



Journal of the House

State of Indiana

111th General Assembly

Second Regular Session

Fourteenth Meeting Day

Tuesday Afternoon

January 25, 2000

The House convened at 1:00 p.m. with the Deputy Speaker Pro Tempore, Representative Crosby, in the Chair.

The invocation was offered by Reverend Larry Hanson, County Line Brethren Church, Lakeville, the guest of Representative Richard W. Mangus.

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

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

T. Adams	Kromkowski
Alderman	Kruse
Atterholt	Kruzan
Avery	Kuzman
Ayres	Lawson
Bailey	Leuck
Bardon	Liggett
Bauer	Linder
Becker	J. Lutz
Behning	Lytle
Bischoff	Mahern
Bodiker	Mangus
Bosma	Mannweiler
Bottorff	McClain
C. Brown	Mellinger
T. Brown	Mock
Buck	Moses
Budak	Munson
Buell	Murphy
Burton	Oxley
Cheney	Pelath
Cherry	Pond
Cochran	Porter
Cook	Richardson
Crawford	Ripley
Crooks	Robertson
Crosby	Ruppel
Day	Saunders
Denbo	Scholer
Dickinson	M. Smith
Dillon	V. Smith
Dobis	Steele
Dumezich	Stevenson
Duncan	Stilwell
Dvorak	Sturtz
Espich	Summers
Foley	Thompson
Frenz	Tincher
Friend	Torr
Frizzell	Turner
Fry	Ulmer
GiaQuinta	Villalpando
Goeglein	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herrell	D. Young
Hoffman	M. Young
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 63: 100 present. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that we dispense with the reading of the Journal.

HASLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, January 26, 2000, at 1:00 p.m.

WELCH

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 11, 74, and 222 and the same are herewith transmitted to the House for further action.

CAROLYN J. TINKLE
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 Senate Concurrent Resolutions 2, 3, and 4 and the same are herewith transmitted to the House for further action.

CAROLYN J. TINKLE
Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 13

Representative Gregg introduced House Concurrent Resolution 13:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study the fiscal impact of trial costs on county budgets.

Whereas, Information has been presented to the County Government Study Commission by the Association of Indiana Counties and the Indiana Judges Association that indicates that further study of the issue of the impact of trial costs on county budgets is warranted;

Whereas, Currently, the state of Indiana does not pay the counties for the cost of a special prosecutor that is appointed to try a case;
and

Whereas, The cost to counties for high profile court cases can drain county resources: Therefore,

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

SECTION 1. That the legislative council is urged to establish an interim study committee to study the fiscal impact of trial costs on county budgets.

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

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

House Concurrent Resolution 14

Representatives Dvorak and Fry introduced House Concurrent Resolution 14:

A CONCURRENT RESOLUTION honoring the Penn High School Broadcast Class.

Whereas, The talent and efforts of the student members of this 1999 School Broadcasting class—namely: Emily Peck, Michelle Werts, Dan Rousseve, Kelly Ball, Scott Hums, Danny Banks, Keith Gligorich, Amelia Finnigan, Jamie Belcher, Katie Holt, Lauren Malin, Keith Nocolini, Candice Petill, Joe Scheibelhut, Justin Schultz, Elizabeth Ward, Dane Wheeler and Jess Wuslich—produced the Best Broadcast in the 1999 Indiana Association of School Broadcasters competition;

Whereas, The discipline, efforts and developed talents achieved by the members of this program will remain valuable enhancements to the quality of their lives; and

Whereas, The remarkable achievements of the Penn High School Broadcasting class were enabled by the hard work, inspiration and organization of the adult staff and volunteers, which include their teacher Jennifer Jermano and other staff and by the organizational backing of the entire administration of Penn High School and the Penn-Harris-Madison School Corporation and by the generous volunteer support provided by the parents and other relatives and friends of these outstanding students: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the program of Penn High School Broadcasting class on its 1999 award from the Indiana Association of School Broadcasters for the Best Broadcast.

SECTION 2. That the Indiana General Assembly congratulates each and every individual member of the 1999 Penn High School Broadcasting class for their talents, hard work and success, and wishes that they use this award-winning experience to enrich the rest of their lives and the lives of their families and community.

SECTION 3. That the Indiana General Assembly honors the staff, parents, administration and all the community volunteers who have contributed to the success of 1999 Penn High School Broadcasting class.

SECTION 4. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to Penn High School.

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

House Concurrent Resolution 15

Representatives Dvorak and Fry introduced House Concurrent Resolution 15:

A CONCURRENT RESOLUTION honoring the Penn High School 1999 State Championship Quiz Bowl Team.

Whereas, The talent and efforts of the student members of this 1999 Quiz Bowl team—namely: Aaron Rosenfeld, Jason Ridenour, Mason O'Dell, Nathan Meng and Alex Tawadros—produced a championship program for the 1999 season;

Whereas, This Penn High School Quiz Bowl team became the 1999 Indiana state champions;

Whereas, The discipline, efforts and developed talents achieved by the members of this program will remain valuable enhancements to the quality of their lives; and

Whereas, The remarkable achievements of the Penn High School Quiz Bowl team were enabled by the hard work, inspiration and organization of the adult staff and volunteers, which include their faculty sponsor Peter DeKeever and coaches Susan Van Fleit, Les Kistler and Shannon Gray and other staff and by the organizational backing of the entire administration of Penn High School and the

Penn-Harris-Madison School Corporation and by the generous volunteer support provided by the parents and other relatives and friends of these championship students: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the program of Penn High School Quiz Bowl team on its 1999 State Championship.

SECTION 2. That the Indiana General Assembly congratulates each and every individual member of the 1999 Penn High School Quiz Bowl team for their talents, hard work and success, and wishes that they use this championship experience to enrich the rest of their lives and the lives of their families and community.

SECTION 3. That the Indiana General Assembly honors the staff, parents, administration and all the community volunteers who have contributed to the success of 1999 Penn High School Quiz Bowl team.

SECTION 4. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to Penn High School.

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

House Concurrent Resolution 16

Representatives Fry and Dvorak introduced House Concurrent Resolution 16:

A CONCURRENT RESOLUTION honoring the state champion Penn High School Social Studies Team.

Whereas, The talent and efforts of the student members of this 1999 Social Studies Academic team—namely: Mike VanderHeyden, Michelle Werts, Trent McNeer, Laura Pajot, Mason O'Dell, Jason Ridenour and Kyle Fisher—produced a championship program for the 1999 season;

Whereas, This Penn High School Social Studies team became the 1999 Indiana state champions;

Whereas, The discipline, efforts and developed talents achieved by the members of this program will remain valuable enhancements to the quality of their lives; and

Whereas, The remarkable achievements of the Penn High School Social Studies team were enabled by the hard work, inspiration and organization of the adult staff and volunteers, which include their coach Pete DeKeever and other staff and by the organizational backing of the entire administration of Penn High School and the Penn-Harris-Madison School Corporation and by the generous volunteer support provided by the parents and other relatives and friends of these championship students: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the program of Penn High School Social Studies team on its 1999 State Championship.

SECTION 2. That the Indiana General Assembly congratulates each and every individual member of the 1999 Penn High School Social Studies team for their talents, hard work and success, and wishes that they use this championship experience to enrich the rest of their lives and the lives of their families and community.

SECTION 3. That the Indiana General Assembly honors the staff, parents, administration and all the community volunteers who have contributed to the success of 1999 Penn High School Social Studies team.

SECTION 4. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to Penn High School.

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

House Concurrent Resolution 17

Representatives Fry and Dvorak introduced House Concurrent Resolution 17:

A CONCURRENT RESOLUTION honoring the Penn High School Softball Team for achieving the 1999 state championship.

Whereas, The talent and efforts of the student members of this softball team—namely: Angela Knight, Kristen Barncord, Karie Karasiak, Emily Knudson, Brooke Biggs, Toni Crowel, Kacie Karasiak, Tracy Cook, Bridget Echard, Megan Lung, JoAnne Weber, Mary Allen, Melissa Grover, Lizzi Bartosik, Becky Pietrzak, Crystal Beneker, Laura Becker, Laurie Dieringer, Monica Tepe, Kristy Harjung, Megan Riggs, Lisa Mattison and Aubrie Aurand—produced a championship program for the 1998-1999 season;

Whereas, This Penn High School Softball team became champions of the Northern Indiana Conference for the 1998-1999 season;

Whereas, This Penn High School Softball team won the IHSAA 1999 Class 3-A Sectional, Regional and State championship;

Whereas, The discipline, efforts and developed talents achieved by the members of this program will remain valuable enhancements to the quality of their lives; and

Whereas, The remarkable achievements of the Penn High School Softball team were enabled by the hard work, inspiration and organization of the adult staff and volunteers, which include the coaching staff of Chris Woods, Steve Lemme, Mike Seamon, John Corthier, and Denise VanWynsberghe and other staff and by the organizational backing of the entire administration of Penn High School and the Penn-Harris-Madison School Corporation and by the generous volunteer support provided by the parents and other relatives and friends of these championship students: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the program of Penn High School Softball team on its 1999 Class 3-A State Championship.

SECTION 2. That the Indiana General Assembly congratulates each and every individual member of the 1999 Penn High School Softball team for their talents, hard work and success, and wishes that they use this championship experience to enrich the rest of their lives and the lives of their families and community.

SECTION 3. That the Indiana General Assembly honors the staff, parents, administration and all the community volunteers who have contributed to the success of 1999 Penn High School Softball team.

SECTION 4. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to Penn High School.

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

House Concurrent Resolution 18

Representatives Klinker, Scholer, and Dickinson introduced House Concurrent Resolution 18:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to rename the bridge over U. S. Highway 231 South after former Governor Roger D. Branigin.

