceding the investment.

SECTION 2. IC 8-1-8.4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8.4. Electric Line Facilities Projects

Sec. 1. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 2. As used in this chapter, "electric line facilities" means the following:

(1) Overhead or underground electric transmission lines.

(2) Overhead or underground electric distribution lines.

(3) Electric substations.

(4) Overhead or underground telecommunications line facilities associated with an item listed in subdivisions (1) through (3).

Sec. 3. As used in this chapter, "electric line facilities project" means the construction, operation, maintenance, reconstruction, relocation, addition to, upgrading of, or removal of electric line facilities.

Sec. 4. As used in this chapter, "electricity supplier" means a public utility that furnishes retail electric service to the public.

Sec. 5. As used in this chapter, "public utility" has the meaning set forth in IC 8-1-2-1.

Sec. 6. As used in this chapter, "regional transmission organization" refers to the regional transmission organization approved by the Federal Energy Regulatory Commission for the control area in which an electricity supplier operates electric line facilities.

Sec. 7. The commission shall encourage electric line facilities projects by creating the following financial incentives for electric line facilities that are reasonable and necessary:

(1) The timely recovery of costs incurred by an electricity supplier in an electric line facilities project.

(2) The timely recovery of costs, by means of a periodic rate adjustment mechanism, incurred by an electricity supplier taking service under a tariff of, or being assessed costs by, a regional transmission organization.

Sec. 8. (a) An electricity supplier must submit an application to the commission for approval of an electric line facilities project for which the electricity supplier seeks to receive a financial incentive created under section 7 of this chapter.

(b) The commission shall prescribe the form for an application submitted under this section.

(c) Upon receipt of an application under subsection (a), the commission shall review the application for completeness. The commission may request additional information from an applicant as needed.

(d) The commission shall, after notice and hearing, issue a determination of an electric line facilities project's eligibility for the financial incentives described in section 7 of this chapter not later than one hundred eighty (180) days after the date of the application.

(e) Subject to subsection (g), the commission shall approve an application by an electricity supplier for an electric line facilities project that is reasonable and necessary. An electric line facilities project is presumed to be reasonable and necessary if the electric line facilities project is consistent with, or part of, a plan developed by the regional transmission organization.

(f) This section does not relieve an electricity supplier of the duty to obtain any certificate required under IC 8-1-8.5 or IC 8-1-8.7.

(g) The commission shall not approve a financial incentive for that part of an electric line facilities project that exceeds the lesser of:

(1) five percent (5%) of the electricity supplier's rate base approved by the commission in the electricity supplier's most recent general rate proceeding; or

(2) one hundred million dollars ($100,000,000).

SECTION 3. IC 8-1-31-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. As used in this chapter, "distribution" means, for purposes of distributing electricity, the distribution of electric power to retail customers or end users by means of low voltage electric lines.**

SECTION 4. IC 8-1-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. As used in this chapter, "eligible distribution system improvements" means new used and useful ~~water~~ **public** utility plant projects that:

(1) do not increase revenues by connecting the distribution system to new customers;

(2) are in service; and

(3) were not included in the public utility's rate base in its most recent general rate case.

SECTION 5. IC 8-1-31-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. As used in this chapter, "public utility" means a:

(1) public utility (as defined in IC 8-1-2-1(a)); or

(2) municipally owned utility (as defined in IC 8-1-2-1(h)); **that produces, transmits, delivers, or furnishes water, gas, electricity, or steam.**

SECTION 6. IC 8-1-31-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Except as provided in subsection (d), a public utility ~~providing water service~~ may file with the commission rate schedules establishing a DSIC that will allow the automatic adjustment of the public utility's basic rates and charges to provide for recovery of DSIC costs.

(b) The public utility shall serve the office of the utility consumer counselor a copy of its filing at the time of its filing with the commission.

(c) Publication of notice of the filing is not required.

(d) A public utility may not file a petition under this section in the same calendar year in which the public utility has filed a request for a general increase in the basic rates and charges of the public utility.