Whereas, Roger D. Branigin of Lafayette, Indiana, served as governor of Indiana from 1965 through 1968, culminating a colorful and successful career of public service to his community, the state, and the nation;

Whereas, Roger Branigin, who was noted for his quick mind, intelligence, and ready wit, was known throughout the state as a successful lawyer, community and business leader, popular after-dinner speaker, and exceptional student of Indiana history;

Whereas, Roger Douglas Branigin was born July 26, 1902, in Franklin, Indiana, and died November 19, 1975;

Whereas, Roger Branigin was the son of a distinguished lawyer and historian and followed in the family tradition of practicing law;

Whereas, After graduating from Franklin College and Harvard University School of Law, he practiced law for three years in Franklin, Indiana, during which time he served as deputy prosecuting attorney. In 1930 he joined the legal department of the Federal Land Bank and Farm Credit Administration in the Louisville regional office where he rose to the position of general counsel, forming friendships and professional relationships with attorneys and government, business, and community leaders across Indiana;

Whereas, In 1938 Roger Branigin joined Allison E. Stuart in the Stuart Law Firm in Lafayette, one of the state's oldest and most prestigious firms;

Whereas, Soon after the United States entered World War II, Roger Branigin volunteered for military service and was commissioned in the Judge Advocate General's Corps of the Army, where he became chief of the legal division of the Transportation Corps, attaining the rank of lieutenant colonel;

Whereas, After returning from the war, Roger Branigin resumed his law practice in Lafayette, Indiana;

Whereas, Always active in community affairs, Roger Branigin served as president of the Greater Lafayette Chamber of Commerce, president of Harrison Trails Council of the Boy Scouts of America, and trustee of the Tippecanoe County Historical Association;

Whereas, Roger Branigin's interest and achievements in his chosen profession were reflected in his activities in the American Bar Association and his election as president of the Tippecanoe County Bar Association, president of the Indiana State Bar Association, president of the American Law Institute, and Fellow of the American College of Trial Lawyers;

Whereas, A major interest in his life was education and, both publicly and privately, his quiet philanthropy was a continuing source of support for individual students and for schools and institutions of higher learning;

Whereas, Roger Branigin was a member of the board of trustees of Purdue University and a trustee and chairman of the board of Franklin College. One of his most cherished acts as governor was the launching of the Hoosier Scholarship Program to help needy and deserving young men and women attend college;

Whereas, A student of Indiana history and Hoosier folklore, Roger Branigin organized the David Demaree Banta Collection, which numbers over 1,000 items and includes manuscripts, periodicals, and books written by Hoosiers. The collection, which he donated to Franklin College, also contains information about the geography, government, and industry of Indiana;

Whereas, In 1951, Roger Branigin was elected to the Indiana Academy, an honor reserved to those outstanding in public service, public education, arts, sciences, literature, and general culture;

Whereas, Roger Branigin had a lifelong interest in politics;

Whereas, Roger Branigin served as chairman of the Democratic state convention in 1948;

Whereas, Following an unsuccessful run for governor in 1956, Roger Branigin was elected governor in 1964 by a record-breaking plurality;

Whereas, Highlights of the Branigin administration include the elimination of the poll tax and personal property tax on household goods and the repeal of the "right-to-work" law, the creation of the department of natural resources, and the construction of the Port of Indiana at Burns Ditch on Lake Michigan;

Whereas, In addition to his service to the state of Indiana as governor, Roger Branigin also served as a trustee of the Lilly Endowment and was a board member of the Indiana Historical Society, and, in his later years, served as chairman of the Indiana American Revolution Bicentennial Commission;

Whereas, Roger Branigin agreed to enter the 1968 Indiana presidential primary as a stand-in for President Lyndon B. Johnson, but when Johnson decided not to run, he stayed in the race as a favorite son, losing to Robert F. Kennedy but gathering more votes than Senator Eugene McCarthy;

Whereas, Roger Branigin received honorary degrees from a number of colleges and universities, including Indiana University, Butler University, and Franklin College. He was a member of the First Baptist Church of Franklin and of many civic organizations; and

Whereas, Governor Roger Branigin was very interested in the history of our great state. It is, therefore, appropriate that we honor this great man with a permanent remembrance to the contributions he made to the state of Indiana: Therefore,

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

SECTION 1. That in recognition of the many achievements of Roger D. Branigin and his outstanding service to the nation, to the state of Indiana, and to the greater Lafayette community, the Indiana General Assembly urges the Indiana Department of Transportation to designate the bridge over U. S. Highway 231 South after former Governor Roger D. Branigin.

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

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

House Concurrent Resolution 19

Representatives Crooks and Denbo introduced House Concurrent Resolution 19:

A CONCURRENT RESOLUTION to honor the achievements and contributions of William Jack Butcher.

Whereas, William Jack Butcher is now Indiana's all-time winningest high school basketball coach;

Whereas, William Jack Butcher was born in Loogootee, Indiana in 1932;

Whereas, William Jack Butcher started his education in Loogootee, Indiana at St. Johns and at Loogootee High School;

Whereas, During his attendance at Loogootee High School, William Jack Butcher was a member of his high school basketball team, leading the Loogootee Lions to three sectional titles;

Whereas, William Jack Butcher was awarded a basketball scholarship at Memphis State University in 1951;

Whereas, William Jack Butcher was drafted into the United States Army in 1953, where he served with the armored cavalry;

Whereas, William Jack Butcher married Rita Jones in 1954, and they raised seven children together, all of whom graduated from Loogootee High School and from college;

Whereas, William Jack Butcher resumed his studies at Memphis State University in 1955, and graduated in 1957;

Whereas, Although William Jack Butcher was drafted to play professional basketball with the Boston Celtics in 1957, he chose instead to attend to his family and his teaching and coaching career, and accepted a teaching and coaching job at his hometown high school in Loogootee, where he has lived and worked ever since;

Whereas, William Jack Butcher's coaching achievements during that time have been outstanding, including a record at the end of the 1998-1999 season of 754 victories (against only 232 losses;) 33 consecutive winning seasons; 39 winning seasons; 18 sectional titles; 7 regional titles; 2 semi-state titles; 1 state runner-up; 2 Wabash Valley Preliminary Championships; 10 holiday tourney

championships; 18 conference titles; 4 undefeated regular seasons, and an average of 17.95 wins per year;

Whereas, William Jack Butcher's coaching honors include his recent achievement as the winningest coach in Indiana; Indiana Hall of Fame membership; Indiana Basketball Coach of the year in 1970 and 1975; Memphis State University M Club Hall of Fame; Indiana Basketball Coaches District 5 Coach of the Year in 1980 and 1990; Hoosier Basketball Coaches Association Coach of the Year in 1989 and 1990; Indiana All Stars Assistant Coach in 1991; Blue Chip Conference Coach of the Year 10 times; Founder and First Executive Director of the Hoosier Basketball Coaches Association; and

Whereas, William Jack Butcher has earned the respect and goodwill of his players, fellow coaches, referees, and citizens of Loogootee: Therefore,

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

SECTION 1. The House Representatives congratulates William Jack Butcher for his achievements and expresses its gratitude for his lifetime of service by which he has enriched the people of Indiana.

SECTION 2. The Principal Clerk of the House shall send a copy of this resolution to William Jack Butcher.

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

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

House Concurrent Resolution 20

Representatives Oxley, T. Adams, Alderman, Atterholt, Avery, Ayres, Bailey, Bardon, Bauer, Becker, Behning, Bischoff, Bodiker, Bosma, Botorff, C. Brown, T. Brown, Buck, Budak, Buell, Burton, Cheney, Cherry, Cochran, Cook, Crawford, Crooks, Crosby, Day, Denbo, Dickinson, Dillon, Dobis, Dumezich, Duncan, Dvorak, Espich, Foley, Frenz, Friend, Frizzell, Fry, GiaQuinta, Goeglein, Gregg, Grubb, Harris, Hasler, Herrell, Hoffman, Kersey, Klinker, Kromkowski, Kruse, Kruzan, Kuzman, L. Lawson, Leuck, Liggett, Linder, J. Lutz, Lytle, Mahern, Mangus, Mannweiler, McClain, Mellinger, Mock, Moses, Munson, Murphy, Pelath, Pond, Porter, Richardson, Ripley, Robertson, Ruppel, Saunders, Scholer, M. Smith, V. Smith, Steele, Stevenson, Stilwell, Sturtz, Summers, Thompson, Tincher, Torr, Turner, Ulmer, Villalpando, Weinzapfel, Welch, Whetstone, Wolkins, D. Young, M. Young, and Yount introduced House Concurrent Resolution 20:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to rename the part of state highway 545 that runs through Dubois County in honor of former Representative Dennis Heeke.

Whereas, Former Representative Dennis Heeke was born September 9, 1927, in Marion Township, Dubois County, Indiana, to Theodore C. and Clara Theising Heeke;

Whereas, On May 9, 1950, he married Leola Mae Schuler and together they had four children - Terrence, Garret, Bruce and Brian;

Whereas, A Democrat, Representative Heeke was first elected to the Indiana House of Representatives in 1965 to serve Dubois and Warrick counties;

Whereas, Over the years, his district has included Crawford, Perry, Spencer, Harrison, Scott and Washington counties;

Whereas, Representative Heeke, a poultry farmer, has been active in his community as well as serving as a state representative;

Whereas, Representative Heeke is active in several organizations in Dubois County, including the Knights of Columbus, the Dubois Community Clubs, the Wabash Valley Association, the Indiana State Poultry Association the Farmers Union, the National Farmers Organization, the Farm Bureau, the Jaycees, and has served as president of the Dubois Volunteer Fire Department; and

Whereas, Dennis Heeke, a lifelong resident of Dubois County, has contributed greatly to the improvement of the lives of the citizens of his county and his state: Therefore,

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

SECTION 1. That the Indiana General Assembly urges the Indiana department of transportation to rename the part of state highway 545 that runs through Dubois County in honor of former Representative Dennis Heeke.

SECTION 2. That the Principle Clerk of the House of Representatives transmit a copy of this resolution to the commissioner of the Indiana department of transportation and to former Representative Dennis Heeke and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators R. Young, Hume, and Wheeler.

House Concurrent Resolution 21

Representatives Murphy, Buell, and Welch introduced House Concurrent Resolution 21:

A CONCURRENT RESOLUTION honoring Aaron Fisher for becoming the 1999 IHSAA Boys Cross Country State Champion for the second time.

Whereas, Aaron Fisher repeated as the individual state champion at the 54th Annual IHSAA Boys Cross Country State Finals held November 6, 1999, at the Indiana University Cross Country Course in Bloomington, Indiana;

Whereas, With his second title, the Franklin Central High School junior became the ninth runner in the history of the meet and the first since 1990 to win multiple titles;

Whereas, Aaron Fisher finished the 5,000 meter race in 15:34:08;

Whereas, Aaron Fisher was named to the 1999 All-State Cross Country Team; and

Whereas, Athletic competition provides our children with valuable life experience and teaches them the value of hard work and dedication: Therefore,

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

SECTION 1. That the Indiana General Assembly wishes to congratulate Aaron Fisher on his accomplishments and to wish him well in all his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Aaron Fisher and his family, to the coach of the Franklin Central cross country team, and the principal of Franklin Central High School.

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

House Concurrent Resolution 22

Representative Bodiker introduced House Concurrent Resolution 22:

A CONCURRENT RESOLUTION to honor John Hosier for his induction into the Whole Blood Hall of Fame.

Whereas, John Hosier began donating blood more than fifty years ago, from the age of 16 years;

Whereas, John Hosier has donated blood on nearly 300 separate occasions, donating more than 37 gallons of whole blood;

Whereas, John Hosier has made many other important contributions to his family and community;

Whereas, On October 15, 1999 John Hosier was inducted into the Whole Blood Hall of Fame by the Community Blood Center and is the only person from Indiana ever so honored: Therefore,

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

SECTION 1. The Indiana General Assembly recognizes John Hosier's lifetime of service to his community, and particularly his commitment to providing contributions of whole blood, which serves as an inspiration to all citizens of Indiana.

SECTION 2. The Indiana General Assembly congratulates John Hosier for his induction to the Whole Blood Hall of Fame, which represents a profound contribution to the health and welfare of the people of Indiana.

SECTION 3. The Principal Clerk of the House of Representatives shall send a copy of this resolution to John Hosier.

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

House Resolution 9

Representatives Crosby, Welch, Becker, and Budak introduced House Resolution 9:

A HOUSE RESOLUTION to recognize the years 2000 through 2009 as the "Bone and Joint Decade."

Whereas, One in every seven Americans reports a musculoskeletal impairment;

Whereas, In the United States alone, musculoskeletal conditions were estimated to cost \$215 billion per year;

Whereas, Musculoskeletal impairments rank number one for both men and women and for the major racial groups and arthritis is the leading chronic condition reported by the elderly;

Whereas, Musculoskeletal conditions and deformities deprive children of a normal development;

Whereas, Musculoskeletal research currently is at the precipice of major breakthroughs that likely will change and simplify the way bone and joint disorders are treated and prevented throughout the world;

Whereas, Many countries and international organizations have joined together to recognize the years 2000 through 2009 as the "Bone and Joint Decade" to increase public awareness of this problem and to promote research to find the cure for musculoskeletal impairments: Therefore,

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

SECTION 1. That the House of Representatives of the Indiana General Assembly recognizes the years 2000 through 2009 as the "Bone and Joint Decade."

SECTION 2. That the Principal Clerk of the House of Representatives send a copy of this resolution to the Arthritis Foundation of Indiana and to the Indiana Orthopaedic Society as an express of high regard by the Indiana House of Representatives.

The resolution was read a first time and adopted by voice vote.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:20 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 14, 15, 16, 17, and 19 and the same are herewith returned to the House.

CAROLYN J. TINKLE
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 Senate Concurrent Resolutions 5, 21, 24, and 27 and the same are herewith transmitted to the House for further action.

CAROLYN J. TINKLE
Secretary of the Senate

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1017, 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 6, after ";" insert "**and**".

Page 1, delete lines 8 through 10.

Page 1, line 11, delete "farming" and insert "**agricultural production**".

Page 1, delete line 12.

Page 2, line 5, delete "farming operations" and insert "**agricultural production**".

Page 2, line 12, delete "February 1" and insert "**May 15**".

Page 2, line 25, delete "January 31 and before March 1" and insert "**May 15**".

Page 3, line 5, delete "1999." and insert "**2000.**".

Page 3, line 7, delete "1999." and insert "**2000.**".

(Reference is to HB 1017 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1022, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete ":" and insert "**the greater of zero (0) or:**".

(Reference is to HB 1022 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 3.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1073, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 23, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1099, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1104, 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 5-10-12-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2000]: **Sec. 7. If an employee dies while employed by a state agency:**

(1) **the employee's designated beneficiary; or**

(2) **the employee's estate, if the employee does not have a designated beneficiary;**

shall be paid an amount that would have been deposited under section 5 of this chapter if the employee had retired effective the day the employee died.

(Reference is to HB 1104 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1174, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1200, 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.

BODIKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1214, 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 12 and 13, begin a new paragraph and insert:

"SECTION 2. IC 6-3.1-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]: **Sec. 8. (a) To be entitled to a credit under this chapter for a taxable year, a taxpayer must file with the department of commerce an informational statement indicating the following:**

(1) **The taxpayer's name as it will be shown on the tax return.**

(2) **The amount of expenditures for which the credit is being claimed.**

(3) **The amount of credit that will be claimed for the taxable year. The amount of the credit to be claimed must include any amount being carried over to the taxable year.**

The statement must be filed not later than the date that the taxpayer's adjusted gross income tax return is filed. The taxpayer's name and the amount of the credit that will be claimed is a public record under IC 5-14-3.

(b) 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 a copy of the statement filed under subsection (a). The department of commerce shall annually report to the department the names and credit amounts covered by statements filed under subsection (a). The department may disallow any credit claimed under this chapter for which a statement is not filed under subsection (a)."

Re-number all SECTIONS consecutively.

(Reference is to HB 1214 as introduced.)

and when so amended that said bill do pass.
Committee Vote: yeas 21, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1247, 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 38, delete "by the commissioner".

Page 3, line 14, delete "Not more than one-half (1/2)" and insert "**Fewer than fifty percent (50%)**".

Page 3, line 39, delete "commissioner" and insert "**board**".

Page 4, line 5, delete "commissioner" and insert "**board**".

Page 4, line 9, delete "commissioner" and insert "**board**".

Page 4, line 14, delete "commissioner" and insert "**board**".

Page 4, line 18, delete "commissioner" and insert "**board**".

Page 4, line 24, delete "commissioner" and insert "**board**".

Page 4, delete lines 31 through 32 begin a new paragraph and insert:

"(c) **A member may not serve for more than a total of three (3) terms.**"

Page 5, line 16, delete "commissioner" and insert "**board**".

Page 9, line 34, after "(f)" insert "**Notwithstanding IC 15-6-4-12, as added by this act, the commissioner shall appoint the initial members of the board.**".

Page 9, line 37, delete "commission for" and insert "**commissioner for initial**".

Page 9, line 39, after "each" insert "**initial**".

Page 9, line 42, after "for" insert "**initial**".

Page 10, line 1, after "appoint" insert "**initial**".

Page 10, line 5, after "on the" insert "**initial**".

(Reference is to HB 1247 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

LYTLE, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the following reassignment:

House Bill 1014 from the Committee on Courts and Criminal Code to the Committee on Human Affairs.

House Bill 1251 from the Committee on Public Policy, Ethics and Veterans Affairs to the Committee on Rules and Legislative Procedures.

House Bill 1323 from the Committee on Public Policy, Ethics and Veterans Affairs to the Committee on Rules and Legislative Procedures.

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1017, 1104, 1129, 1200, 1247, and 1293 had been referred to the Committee on Ways and Means.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 23

Representatives Burton, Foley, and Frizzell introduced House Concurrent Resolution 23:

A CONCURRENT RESOLUTION honoring Brenda Jones-Matthews on being named the Outstanding County Clerk of the Circuit Court for 1999 by the Association of Indiana Counties.

Whereas, Brenda Jones-Matthews was recently named the

Outstanding County Clerk of the Circuit Court for 1999 at the 41st annual conference of the Association of Indiana Counties (AIC) held in Bloomington, Indiana;

Whereas, Brenda Jones-Matthews has served as Johnson County clerk since 1995 when she was appointed to fill a vacancy in the office;

Whereas, Brenda was elected to her first term as county clerk in 1996 and began her second term in January 2000;

Whereas, Brenda Jones-Matthews is known as a very hands-on, detail oriented county clerk;

Whereas, Brenda knows how to do every job in her office. She is more than just an administrator, being involved in every aspect of her job;

Whereas, Before becoming county clerk, Brenda Jones-Matthews served as assistant to the chief deputy in the Johnson County prosecuting attorney's office and as an administrative assistant to the mayor of Franklin, Indiana;

Whereas, Outside of her office, Brenda has a very full life with her husband, Jack Matthews, four children, and four grandchildren;

Whereas, Brenda Jones-Matthews also is active in her community, serving as the past lieutenant of the Amity Volunteer Fire Department, a board member of the Johnson County Red Cross, a board member of the Association of Clerks of the Circuit Courts of Indiana, and a member of the Franklin Women's Republican Club, Eastern Star, Mid-day Kiwanis Club, Johnson County Leadership, and the Franklin Chamber of Commerce; and

Whereas, The work of the county clerk is vital to the smooth operation of our county court system, and Brenda Jones-Matthews has proven to be an exceptionally efficient and talented administrator who keeps her office running smoothly day in and day out: Therefore,

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

SECTION 1. That the Indiana General Assembly wishes to congratulate Brenda Jones-Matthews on being named the Outstanding County Clerk of the Circuit Court for 1999 by the Association of Indiana Counties and to commend her for the outstanding job she does each day as the Johnson County clerk.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Brenda Jones-Matthews and her family.

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

House Concurrent Resolution 24

Representative Crooks introduced House Concurrent Resolution 24:

A CONCURRENT RESOLUTION urging the Indiana general assembly to express its support of a "safety net" for Indiana family farms.