SECTION 7. IC 8-1-31-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. The commission may not approve a DSIC:

(1) to the extent it would produce total DSIC revenues exceeding five percent (5%) of the public utility's base revenue level approved by the commission in the public utility's most recent general rate proceeding; **or**

(2) if the cost of the associated eligible distribution system improvements exceeds fifty million dollars ($50,000,000).

SECTION 8. IC 8-1-35 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]:

Chapter 35. Renewable Energy Development

Sec. 1. As used in this chapter, "electricity supplier" means a public utility (as defined in IC 8-1-2-1) that furnishes retail electric service to the public. The term does not include a public utility that is:

(1) a municipally owned utility (as defined in IC 8-1-2-1(h));

(2) a corporation organized under IC 8-1-13; or

(3) a corporation organized under IC 23-17-1 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13.

Sec. 2. As used in this chapter, "fund" refers to the renewable energy resources fund established by section 8 of this chapter.

Sec. 3. As used in this chapter, "regional transmission organization" refers to a regional transmission organization approved by the Federal Energy Regulatory Commission for the geographic area in which an electricity supplier's assigned service area (as defined in IC 8-1-2.3-2) is located.

Sec. 4. As used in this chapter, "renewable energy credit", or "REC", means one (1) megawatt hour of electricity generated by renewable energy resources that is:

(1) quantifiable; and

(2) possessed by not more than one (1) entity at a time.

Sec. 5. (a) As used in this chapter, "renewable energy resources" includes the following sources for the production of electricity:

(1) Dedicated crops grown for energy production.

(2) Methane systems that convert waste products, including animal, food, and plant waste, into electricity.

(3) Methane recovered from landfills.

(4) Wind.

(5) Hydropower, other than hydropower involving the construction of new dams or the expansion of existing dams.

(6) Solar photovoltaic cells and panels.

(7) Fuel cells that directly convert chemical energy in a hydrogen rich fuel into electricity.

(8) Sawmill waste, other than waste derived from virgin timber.

(9) Agricultural crop waste.

(10) Waste coal.

(11) Clean coal and energy projects (as defined in IC 8-1-8.8-2).

(12) Combined heat and power systems that:

(A) use natural gas or renewable energy resources as feedstock; and

(B) achieve at least seventy percent (70%) overall efficiency.

(13) Demand side management or efficiency programs that reduce electricity consumption or implement load management or demand response technologies that shift electric load from periods of higher demand to periods of lower demand, including the following:

(A) Home weatherization.

(B) Appliance efficiency modifications and replacements.

(C) Lighting efficiency modifications.

(D) Heating and air conditioning modifications or replacements.

(b) The term does not include energy from the incineration, burning, or heating of the following:

(1) Tires.

(2) Garbage.

(3) General household, institutional, or commercial waste.

(4) Industrial lunchroom or office waste.

(5) Landscape waste.

(6) Construction or demolition debris.

(7) Feedstock that is municipal, food, plant, industrial, or animal waste from outside Indiana.

Sec. 6. (a) Each electricity supplier shall supply electricity generated by renewable energy resources to Indiana customers as a percentage of the total electricity supplied by the electricity supplier to Indiana customers as follows:

(1) In 2009, at least one percent (1%).

(2) In 2010, at least two percent (2%).

(3) In 2011, at least three percent (3%).

(4) In 2012, at least four percent (4%).

(5) In 2013, at least five percent (5%).

(6) In 2014, at least six percent (6%).

(7) In 2015, at least seven percent (7%).

(8) In 2016 and thereafter, at least eight percent (8%).

For purposes of this subsection, electricity is measured in megawatt hours.

(b) An electricity supplier may use:

(1) a renewable energy resource described in section 5(a)(10) of this chapter;

(2) a renewable energy resource described in section 5(a)(11) of this chapter; or

(3) a combination of renewable energy resources described in section 5(a)(10) or 5(a)(11) of this chapter;

to generate not more than twenty percent (20%) of the electricity that the electricity supplier is required to supply under subsection (a).