Whereas, It is generally known and understood that many Indiana family farms are in an immediate and severe financial crisis due to the severe drought conditions and the depressed market prices of the current and previous years;

Whereas, It is also generally known that independently owned family farms have long been one of the fundamental foundations of a strong Indiana economy;

Whereas, Action has been taken by the treasurer's agricultural loan program (TALP) to assist troubled Indiana family farms by providing lower cost production loans; and

Whereas, It is also generally understood that a supplemental program will be required to assist Indiana family farms having difficulty in meeting debt service requirements resulting from drought conditions and depressed market prices: Therefore,

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

SECTION 1. That the Indiana general assembly is urged to express its support for the prompt establishment of a family farm credit assistance program to assist Indiana family farms in meeting their current debt service requirements. This program should continue until a more friendly federal family farm policy is developed.

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

House Concurrent Resolution 25

Representatives Klinker, Buell, Mannweiler, Crawford, and Porter introduced House Concurrent Resolution 25:

A CONCURRENT RESOLUTION memorializing John W. Burkhart.

Whereas, John W. Burkhart was born in Tipton, Indiana, and graduated from Depauw University, and then moved to Indianapolis to begin his business careers;

Whereas, John W. Burkhart lived a full life of 91 years devoted to a life of service in business and community affairs until his death on August 25, 1999;

Whereas, John W. Burkhart founded College Life Insurance Company of America and University Life Insurance Company of America;

Whereas, John W. Burkhart co-founded the Indianapolis Business Journal;

Whereas, John W. Burkhart continued his engagement as publisher, with his wife Lorene, of the Indianapolis CEO;

Whereas, John W. Burkhart was a Republican political leader who was influential in the creation of Uni-Gov for the city of Indianapolis;

Whereas, John W. Burkhart was instrumental in the development and construction of the Pyramid office complex in northwest Marion County;

Whereas, John W. Burkhart served as president of the Indianapolis Chamber of Commerce, life director of the Indiana Chamber of Commerce and director of the U.S. Chamber of Commerce and as a board member of the National Association of Manufacturers;

Whereas, John W. Burkhart served as chairman of the Capital Improvement Board for the City of Indianapolis during the time of the construction of the Indiana Convention Center;

Whereas, John W. Burkhart was inducted into the Indiana Academy in 1991 for his contributions to the state, and in that year he was also inducted into the Central Indiana Business Hall of Fame for his contributions in business; and

Whereas, John W. Burkhart is survived by his wife Lorene Burkhart; children Lisa Peterson, Gay Burkhart, William Burkhart and Scott Burkhart; stepsons Mark Shunk and Stewart Shunk; and his sister Anna Beckman; and ten grandchildren and five step grandchildren: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes the achievements and service and contributions to his community of John W. Burkhart.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of John W. Burkhart.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Mills, Borst, Clark, and Howard.

House Concurrent Resolution 26

Representatives Buell, T. Adams, Alderman, Atterholt, Avery, Ayres, Bailey, Bardon, Bauer, Becker, Behning, Bischoff, Bodiker, Bosma, Botorff, C. Brown, T. Brown, Buck, Budak, Burton, Cheney, Cherry, Cochran, Cook, Crawford, Crooks, Crosby, Day, Denbo, Dickinson, Dillon, Dobis, Dumezich, Duncan, Dvorak, Espich, Foley, Frenz, Friend, Frizzell, Fry, GiaQuinta, Goeglein, Gregg, Grubb, Harris, Hasler, Herrell, Hoffman, Kersey, Klinker, Kromkowski, Kruse, Kruzan, Kuzman, L. Lawson, Leuck, Liggett, Linder, J. Lutz, Lytle, Mahern, Mangus, Mannweiler, McClain, Mellinger, Mock, Moses, Munson, Murphy, Oxley, Pelath, Pond, Porter, Richardson, Ripley, Robertson, Ruppel, Saunders, Scholer, M. Smith, V. Smith, Steele, Stevenson, Stilwell, Sturtz, Summers, Thompson, Tincher, Torr, Turner, Ulmer, Villalpando, Weinzapfel, Welch, Whetstone, Wolkins, D. Young, M. Young, and Yount introduced House Concurrent Resolution 26:

A CONCURRENT RESOLUTION memorializing the victims of the sinking of the S.S. Leopoldville.

Whereas, On Christmas Eve, 1944, the Belgian troopship, the S.S. Leopoldville, was transporting 2,235 American soldiers from the 262nd and 264th Regiments, 66th Infantry Division across the English Channel;

Whereas, These troops were to be used as reinforcements in a fierce struggle that would become known as the Battle of the Bulge;

Whereas, The Leopoldville was protected by escort ships, including a British destroyer, the HMS Brilliant, but was not given air protection even though the threat of attack by German submarines was very high;

Whereas, Just five and one-half miles from its destination of Cherbourg, France, the vessel was torpedoed by the German submarine U-486;

Whereas, The ship sank two and one-half hours later;

Whereas, Circumstances seemed to foil all rescue attempts;

Whereas, According to many survivors, the crew of the Leopoldville abandoned the sinking ship, leaving the American soldiers to fend for themselves;

Whereas, The commander of the vessel ordered the anchor dropped to prevent the ship from drifting into a minefield outside the harbor. This also prevented a tug boat from towing the sinking ship and its occupants to shore;

Whereas, Delayed radio transmissions for help, the delayed response of rescue craft, heavy seas, and freezing temperatures, plus the fact that it was Christmas Eve and many soldiers were off duty, seemed to seal the fate of the American soldiers;

Whereas, By the end of that fateful night, 763 American soldiers had lost their lives;

Whereas, These soldiers represented men from 47 of the 48 states, including 28 young men from Indiana;

Whereas, The brave Hoosiers who lost their lives that fateful Christmas Eve were Pvt. Donald R. Alvarado, Pvt. Emil Bain, Sgt. Oren A. Bouse, Pfc. Edwin D. Buell, III, Sgt. Aaron W. Essex, Pfc. Cecil C. Harman, Pvt. Donald R. Houchen, Pfc. Anton Kocsis, Pfc. Emry L. Lewis, Pfc. Clarence E. Lottes, Pfc. Buford C. McDonald, Pfc. Robert F. McIntyre, Pfc. Harry W. McKain, Pfc. Furl C. McMillen, Pfc. Elmer D. Rowland, Pvt. James S. Scribner, T/5 Eugene R. Temple, Pfc. Ralph A. Truelock, Pvt. Leslie F. Verash, Sgt. Gerald E. Walters, Pvt. Harold R. Wambach, Pvt. Ulysses B. Weeks, T/5 Edward F. Weinand, Pfc. Vernon W. White, Pfc. Donald E. Williams, Pfc. Melvin E. Williamson, S/Sgt. Russell M. Wright, Pfc. George A. Yaeger;

Whereas, The families of these men were notified the men were missing in action rather than killed. Many of the bodies were never recovered; and

Whereas, The brave men who fight and sometimes die protecting the freedom we all enjoy deserve much more recognition than the valiant men of the 262nd and 264th Regiments, 66th Infantry Division received: Therefore,

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

SECTION 1. That the Indiana General Assembly believes it is fitting and proper that these brave men and their families be accorded the recognition and homage due to fallen war heroes.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the families of each of the 28 Hoosiers killed on the Leopoldville.

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

House Concurrent Resolution 27

Representatives Burton, Cook, Alderman, and Mellinger introduced House Concurrent Resolution 27:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study the need for traffic control indicators on police cars.

Whereas, It is vital for the state of Indiana to protect its police officers while they are performing their duties;

Whereas, In recent years, several police officers have been killed by automobiles on the interstate highways of Indiana while their vehicles were stopped along the side of the road;

Whereas, A solution must be found to eliminate the danger these officers are facing in the line of duty;

Whereas, A possible solution may be to require each state police department vehicle to be equipped with flashing warning lamps to direct approaching motorists to an adjacent lane when the police vehicle is stationary and a strobe light to warn motorists of a traffic hazard; and

Whereas, It is vital to the safety of our police officers that we find a solution to this problem: Therefore,

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

SECTION 1. That the legislative council is urged to establish an interim study committee to study the need for traffic control indicators on police cars.

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

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

House Resolution 10

Representatives Hasler and Bardon introduced House Resolution 10:

A HOUSE RESOLUTION to honor Ambassadors for Children and the Timmy Foundation.

Whereas, Ambassadors for Children has helped children around the world—children who are victims of natural disasters, war, political and economic oppression;

Whereas, Ambassadors for Children has provided volunteers with life-changing experiences in helping these children;

Whereas, The Timmy Foundation provides medical services to meet the needs of children around the world;

Whereas, The Timmy Foundation cooperated with Ambassadors for Children on Ambassador flight #6925, on October 17, 1999, a history making flight made by 162 people on a flight to Havana, Cuba.

Whereas, Ambassador flight #6925 delivered a team of doctors, nurses, nurse practitioners, pharmacists and other allied health professionals from the Timmy Foundation to Havana, Cuba, from whence they distributed medicines and medical supplies and examined over 200 children while visiting hospitals, daycare centers, schools and clinics; and

Whereas, Ambassador flight #6925 and the Timmy Foundation left both the Hoosier volunteers and the Cubans with restored hope from their shared experience: Therefore,

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

SECTION 1. That the House of Representatives of the Indiana General Assembly congratulates Ambassadors for Children and the Timmy Foundation for their contributions of service, good health and hope to the people of Indiana and children of the world.

SECTION 2. The Principal Clerk of the House shall deliver a copy of this resolution to Ambassadors for Children and to the Timmy Foundation.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 2

The Speaker handed down Senate Concurrent Resolution 2, sponsored by Representative GiaQuinta:

A CONCURRENT RESOLUTION urging the Indiana General Assembly to proclaim the years 2000 through 2003 as the Years of the Korean War Veteran.

Whereas, The 50th anniversary of the Korean War will begin on June 25, 2000, and will continue until July 27, 2003;

Whereas, The Korean War began on June 25, 1950, when President Harry S. Truman committed the American military to a United Nations effort to stop North Korea's annexation of South Korea;

Whereas, Between June 25, 1950, and July 27, 1953, approximately 5,720,000 Americans served in the military, many of whom were stationed in Korea;

Whereas, The Korean War cost our nation dearly, taking 33,667 American lives;

Whereas, The Korean War was envisioned to be a short, decisive repelling of the enemy, but it became a prolonged, bitter, and frustrating fight that threatened to explode beyond the Korean borders;

Whereas, The military personnel involved in this war sacrificed greatly for their country but received little thanks;

Whereas, Upon their return home, they were not heralded as heroes and honored with banners and parades; they were ignored; and

Whereas, With the approach of the 50th anniversary of the Korean War, it is fitting and proper that these brave Americans receive the recognition that they so justly deserve: Therefore,

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

SECTION 1. That the Indiana General Assembly wishes to designate the years 2000 through 2003 as the Years of the Korean War Veteran.

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

Senate Concurrent Resolution 3

The Speaker handed down Senate Concurrent Resolution 3, sponsored by Representatives Cook, Pelath, Linder, and Cherry:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to rename U.S. Highway 52 through Rush County as the World War II Veterans Highway, State Road 44 through Rush

County as the Korean War Veterans Highway, and State Road 3 through Rush County as the Vietnam Veterans Highway.

Whereas, Indiana's veterans display the spirit of patriotism, the love of country, and the willingness to serve and sacrifice for the common good, which has always helped to make our country and state great;

Whereas, The Indiana General Assembly wishes to recognize the many sacrifices made by Indiana veterans in time of war;

Whereas, Many states, including Indiana, have designated and named portions of state or federal highways as a memorial to those brave men and women who served their country so well in these perilous times;

Whereas, It is proper for the citizens of the state of Indiana to remember the sacrifices of all those who fought so valiantly on the seas, in the air, and on foreign shores to preserve our heritage of freedom;

Whereas, The people of the state of Indiana and Rush County wish to recognize these veterans by naming the portion of U.S. Highway 52, State Road 44, and State Road 3 that run through Rush County in their honor; and

Whereas, It is fitting that the proper signage be placed along U.S. Highway 52 through Rush County designating it as the World War II Veterans Highway, along State Road 44 through Rush County designating it as the Korean War Veterans Highway, and along State Road 3 through Rush County designating it as the Vietnam Veterans Highway: Therefore,

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

SECTION 1. That the service of Indiana veterans to our state and our nation during World War II, the Korean War, and the Vietnam War be commemorated by urging the Indiana department of transportation to designate U.S. Highway 52, State Road 44, and State Road 3 through Rush County in their honor.

SECTION 2. That a copy of this resolution be sent to the commissioner of the Indiana department of transportation.

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

Senate Concurrent Resolution 4

The Speaker handed down Senate Concurrent Resolution 4, sponsored by Representatives Bailey and Atterholt:

A CONCURRENT RESOLUTION urging the appointment of veterans to regional boards that oversee workforce investment areas.

Whereas, In 1999, the Indiana General Assembly enacted Public Law 179-1999, SECTION 5, creating the Workforce Investment System to help implement the federal Workforce Investment Act passed by the United States Congress in 1998;

Whereas, IC 22-4.5-3-3, as added by Public Law 179-1999, SECTION 5, states that representatives of community based organizations, including organizations representing veterans, must be appointed to the regional boards that oversee workforce investment areas in Indiana; and

Whereas, Veterans would be invaluable assets to these regional boards: Therefore,

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

SECTION 1. That the Indiana General Assembly urges the appointment of veterans to regional boards that oversee workforce investment areas established in Indiana.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the Governor, the State Human Resource Investment Council, and all chief elected officials with authority to appoint members to regional boards.

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

Senate Concurrent Resolution 5

The Speaker handed down Senate Concurrent Resolution 5, sponsored by Representatives Pond, GiaQuinta, Alderman, Moses, Goeglein, and Ripley:

A CONCURRENT RESOLUTION honoring Joyce Roush.

Whereas, Organ donations are the gift of life to many patients whose own organs no longer function properly;

Whereas, Nearly 12,000 kidneys are donated for transplants every year from relatives or acquaintances of the recipient or from donors who have died;

Whereas, Unfortunately, there are 43,000 people on the waiting list to receive kidneys, 332 of whom are residents of Indiana;

Whereas, Figures like these make us painfully aware of the shortage of organ donors;

Whereas, There are few people who are willing to undergo a painful operation and recovery to donate an organ to a person they do not know;

Whereas, Joyce Roush, a 45-year-old mother of five from Fort Wayne, was willing to do just that;

Whereas, Joyce Roush, the development coordinator for the Indiana Organ Procurement Organization in Fort Wayne, decided to donate a kidney to anyone who needed it;

Whereas, That person was Christopher Bieniek, a 14-year-old boy from Aberdeen, Maryland;

Whereas, Joyce Roush's road to organ donation began in March 1998 when she heard a presentation by Dr. Lloyd Ratner, a surgeon at Johns Hopkins Comprehensive Transplant Center;

Whereas, Joyce Roush was convinced that she could handle having a kidney removed. Knowing the importance of organ donation, she contacted Dr. Ratner and informed him of her desire to donate one of her kidneys;

Whereas, Joyce Roush's motivation for this selfless act was simply to give. She felt that her own life had been blessed and that she was "called by a higher power" to help out those who were less fortunate;

Whereas, The four hour operation, which was performed at Johns Hopkins Comprehensive Transplant Center, is believed to be only the second time a transplant from a stranger to a stranger has been performed in the United States;

Whereas, Joyce Roush's hopes of increasing interest in the organ donor program have been realized due to the publicity her donation has received;

Whereas, A national organ donation organization has reported receiving more than the usual number of inquiries regarding live kidney donations, and 20 Hoosiers have requested additional information after learning about Joyce;

Whereas, Joyce Roush's selfless act gave the gift of life back to a 14-year-old boy: Therefore,

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

SECTION 1. That the Indiana General Assembly wishes to acknowledge the selfless act of a truly kind and loving person and to thank her on behalf of all the citizens of the state of Indiana.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Joyce Roush and her family.

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

Senate Concurrent Resolution 21

The Speaker handed down Senate Concurrent Resolution 21, sponsored by Representative Torr:

A CONCURRENT RESOLUTION to congratulate the Carmel High School Marching Greyhounds on establishing themselves as a premiere high school performing group in local, regional, and national forums.

Whereas, Through consistent achievements in local, regional, and national competitions, the members of the Carmel High School Marching Greyhounds have established themselves as a premiere high school performing group;

Whereas, In order to maintain the tradition of excellence that the performing group has enjoyed throughout the past eighteen years, the dedicated members of the Carmel High School Marching Greyhounds devote hundreds of hours to practice and competition schedules annually;

Whereas, Despite the great time commitment demanded of the participants, the members of the Carmel High School Marching Greyhounds have also continued to achieve excellence in their academic endeavors;

Whereas, The Carmel High School Marching Greyhounds have been a contender for the Indiana State Championship each year since 1985, receiving the top honor in 1990. In addition, in 1999, the Marching Greyhounds continued their tradition of excellence when they received first place honors in the Indiana State School Music Association North Regional Championship;

Whereas, The Carmel High School Marching Greyhounds have established themselves as one of the most successful competitive bands in the United States by finishing in the top seven at the Bands of America National Championship in each of the past four years, receiving their highest national ranking in 1999 with a third place finish;

Whereas, The Carmel High School Marching Greyhounds have appeared in numerous parades across the nation including the Orange Bowl Parade in Miami, Florida; the Fiesta Bowl Parade in Phoenix, Arizona; the King Kamehameha Parade in Honolulu, Hawaii; the ABC Thanksgiving Day Parade in Philadelphia, Pennsylvania; and the 500 Festival Parade in Indianapolis, Indiana;

Whereas, The Carmel High School Marching Greyhounds have also performed on numerous occasions at Disney World in Orlando, Florida. In addition, the band recently performed in Vienna, Austria as part of a week long European tour;

Whereas, The Carmel High School tradition of excellence has continued with the percussion section's Winter Drumline, which was named state champion in 1998 and 1999, and by the achievements of the members of the Auxiliary Corps who have consistently been in contention for the state championship each year; and

Whereas, The success of the Carmel High School Marching Greyhounds can be attributed to the hard work and dedication of the student members, directors and staff, as well as the active support of the parents and school administration: Therefore,

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

SECTION 1. That the People of Indiana and the Indiana General Assembly are proud of the tradition of excellence established by the Carmel High School Marching Band.

SECTION 2. That we applaud the efforts and dedication of the Carmel High School Marching Band members, directors, staff, and other supporters of the program.

SECTION 3. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Director of Bands, Richard L. Saucedo, the Principal, William H. Duke, and all members of the Carmel High School Marching Band.

The resolution was read a first time and adopted by voice vote.

The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 24

The Speaker handed down Senate Concurrent Resolution 24, sponsored by Representatives Fry and Dvorak:

A CONCURRENT RESOLUTION honoring Penn High School as the 1999 champions of the Class 1 Academic Spell Bowl state title.

Whereas, In capturing the 1999 Class 1 Academic Spell Bowl state title on November 13, 1999, Penn High School completed its nearly perfect performance with a score of 89 out of a possible 90 points;

Whereas, Penn High School not only achieved its primary goal of winning the state title, it also met its secondary goal of finishing with the highest score of all four competing classes;

Whereas, After misspelling one word during the second of ten rounds, the Penn team rebounded to spell their remaining eighty words without error;

Whereas, Coached by Pete DeKever, the Penn team of Susie Lee, Kent Campbell, Krystal Languell, Dan Ernsberger, Christine Chapman, Mike Vorenkamp, Jenni Morrow, Charis Heisey, Stacey Carmichael, Kelsey Schilling, Dan Wasikowski, and Jeff Kish dedicated long hours of preparation in their pursuit of excellence; and

Whereas, This Spell Bowl title was the ninth academic state championship for Penn High School since 1992: Therefore,

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

SECTION 1. That the people of Indiana are exceptionally proud of the commitment and pursuit of academic excellence by its young students.