(c) An electricity supplier may not use a renewable energy resource described in section 5(a)(12) of this chapter to generate more than ten percent (10%) of the electricity that the electricity supplier is required to supply under subsection (a).

(d) An electricity supplier may use a renewable energy resource described in section 5(a)(13) of this chapter each to generate not more than ten percent (10%) of the electricity that the electricity supplier is required to supply under subsection (a).

(e) An electricity supplier may own or purchase RECs to comply with subsection (a).

(f) If an electricity supplier exceeds the applicable percentage under subsection (a) in a compliance year, the electricity supplier may carry forward the amount of electricity that:

(1) exceeds the applicable percentage under subsection (a); and

(2) is generated by renewable resources in an Indiana facility;

to comply with the requirement under subsection (a) for either or both of the two (2) immediately succeeding compliance years.

(g) An electricity supplier that fails to comply with subsection (a) shall deposit in the fund established by section 8 of this chapter an amount equal to:

(1) the number of megawatt hours of electricity that the electricity supplier was required to but failed to supply under subsection (a); multiplied by

(2) fifty dollars ($50).

(h) An electricity supplier is not required to comply with subsection (a) if the commission determines that the electricity supplier has demonstrated that:

(1) renewable energy resources or RECs are not available to the electricity supplier in sufficient quantities to allow the electricity supplier to comply with subsection (a); or

(2) the cost of renewable energy resources available to the electricity supplier would result in an unreasonable increase in the basic rates and charges for electricity supplied to customers of the electricity supplier if the electricity supplier complied with subsection (a).

The commission shall conduct a public hearing to make a

determination under this subsection.

(i) If the commission determines under subsection (h) that adequate renewable energy resources are not available or that the cost of available renewable energy resources is not reasonable, the commission shall:

(1) reduce or eliminate the affected electricity supplier's obligations under subsection (a) as appropriate; and

(2) review its determination not more than twelve (12) months after the reduction or elimination under subdivision (1) takes effect.

(j) The commission shall allow an electricity supplier to recover reasonable and necessary costs incurred in:

(1) constructing, operating, or maintaining facilities to comply with this chapter; or

(2) generating electricity from, or purchasing electricity generated from, a renewable resource;

by a periodic rate adjustment mechanism.

Sec. 7. (a) For purposes of calculating RECs to determine an electricity supplier's compliance with section 6(a) of this chapter, the following apply:

(1) One (1) megawatt hour of electricity generated by renewable energy resources in an Indiana facility equals one (1) REC.

(2) One (1) megawatt hour of electricity generated by a renewable energy resource described in section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter that originates in Indiana equals one and three-tenths (1.3) RECs.

(3) One (1) megawatt hour of electricity that is:

(A) generated by a renewable energy resource in the territory of a regional transmission organization; and

(B) imported into Indiana;

equals five-tenths (0.5) REC.

(4) One (1) megawatt hour of electricity that is generated by a renewable energy resource described in section 5(a)(12) of this chapter in Indiana equals five-tenths (0.5) REC.

(b) Electricity generated by any source outside the territory of a regional transmission organization may not be considered for purposes of calculating an REC to determine an electricity supplier's compliance with section 6(a) of this chapter.

(c) An electricity supplier may satisfy not more than ten percent (10%) of the electricity supplier's requirement under section 6(a) of this chapter by owning or purchasing RECs calculated under subsection (a)(4).

(d) An electricity supplier may calculate only one (1) REC for each megawatt hour of electricity.

Sec. 8. (a) The renewable energy resources fund is established to:

(1) support the development, construction, and use of renewable energy resources, including small scale renewable energy resources, in rural and urban Indiana; and

(2) reimburse the Indiana economic development corporation and the commission for expenses incurred under section 9 of this chapter.

(b) The fund consists of the following:

(1) Money deposited under section 6(g) of this chapter.

(2) Money from any other source that is deposited in the fund.