SECTION 2. That Penn High School reflects this dedication by its victory as the 1999 champions of the Class 1 Academic Spell Bowl state title.

SECTION 3. The Secretary of the Senate is directed to transmit a copy of this resolution to Penn High School Coach Pete DeKever, Principal Dr. Eugene Sweeney, and to the individual team members.

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

Senate Concurrent Resolution 27

The Speaker handed down Senate Concurrent Resolution 27, sponsored by Representatives Dvorak, Fry, Mangus, and Mock:

A CONCURRENT RESOLUTION congratulating Penn High School Kingsmen Soccer Team on winning the 1999 State Boys Soccer Championship.

Whereas, On Saturday, October 30, 1999 the Penn High School Kingsmen boys soccer team defeated Castle High School 3-0 in the State Championship game before a crowd of 4,279 to win their first ever state title in boys soccer;

Whereas, The Kingsmen completed their championship season with a stellar record of 20-1-2 ;

Whereas, Senior Michael Erickson was awarded the Northern Indiana Conference Player of the Year and Senior Matthew Abbott was awarded the C. Eugene Cato Mental Attitude Award;

Whereas, Coach Tony Bauman combined technical skill, depth off the bench, an outstanding defense and a philosophy of team performance to accomplish this great feat; and

Whereas, Coach Bauman said this team was always able to finish up whatever they set out to do: Therefore,

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

SECTION 1. That the People of Indiana warmly congratulate the Penn High School Boys Soccer Team on winning the 1999 Indiana High School Athletic Association Boys Soccer Championship.

SECTION 2. That copies of this resolution be transmitted to Coach Tony Bauman, Athletic Director Ben Karasiak and Principal Dr. Eugene Sweeney.

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

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Crosby.

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1031, 1054, 1117, 1125, 1131, 1151, 1157, 1189, 1215, 1275, 1347, 1395, and 1397.

House Bill 1343

Representative Wolkins called down House Bill 1343 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1343-2)

Mr. Speaker: I move that House Bill 1343 be amended to read as follows:

Page 1, line 4, after "Code" insert "**or Code of Federal Regulations**".

Page 2, delete lines 4 through 7.

Page 2, between lines 3 and 4, begin a new paragraph and insert: "**(h) This SECTION does not apply to construction or modification:**

- (1) **subject to federal prevention of significant deterioration requirements as set out in 326 IAC 2-2 and 40 CFR 52.21; or**
- (2) **subject to nonattainment new source review requirements as set out in 326 IAC 2-3; or**
- (3) **at a source that has an operation permit issued under 326 IAC 2-7, where the construction or modification would be considered a Title I modification under 40 CFR Part 70; or**
- (4) **that would result in the source needing to transition to an operating permit issued under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8."**

Page 2, line 9, delete "2001" and insert "**2002**".

Page 2, line 14, delete "2001" and insert "**2002**".

(Reference is to HB 1343 as printed January 20, 2000.)

WOLKINS

Motion prevailed.

HOUSE MOTION (Amendment 1343-1)

Mr. Speaker: I move that House Bill 1343 be amended to read as follows:

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

"SECTION 1. IC 13-18-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A permit is required for the construction, installation, or modification of:

- (1) sources;
- (2) facilities;
- (3) equipment; or
- (4) devices;

of a public water supply, including water distribution systems.

(b) Plans and specifications for the construction, installation, or modification of sources, facilities, equipment, or devices of a public water supply must be submitted to the commissioner with a permit application. The plans and specifications must be complete and of sufficient detail to show all proposed construction, changes, or modifications that may affect the sanitary quality, chemical quality, or adequacy of the public water supply involved. The applicant shall

supply any additional data or material considered appropriate by the commissioner to a review of the plans and specifications.

(c) Unless otherwise provided in rules adopted under section 8(b) of this chapter, plans and specifications must be submitted to the commissioner with the permit application for water distribution systems.

(d) Construction, installation, or modification of a public water supply may not begin until the commissioner has issued a permit under subsection (a).

(e) In determining whether to issue a permit under this section, the commissioner shall proceed under IC 13-15.

(f) If a permit application to the department includes plans and specifications prepared by a professional engineer registered under IC 25-31 for:

(1) construction, installation, or modification described in subsection (a): or

(2) construction, installation, or modification of a sewage works or wastewater treatment plant;

the department may not require changes to the plans and specifications as a condition to issuance of the permit unless the changes are approved by an employee of the department who is a professional engineer registered under IC 25-31."

Renumber all SECTIONS consecutively.

(Reference is to HB 1343 as printed January 20, 2000.)

BAILEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1115

Representative Dillon called down House Bill 1115 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1115-2)

Mr. Speaker: I move that House Bill 1115 be amended to read as follows:

Page 3, line 27, delete "one (1) year" and insert "**two (2) years**".

Page 5, line 29, delete "one (1) year" and insert "**two (2) years**".

(Reference is to HB 1115 as printed January 20, 2000.)

DILLON

Motion prevailed.

HOUSE MOTION (Amendment 1115-1)

Mr. Speaker: I move that House Bill 1115 be amended to read as follows:

Page 6, after line 40, begin a new paragraph and insert:

"SECTION 6. IC 25-23-1-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 19.5. (a) The board shall establish a program under which advanced practice nurses who meet the requirements established by the board are authorized to prescribe legend drugs, including controlled substances (as defined in IC 35-48-1).

(b) The authority granted by the board under this section:

- (1) shall be granted initially to an advanced practice nurse for two (2) years; and
- (2) is subject to renewal indefinitely for successive periods of two (2) years.

(c) The rules adopted under section 7 of this chapter concerning the authority of advanced practice nurses to prescribe legend drugs must do the following:

- (1) Require an advanced practice nurse or a prospective advanced practice nurse who seeks the authority to submit an application to the board.
- (2) Require, as a prerequisite to the initial granting of the authority, the successful completion by the applicant of a graduate level course in pharmacology providing at least two (2) semester hours of academic credit.
- (3) Require, as a condition of the renewal of the authority, the completion by the advanced practice nurse ~~during the two (2) years immediately preceding the renewal of the authority of at least thirty (30) hours of continuing education; at least (8) hours~~

of which must be in pharmacology of the following continuing education requirements:

(A) An applicant for renewal who initially received prescriptive authority less than twelve (12) months before the expiration date of the prescriptive authority is not required to complete a continuing education requirement before the renewal.

(B) An applicant for renewal who initially received prescriptive authority at least twelve (12) months but less than twenty-four (24) months before the expiration date of the prescriptive authority shall submit proof to the board that the applicant has successfully completed at least fifteen (15) contact hours of continuing education. The hours must:

(i) be obtained after the date the applicant initially received prescriptive authority but before the expiration date of the prescriptive authority;

(ii) include at least four (4) contact hours of pharmacology; and

(iii) be approved by a nationally approved sponsor of continuing education for nurses, approved by the board, and listed by the health professions bureau as approved hours.

(C) An applicant for renewal who initially received prescriptive authority at least twenty-four (24) months before the expiration date of the prescriptive authority shall submit proof to the board that the applicant has successfully completed at least thirty (30) contact hours of continuing education. The hours must:

(i) be obtained within the two (2) years immediately preceding the renewal;

(ii) include at least eight (8) contact hours of pharmacology; and

(iii) be approved by a nationally approved sponsor of continuing education for nurses, approved by the board, and listed by the health professions bureau as approved hours."

(Reference is to HB 1115 as printed January 20, 2000.)

DILLON

Motion prevailed. The bill was ordered engrossed.

House Bill 1043

Representative Stilwell called down House Bill 1043 for second reading. The bill was reread a second time by title.

HOUSE MOTION (Amendment 1043-4)

Mr. Speaker: I move that House Bill 1043 be amended to read as follows:

Page 2, line 19, reset in roman "IC".

Page 2, line 26, reset in roman "a waiting period or".

Page 2, delete lines 28 through 34.

Page 6, between lines 19 and 20, begin a new paragraph and insert: "SECTION 5. IC 22-4-11-1 IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2000]: Sec. 1. (a) For the purpose of charging employers' experience or reimbursable accounts with regular benefits paid subsequent to July 3, 1971, to any eligible individual but except as provided in IC 22-4-22 and subsection (f), such benefits paid shall be charged proportionately against the experience or reimbursable accounts of his employers in his base period (on the basis of total wage credits established in such base period) against whose accounts the maximum charges specified in this section shall not have been previously made. Such charges shall be made in the inverse chronological order in which the wage credits of such individuals were established. However, when an individual's claim has been computed for the purpose of determining his regular benefit rights, maximum regular benefit amount, and the proportion of such maximum amount to be charged to the experience or reimbursable accounts of respective chargeable employers in the base period, the experience or reimbursable account of any employer charged with regular benefits paid shall not be credited or recredited with any portion of such maximum amount because of any portion of such individual's wage

credits remaining uncharged at the expiration of his benefit period. The maximum so charged against the account of any employer shall not exceed twenty-eight percent (28%) of the total wage credits of such individual with each such employer with which wage credits were established during such individual's base period. Benefits paid under provisions of IC 22-4-22-3 in excess of the amount that the claimant would have been monetarily eligible for under other provisions of this article shall be paid from the fund and not charged to the experience account of any employer; however, this exception shall not apply to those employers electing to make payments in lieu of contributions who shall be charged for all benefit payments which are attributable to service in their employ. Irrespective of the twenty-eight percent (28%) maximum limitation provided for in this section, any extended benefits paid to an eligible individual based on service with a governmental entity of this state or its political subdivisions shall be charged to the experience or reimbursable accounts of the employers, and fifty percent (50%) of any extended benefits paid to an eligible individual shall be charged to the experience or reimbursable accounts of his employers in his base period, other than governmental entities of this state or its political subdivisions, in the same proportion and sequence as are provided in this section for regular benefits paid. Additional benefits paid under ~~IC 22-4-12-4~~(c) IC 22-4-12-4(e) shall:

(1) be paid from the fund; and

(2) not be charged to the experience account or the reimbursable account of any employer.

(b) If the aggregate of wages paid to an individual by two (2) or more employers during the same calendar quarter exceeds the maximum wage credits (as defined in IC 22-4-4-3) then the experience or reimbursable account of each such employer shall be charged in the ratio which the amount of wage credits from such employer bears to the total amount of wage credits during the base period.

(c) When wage records show that an individual has been employed by two (2) or more employers during the same calendar quarter of the base period but do not indicate both that such employment was consecutive and the order of sequence thereof, then and in such cases it shall be deemed that the employer with whom the individual established a plurality of wage credits in such calendar quarter is the most recent employer in such quarter and its experience or reimbursable account shall be first charged with benefits paid to such individual. The experience or reimbursable account of the employer with whom the next highest amount of wage credits were established shall be charged secondly and the experience or reimbursable accounts of other employers during such quarters, if any, shall likewise be charged in order according to plurality of wage credits established by such individual.

(d) Except as provided in subsection (f), if an individual:

(1) voluntarily leaves an employer without good cause in connection with the work; or

(2) is discharged from an employer for just cause;

wage credits earned with the employer from whom the employee has separated under these conditions shall be used to compute the claimant's eligibility for benefits, but charges based on such wage credits shall be paid from the fund and not charged to the experience account of any employer. However, this exception shall not apply to those employers who elect to make payments in lieu of contributions, who shall be charged for all benefit payments which are attributable to service in their employ.

(e) Any nonprofit organization which elects to make payments in lieu of contributions into the unemployment compensation fund as provided in this article is not liable to make the payments with respect to the benefits paid to any individual whose base period wages include wages for previously uncovered services as defined in IC 22-4-4-4, nor is the experience account of any other employer liable for charges for benefits paid the individual to the extent that the unemployment compensation fund is reimbursed for these benefits pursuant to Section 121 of P.L.94-566. Payments which otherwise would have been chargeable to the reimbursable or contributing employers shall be charged to the fund.

(f) If an individual:

- (1) earns wages during his base period through employment with two (2) or more employers concurrently;
- (2) is laid off from work by one (1) of the employers; and
- (3) continues to work for one (1) or more of the other employers after the end of the base period and continues to work during the applicable benefit year on substantially the same basis as during the base period;

wage credits earned with the base period employers shall be used to compute the claimant's eligibility for benefits, but charges based on the wage credits from the employer who continues to employ the individual shall be charged to the experience or reimbursable account of the employer who laid the claimant off.

(g) Subsection (f) does not affect the eligibility of a claimant who otherwise qualifies for benefits nor the computation of his benefits.

SECTION 2. IC 22-4-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) Except as provided in section 3.1 of this chapter, the applicable schedule of rates for the calendar year 1983 and thereafter shall be determined by the ratio resulting when the balance in the fund as of the determination date is divided by the total payroll of all subject employers for the immediately preceding calendar year. Schedule A, B, C, or D, appearing on the line opposite the fund ratio in the schedule below, shall be applicable in determining and assigning each employer's contribution rate for the calendar year immediately following the determination date. For the purposes of this subsection, "total payroll" means total remuneration reported by all contributing employers as required by this article and does not include the total payroll of any employer who elected to become liable for payments in lieu of contributions (as defined in IC 22-4-2-32). For the purposes of this subsection, "subject employers" means those employers who are subject to contribution.

FUND RATIO SCHEDULE

When the Fund Ratio Is:

As Much As	But Less Than	Applicable Schedule
	1.0%	A
1.0%	1.5%	B
1.5%	2.25%	C
2.25%		D

(b) If the conditions and requirements of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a credit balance and who are eligible therefor according to each employer's credit reserve ratio. Each employer shall be assigned the contribution rate appearing in the applicable schedule A, B, C, or D on the line opposite his credit reserve ratio as set forth in the rate schedule below:

RATE SCHEDULE FOR ACCOUNTS WITH CREDIT BALANCES

When the Credit Reserve Ratio Is:

As Much As	But Less Than	Rate Schedules (%)			
As	Than	A	B	C	D
3.0		1.2 1.03	0.2 0.17	0.2 0.17	0.2 0.17
2.8	3.0	1.4 1.20	0.4 0.34	0.2 0.17	0.2 0.17
2.6	2.8	1.6 1.38	0.6 0.52	0.2 0.17	0.2 0.17
2.4	2.6	1.8 1.55	0.8 0.69	0.4 0.34	0.2 0.17
2.2	2.4	2.0 1.72	1.0 0.86	0.6 0.52	0.2 0.17
2.0	2.2	2.2 1.89	1.2 1.03	0.8 0.69	0.4 0.34
1.8	2.0	2.4 2.06	1.4 1.20	1.0 0.86	0.6 0.52
1.6	1.8	2.6 2.24	1.6 1.38	1.2 1.03	0.8 0.69
1.4	1.6	2.8 2.41	1.8 1.55	1.4 1.20	1.0 0.86
1.2	1.4	3.0 2.58	2.0 1.72	1.6 1.38	1.2 1.03
1.0	1.2	3.2 2.75	2.2 1.89	1.8 1.55	1.4 1.20
0.8	1.0	3.4 2.92	2.4 2.06	2.0 1.72	1.6 1.38
0.6	0.8	3.6 3.10	2.6 2.24	2.2 1.89	1.8 1.55
0.4	0.6	3.8 3.27	2.8 2.41	2.4 2.06	2.0 1.72
0.2	0.4	4.0 3.44	3.0 2.58	2.6 2.24	2.2 1.89
0	0.2	4.2 3.61	3.2 2.75	2.8 2.41	2.4 2.06

(c) Each employer whose account as of any computation date occurring on and after June 30, 1984, shows a debit balance shall be assigned the rate of contributions appearing on the line opposite his

debit ratio as set forth in the following rate schedule for accounts with debit balances:

RATE SCHEDULE FOR ACCOUNTS WITH DEBIT BALANCES

When the Debit Reserve Ratio Is:

As Much As	But Less Than	Rate Schedules (%)			
As	Than	A	B	C	D
	1.5	4.5 3.870	4.4 3.784	4.3 3.698	4.2 3.612
1.5	3.0	4.8 4.128	4.7 4.042	4.6 3.956	4.5 3.870
3.0	4.5	5.1 4.386	5.0 4.300	4.9 4.214	4.8 4.128
4.5	6.0	5.4 4.644	5.3 4.558	5.2 4.472	5.1 4.386
6.0		5.7 5.400	5.6 5.400	5.5 5.400	5.4 5.400

(d) Any adjustment in the amount charged to any employer's experience account made subsequent to the assignment of rates of contributions for any calendar year shall not operate to alter the amount charged to the experience accounts of any other base-period employers."

Page 9, line 37, reset in roman "waiting period or".

Page 12, line 21, reset in roman "waiting period or".

Delete pages 15 through 19.

Renumber all SECTIONS consecutively.

(Reference is to HB 1043 as printed January 14, 2000.)

STILWELL

Motion prevailed.

HOUSE MOTION (Amendment 1043-1)

Mr. Speaker: I move that House Bill 1043 be amended to read as follows:

Delete page 1.

Page 2, delete lines 1 through 13.

Page 2, delete lines 21 through 34.

Page 6, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 7. IC 22-4-10-1, AS AMENDED BY P.L.235-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. **Beginning July 1, 2003, contributions Contributions** shall accrue and become payable from each employer for each calendar year in which it is subject to this article with respect to wages paid during such calendar year except where the status of an employer is changed by cessation or disposition of business or appointment of a receiver, trustees, trustee in bankruptcy, or other fiduciary, contributions shall immediately become due and payable on the basis of wages paid or payable by such employer as of the date of the change of status. Such contributions shall be paid to the department in such manner as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in an employer's employ. When contributions are determined in accordance with Schedule A as provided in IC 22-4-11-3, the board may prescribe rules to require an estimated advance payment of contributions in whole or in part, if in the judgment of the board such advance payments will avoid a debit balance in the fund during the calendar quarter to which the advance payment applies. An adjustment shall be made following the quarter in which an advance payment has been made to reflect the difference between the estimated contribution and the contribution actually payable. Advance payment of contributions shall not be required for more than one (1) calendar quarter in any calendar year.

(a)(1) Any employer which is, or becomes, subject to this article by reason of IC 22-4-7-2(g) or IC 22-4-7-2(h) shall pay contributions as provided under this article unless it elects to become liable for "payments in lieu of contributions" (as defined in IC 22-4-2-32).

(2) Except as provided in subsection (a)(4), the election to become liable for "payments in lieu of contributions" must be filed with the department on a form prescribed by the commissioner not later than thirty-one (31) days following the date upon which such entity qualifies as an employer under this article, and shall be for a period of not less than two (2) calendar years.

(3) Any employer which makes an election in accordance with subdivisions (1) through (2) will continue to be liable for "payments in lieu of contributions" until it files with the commissioner a written notice terminating its election. This notice must be filed not later than thirty (30) days prior to the beginning of the taxable year for which such termination shall first be effective.

(4) Any employer which qualifies to elect to become liable for "payments in lieu of contributions" and has been paying contributions under this article for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the department not later than thirty (30) days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

(b)(1) Employers making "payments in lieu of contributions" under subsection (a) shall make reimbursement payments monthly. At the end of each calendar month the department shall bill each such employer (or group of employers) for an amount equal to the full amount of regular benefits plus one-half (1/2) of the amount of extended benefits paid during such month that is attributable to services in the employ of such employers or group of employers. Governmental entities of this state and its political subdivisions electing to make "payments in lieu of contributions" shall be billed by the department at the end of each calendar month for an amount equal to the full amount of regular benefits plus the full amount of extended benefits paid during the month that is attributable to service in the employ of the governmental entities.