(c) The Indiana economic development corporation shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 9. (a) This section applies if there is sufficient money in the fund established by section 8 of this chapter to reimburse the Indiana economic development corporation and the commission for expenses incurred under subsection (b).

(b) The Indiana economic development corporation, in consultation with the commission, shall develop a strategy to attract renewable energy manufacturing facilities, including wind turbine component manufacturers, to Indiana.

Sec. 10. Beginning in 2011, and not later than March 1 of each year, a utility shall file with the commission a report of the utility's compliance with this chapter for the preceding calendar year.

Sec. 11. The commission shall adopt rules under IC 4-22-2 to implement this chapter.".

Page 1, delete lines 5 through 8, begin a new paragraph and insert:

"SECTION 10. IC 16-44-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. As used in this chapter, "gasoline-ethanol blend" means a fuel that is:**".

Page 2, line 14, delete "Ethanol." and insert "**Gasoline-ethanol blend.**".

Page 2, line 28, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 2, line 34, after "Gasoline" insert ", **gasoline-ethanol blend,**".

Page 2, line 40, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 3, line 1, after "Gasoline" insert ", **gasoline-ethanol blend,**".

Page 3, line 3, after "gasoline" insert ", **gasoline-ethanol blend,**".

Page 3, line 7, after "gasoline" insert ", **gasoline-ethanol blend,**".

Page 3, line 11, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 3, line 12, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 3, line 16, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 3, line 17, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 3, line 20, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 3, line 27, delete "ethanol," and insert "**gasoline-ethanol blends,**".

Page 4, line 40, delete "Ethanol:" and insert "**Gasoline-ethanol blends:**".

Page 4, line 41, delete "All" and insert "**One (1)**".

Page 5, line 1, delete "ethanol" and insert "**the gasoline-ethanol blend**".

Page 5, line 3, delete "ethanol" and insert "**gasoline-ethanol blend**".

Page 5, line 5, delete "ethanol" and insert "**the gasoline-ethanol blend**".

Page 5, line 8, delete "ethanol" and insert "**gasoline-ethanol blend**".

Page 5, line 11, delete "ethanol" and insert "**the gasoline-ethanol blend**".

Page 5, line 15, delete "ethanol" and insert "**the gasoline-ethanol blend**".

Page 5, line 17, delete "Ethanol" and insert "**A gasoline-ethanol blend**".

Page 5, line 20, delete "Ethanol" and insert "**A gasoline-ethanol blend**".

Page 5, line 24, delete "ethanol," and insert "**a gasoline-ethanol blend,**".

Page 5, line 33, delete "ethanol," and insert "**gasoline-ethanol blends,**".

Page 5, line 36, delete "ethanol," and insert "**gasoline-ethanol blends,**".

Page 6, line 12, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 6, line 15, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 6, line 20, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 6, line 22, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 6, line 23, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 6, line 25, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 6, line 27, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 6, line 30, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 6, line 32, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 6, line 33, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 6, line 35, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 6, line 42, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 7, line 11, delete "ethanol," and insert "**gasoline-ethanol blend,**".

Page 7, after line 13, begin a new paragraph and insert:

"SECTION 21. [EFFECTIVE JULY 1, 2007] **Not later than April 1, 2013, the Indiana utility regulatory commission shall submit a report in an electronic format under IC 5-14-6 to the general assembly. A report submitted under this SECTION must include:**

(1) an analysis of; and

(2) any legislative proposals the commission believes would increase;

the effectiveness of and industry compliance with IC 8-1-35, as added by this act.

SECTION 22. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 467 as reprinted February 21, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

PFLUM, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 472, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the committee report of the committee on veterans affairs and public safety adopted April 3, 2007.

Page 1, line 3, after "county," insert "**a**".

Page 1, line 3, after "city, or" insert "**a**".

Page 1, line 3, after "town," insert "**a township,**".

Page 4, line 22, delete "under IC 22-14-5-1." and insert "**by IC 22-14-6-2.**".

Page 4, delete lines 28 through 42.

Page 5, delete lines 1 through 6.

Page 5, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 14. IC 22-14-6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 6. Fire Training Infrastructure Fund

Sec. 1. As used in this chapter, "fund" refers to the fire training infrastructure fund established by section 2 of this chapter.

Sec. 2. The fire training infrastructure fund is established to do the following:

(1) Provide grants to construct fire training facilities and purchase fire training equipment.

(2) Pay the costs of administering this chapter.

Sec. 3. The division shall administer the fund.

Sec. 4. The fund consists of the following:

(1) Amounts appropriated by the general assembly.

(2) Donations, grants, and money received from any other source.

(3) Amounts that the department transfers to the fund from the fire and building services fund.

(4) Amounts that the department transfers to the fund from the regional public safety training fund established by IC 10-15-3-12.

Sec. 5. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

Sec. 6. Money in the fund at the end of the fiscal year does not revert to the state general fund.

Sec. 7. The fund is subject to an annual audit by the state board of accounts. The fund shall pay all costs of the audit.".

Page 6, delete lines 1 through 14.

Page 9, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 18. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 22-12-1-23.3; IC 22-14-5.

SECTION 19. [EFFECTIVE JULY 1, 2007] **(a) Notwithstanding the repeal of IC 22-14-5 by this act, the firefighting and emergency equipment revolving loan fund established by IC 22-14-5-1 (before its repeal by this act) remains in existence after June 30, 2007, if any money remains in the fund on June 30, 2007. Money that remains in the firefighting and emergency equipment revolving loan fund on June 30, 2007, does not revert to the state general fund. Deposits or transfers may not be made to the firefighting and emergency equipment revolving loan fund, and new loans may not be made from the firefighting and emergency equipment revolving loan fund after June 30, 2007.**

(b) Money remaining in the firefighting and emergency equipment revolving loan fund on June 30, 2007, must be transferred before August 1, 2007, to the fire training infrastructure fund established by IC 22-14-6-1, as added by this act.

(c) If money in the firefighting and emergency equipment revolving loan fund is transferred under subsection (b), the firefighting and emergency equipment revolving loan fund is abolished immediately after the transfer under subsection (b) is completed.

(d) Notwithstanding the repeal of IC 22-14-5 by this act, if a loan provided under IC 22-14-5-1 (before its repeal by this act) remains outstanding on June 30, 2007, the qualified entity to whom the loan was provided shall repay the loan, subject to the original terms and conditions of the loan, to the department of homeland security established by IC 10-19-2-1 for deposit in the fire training infrastructure fund established by IC 22-14-6-1, as added by this act.

(e) This SECTION expires on the later of:

(1) August 1, 2007; or

(2) the date on which the last outstanding loan provided under IC 22-14-5-1 (before its repeal by this act) is repaid to the department of homeland security under

subsection (d).".

Delete page 10.

Renumber all SECTIONS consecutively.

(Reference is to SB 472 as reprinted February 20, 2007, and as amended by the committee report of the committee on veterans affairs and public safety adopted April 3, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 480, 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 19, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 501, 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 19, nays 1.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Engrossed Senate Bill 520, 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 18, after "properties" insert "**(as defined in IC 5-2-6-19(b))**".

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"**(b) As used in this section, "property" refers to a structure or part of a structure that is used as a home, residence, or sleeping unit.**".

Page 2, line 25, delete "(b)" and insert "**(c)**".

Page 2, line 30, delete "IC 5-2-15-3 or credible information received from a law" and insert "**IC 5-2-15-3.**".

Page 2, delete line 31.

Page 2, line 32, delete "(c)" and insert "**(d)**".

Page 2, line 40, delete "(d)" and insert "**(e)**".

Page 2, line 40, after "site" insert "**after the property has been remediated by a vendor approved under IC 13-14-1-15 or**".

Page 2, after line 42, begin a new paragraph and insert:

"**(f) Notwithstanding subsection (c), if property has been remediated by a vendor approved under IC 13-14-1-15 before it is placed on the list required under subsection (c), the institute may not place the property on the list.**".

Page 3, line 1, delete "(e)" and insert "**(g)**".

Page 3, line 2, delete "(d)" and insert "**(e)**".

Page 4, line 10, delete "The superintendent may require the use".

Page 4, delete lines 11 through 12.

Page 5, delete lines 7 through 42.

Page 6, delete lines 1 through 31.

Renumber all SECTIONS consecutively.

(Reference is to SB 520 as reprinted February 26, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred Engrossed Senate Bill 559, 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, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 4. IC 6-8.1-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. **(a)** After a tax warrant becomes a judgment under section 2 of this chapter or a tax warrant is returned uncollected to the department under section 3 of this chapter, the department may take any of the following actions without judicial proceedings:

(1) The department may levy upon the property of the taxpayer that is held by a financial institution by sending a claim to the financial institution. Upon receipt of a claim under this subdivision, the financial institution shall surrender to the department the taxpayer's property. If the taxpayer's property exceeds the amount owed to the state by the taxpayer, the financial institution shall surrender the taxpayer's property in an amount equal to the amount owed. After receiving the department's notice of levy, the financial institution is required to place a sixty (60) day hold on or restriction on the withdrawal of funds the taxpayer has on deposit or subsequently deposits, in an amount not to exceed the amount owed.

(2) The department may garnish the accrued earnings and wages of a taxpayer by sending a notice to the taxpayer's employer. Upon receipt of a notice under this subdivision, an employer shall garnish the accrued earnings and wages of the taxpayer in an amount equal to the full amount that is subject to garnishment under IC 24-4.5-5. The amount garnished shall be remitted to the department. The employer is entitled to a fee in an amount equal to the fee allowed under IC 24-4.5-5-105(5). However, the fee shall be borne entirely by the taxpayer.

(3) The department may levy upon and sell property and may:

(A) take immediate possession of the property and store it in a secure place; or

(B) leave the property in the custody of the taxpayer;

until the day of the sale. The department shall provide notice of the sale in one (1) newspaper, as provided in IC 5-3-1-2. If the property is left in the custody of the taxpayer, the department may require the taxpayer to provide a joint and several delivery bond, in an amount and with a surety acceptable to the department. At any time before the sale, any owner or part owner of the property may redeem the property from the judgment by paying the department the amount of the judgment. The proceeds of the sale shall be applied first to the collection expenses and second to the payment of the delinquent taxes and penalties. Any balance remaining shall be paid to the taxpayer.

(b) A special counsel or collection agency that makes a claim to a financial institution on behalf of the department under subsection (a)(1) or on behalf of a county treasurer under IC 6-1.1-23-10(c)(1) shall submit the following to the financial institution:

(1) Proof of employment or contract with the department under section 4 of this chapter or county treasurer under IC 6-1.1-23-1.5.

(2) Subject to subsection (c), a fee of ten dollars ($10) for each claim.

(3) A notice of levy issued by the department or county treasurer.

(4) A form approved by the department or county treasurer containing instructions for remitting funds to the special counsel or collection agency making the claim.

(5) A stamped, self-addressed envelope for return of the form submitted under subdivision (4).

(c) A financial institution, special counsel, or collection agency may not assess or pass along a fee under subsection (b)(2) to:

(1) the department;

(2) the county treasurer;

(3) the taxpayer; or

(4) any other individual or unit of government.".

Page 7, line 14, after "means." insert "**However, during the period beginning July 1, 2007, and ending June 30, 2009, this subdivision does not apply to an affiliate or a subsidiary of a financial corporation issued a certificate of authority to operate as an industrial loan and investment company under IC 28-5 if all of the following apply:**

(i) The industrial loan and investment company notifies the department in writing that an affiliate or a subsidiary of the industrial loan and investment company engages or plans to engage in activity involving Indiana residents at an out of state location. The notification required by this clause must list all states other than Indiana in which consumer loans may be made and must describe the nature of the proposed transactions.

(ii) The industrial loan and investment company provides written consent allowing the department to consult with and review information provided by other state regulators, as may be requested by the department, concerning the activities identified in clause (i) of any affiliate or subsidiary engaging in consumer lending to Indiana residents in the states identified under clause (i).

(iii) The industrial loan and investment company provides written consent allowing the department to inspect or examine all out of state locations in which an affiliate or a subsidiary of the industrial loan and investment company engages in the activities identified under clause (i), for the purpose of investigating the affiliate's or subsidiary's consumer lending practices involving Indiana residents. An inspection or examination performed by the department under this clause is subject to the schedule of fees established by the department under IC 28-11-3-5.".

Page 33, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 32. IC 26-1-3.1-502.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 502.5. **(a) Except as provided in subsection (b),** a person to whom a check, a draft, an order, or like instrument is tendered may, if the instrument is dishonored or returned unpaid for any reason, charge and collect from the maker or drawer, or the person for whose benefit the instrument was given, an amount not to exceed twenty dollars ($20) plus an amount equal to the actual charge by the depository institution for each returned or dishonored instrument. The charge shall not be considered an interest charge, a finance charge, a time price differential, or any charge of a similar nature.

(b) To the extent applicable to a federally chartered bank, if a check is dishonored, a bank, trust, banc, banco, or bancorp may not charge any party other than the maker or drawer of the check a fee in connection with the dishonoring of the check.".

Page 115, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 104. IC 28-13-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in subsection (c), every director must, during the director's whole term of service, be a citizen of the United States. A director must be at least eighteen (18) years of age. At least ~~three-fifths (3/5)~~ **one-half (½)** of the directors must reside in Indiana or within a distance of not to exceed fifty (50) miles of any office of the corporation of which the director is a director.

(b) The articles of incorporation or bylaws may prescribe other qualifications for directors. A director need not be a shareholder of the corporation unless the articles of incorporation or bylaws so prescribe.

(c) The director of the department may waive the United States citizenship requirement set forth in subsection (a) for a particular corporation if the waiver would affect only a minority of the total number of directors of the corporation.".

Renumber all SECTIONS consecutively.

(Reference is to SB 559 as reprinted February 16, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BARDON, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 9 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Heinold, Chair; and Mrvan
Advisors: Landske, Hershman, Broden, and Lanane

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 not concurred in House amendments to Engrossed Senate Bill 103 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Gard, Chair; and Lanane
Advisors: Boots, Miller, Broden, and Deig

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 not concurred in House amendments to Engrossed Senate Bill 157 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Gard, Chair; and Deig
Advisors: Alting, Walker, Breaux, and Sipes

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 not concurred in House amendments to Engrossed Senate Bill 247 and the President Pro Tempore has

appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Merritt, Chair; and Mrvan
Advisors: Drozda, Steele, Rogers, and Lewis

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 not concurred in House amendments to Engrossed Senate Bill 416 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: R. Young, Chair; and Kenley
Advisors: Meeks, Dillon, Hume, and Skinner

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 not concurred in House amendments to Engrossed Senate Bill 534 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Lubbers, Chair; and Broden
Advisors: Bray, Zakas, Lanane, and Tallian

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 not concurred in House amendments to Engrossed Senate Bill 568 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Meeks, Chair; and Hume
Advisors: Kruse, M. Young, Skinner, and Arnold

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 51 and 53 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 Welch be added as cosponsor of Engrossed Senate Bill 327.

MAYS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson be added as cosponsor of Engrossed Senate Bill 339.

VAN HAAFTEN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as cosponsor of Engrossed Senate Bill 452.

STEVENSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as cosponsor of Engrossed Senate Bill 461.

RESKE

Motion prevailed.

On the motion of Representative Orentlicher, the House adjourned at 4:35 p.m., this fifth day of April, 2007, until Monday, April 9, 2007, at 11:00 a.m.

B. PATRICK BAUER
Speaker of the House of Representatives

CLINTON McKAY
Principal Clerk of the House of Representatives