(2) Payment of any bill rendered under subdivision (1) shall be made not later than thirty (30) days after such bill was mailed to the last known address of the employer or was otherwise delivered to it, unless there has been an application for review and redetermination in accordance with subdivision (4).

(3) Payments made by any employer under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the employer.

(4) The amount due specified in any bill from the department shall be conclusive on the employer unless, not later than fifteen (15) days after the bill was mailed to its last known address or otherwise delivered to it, the employer files an application for redetermination. If the employer so files, the employer shall have an opportunity to be heard, and such hearing shall be conducted by a liability administrative law judge pursuant to IC 22-4-32-1 through IC 22-4-32-15. After the hearing, the liability administrative law judge shall immediately notify the employer in writing of the finding, and the bill, if any, so made shall be final, in the absence of judicial review proceedings, fifteen (15) days after such notice is issued.

(5) Past due payments of amounts in lieu of contributions shall be subject to the same interest and penalties that, pursuant to IC 22-4-29, apply to past due contributions.

(c) Two (2) or more employers that have elected to become liable for "payments in lieu of contributions" in accordance with subsection (a) may file a joint application with the department for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Such group account shall be established as provided in regulations prescribed by the commissioner.

SECTION 8. IC 22-4-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. **Beginning July 1, 2003, in** the payment of any contribution, a fractional part of a cent shall be disregarded unless it amounts to one-half cent (1/2 cent) or more, in which case it shall be increased to one cent (1 cent).

SECTION 9. IC 22-4-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. **Beginning July 1, 2003, except** as provided in section 1(a) of this chapter, each employer shall pay contributions equal to the following percentage of wages:

(a) Five and four-tenths percent (5.4%), except as otherwise provided in IC 22-4-11-2, IC 22-4-11-3, and IC 22-4-37-3."

Page 9, line 37, reset in roman "waiting period".

Page 10, reset in roman lines 2 through 11.

Page 10, line 12, reset in roman "(c)" and delete "(b)".

Page 10, line 19, reset in roman "employed on said job for not less than ten (10)".

Page 10, line 20, reset in roman "weeks;" and delete "discharged from employment without just cause (as)".

Page 10, delete line 21.

Page 11, line 39, reset in roman "(d)" and delete "(c)".

Page 12, delete lines 18 through 42.

Delete pages 13 through 15.

Page 16, delete lines 1 through 20.

Page 16, line 23, reset in roman "IC" and "waiting period".

Page 16, line 24, reset in roman "or".

Page 16, delete lines 32 through 42.

Delete pages 17 through 19.

Renumber all SECTIONS consecutively.

(Reference is to HB 1043 as printed January 14, 2000.)

MURPHY

Upon request of Representatives Murphy and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 64: yeas 45, nays 49. Motion failed.

HOUSE MOTION

(Amendment 1043-3)

Mr. Speaker: I move that House Bill 1043 be amended to read as follows:

Page 9, line 36, after "work" insert ", **including pregnancy leave or adoption leave,**".

(Reference is to HB1043 as printed January 14, 2000.)

M. YOUNG

Representative Liggett rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1043 a bill pending before the House.. The Chair ruled the point was not well taken.

Upon request of Representatives M. Young and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 65: yeas 44, nays 48. Motion failed. The bill was ordered engrossed.

House Bill 1179

Representative Denbo called down House Bill 1179 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1179-3)

Mr. Speaker: I move that House Bill 1179 be amended to read as follows:

Page 15, after line 35 , begin a new paragraph and insert:

"SECTION 5. IC 27-13-36-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) Each health maintenance organization shall appoint a medical director who has an unlimited license to practice medicine under IC 25-22.5. ~~or an equivalent license issued by another state.~~

(b) The medical director is responsible for oversight of treatment policies, protocols, quality assurance activities, and utilization management decisions of the health maintenance organization.

(c) A health maintenance organization shall contract with or employ at least one (1) individual who holds an unlimited license to practice medicine under IC 25-22.5 to do the following:

(1) Develop, in consultation with a group of appropriate providers, the health maintenance organization's treatment policies, protocols, and quality assurance activities.

(2) Consult with the treating provider before an adverse utilization review decision is made.

(d) Compliance with the most current standards or guidelines developed by the National Committee on Quality Assurance or a successor organization is sufficient to meet the requirements of this section."

Renumber all SECTIONS consecutively.
(Reference is to HB 1179 as printed January 14, 2000.)

FRY

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1008

Representative Ayres called down Engrossed House Bill 1008 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 66: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Skillman, Merritt, Wolf, and S. Smith.

Engrossed House Bill 1030

Representative Stevenson called down Engrossed House Bill 1030 for third reading:

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

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

Roll Call 67: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, Rogers, S. Smith, and Clark.

Engrossed House Bill 1037

Representative Sturtz called down Engrossed House Bill 1037 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations; consumer sales and credit.

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

Roll Call 68: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Lanane.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1046, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "IC 31-17-2-13" insert ";".

Page 1, line 3 reset in roman "IC 31-17-2-14,".

Page 1, delete lines 9 through 13.

Page 1, line 15, reset in roman "In determining".

Page 1, line 16, reset in roman "whether an award of".

Page 1, line 16, delete "If a party seeks to rebut the presumption that".

Page 1, line 17, delete "an award of".

Page 2, line 1, reset in roman "it a matter".

Page 2, reset in roman lines 2 through 6.

Page 2, line 7, reset in roman "(2)".

Page 2, reset in roman lines 10 through 19.

Page 2, delete lines 20 through 21.

Renumber all SECTIONS consecutively.

(Reference is to HB 1046 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

VILLALPANDO, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1184, 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 21, delete ":".

Page 2, line 22, delete "(1)".

Page 2, line 22, delete "; or" and insert ". ".

Page 2, run in lines 21 through 22.

Page 2, delete lines 23 through 24.

Page 2, between lines 34 and 35, begin a new line block indented and insert:

"(4) A professional archeologist or historian associated with a college or university."

Page 3, line 36, delete "(A)" and insert **" 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)).

(b) Except as provided in subsection (c), a"

Page 3, line 38, delete ":".

Page 3, line 39, delete "(1)".

Page 3, line 39, delete "; or".

Page 3, run in lines 38 through 39.

Page 3, delete lines 40 through 41.

Page 3, run in lines 39 and 42.

Page 4, delete lines 3 through 4, begin a new paragraph and insert:

"(c) A development plan for a governmental entity to disturb ground within one hundred (100) feet of a recorded 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."

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

Page 4, line 6, delete "subsection (a)" and insert **"this section"**.

Page 4, line 15, after "is" insert **"known to be"**.

(Reference is to HB 1184 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1248, 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 13-26-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Except as provided in section 9 of this chapter, the hearing officer shall fix a time and place inside or within ten (10) miles of the proposed district for the hearing ~~on the petition for the establishment of the proposed district.~~ **any matter for which a hearing is authorized under this chapter.**

(b) The hearing officer shall ~~have~~ **make a reasonable effort to provide** notice of the hearing ~~given~~ as follows:

(1) By publication ~~one (1) time of notice two (2) times~~ each week for two (2) consecutive weeks in a newspaper **at least two (2) newspapers** of general circulation in each of the counties, in whole or in part, in the district. **The publication of notice must, at a minimum, include a legal notice and a prominently displayed three (3) inches by five (5) inches advertisement.**

(2) By certified mail, **return receipt requested**, mailed at least two (2) weeks before the hearing to the following:

(A) Each ~~eligible entity involved.~~ **The fiscal and executive bodies of each county with territory in the proposed district.**
(B) The executive of each entity: **all other eligible entities with territory in the proposed district.**

(C) The ~~department of natural resources if the department of natural resources is involved.~~ **state and any of its agencies owning, controlling, or leasing land within the proposed district, excluding highways and public thoroughfares owned or controlled by the Indiana department of transportation.**

(D) Each sewage disposal company holding a certificate of territorial authority under IC 8-1-2-89 respecting territory in the proposed district.

(3) **By including the date on which the hearing is to be held, a brief description of:**

(A) **the subject of the petition, including a description of the general boundaries of the area to be included in the proposed district; and**

(B) **the locations where copies of the petition are available for viewing.**

SECTION 2. IC 13-26-10-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) **This section applies only to a district established after July 1, 2000.**

(b) **Before issuing bonds under this article, the board must consider the availability of and the advisability of using local, state, or federal loans or grant funds for the project.**

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "committee" refers to the interim study committee on regional water, sewage, and solid waste districts established by subsection (b).**

(b) **The interim study committee on regional water, sewage, and solid waste districts is established.**

(c) **The committee consists of the following members:**

(1) **Four (4) members of the house of representatives appointed by the speaker of the house of representatives. Not more than two (2) members appointed under this subdivision may represent the same political party.**

(2) **Four (4) members of the senate appointed by the president pro tempore of the senate. Not more than two (2) members appointed under this subdivision may represent the same political party.**

(d) **The committee shall study all aspects of regional water, sewage, and solid waste districts and other topics as assigned by the legislative council.**

(e) **The committee shall operate under the policies governing study committees adopted by the legislative council.**

(f) **The affirmative votes of a majority of the members of the committee are required for the committee to take action on any measure, including final reports.**

(g) This SECTION expires January 1, 2001.

SECTION 4. An emergency is declared for this act.

(Reference is to HB 1248 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BOTTORFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1268, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "39." insert "(a)".

Page 1, line 9, delete "sixty (60)" and insert "**seventy (70)**".

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

"(b) This section expires July 1, 2002."

Delete pages 2 through 3.

(Reference is to HB 1268 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1314, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-1.1-24-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. (a) In addition to the delinquency list required under section 1 of this chapter, each county auditor shall prepare a notice. The notice shall contain the following:

(1) A list of tracts or real property eligible for sale under this chapter.

(2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder.

(3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:

(A) the delinquent taxes and special assessments on each tract or item of real property;

(B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;

(C) all penalties due on the delinquencies;

(D) an amount prescribed by the county auditor that equals the sum of:

(i) ~~twenty-five dollars (\$25)~~ **thirty-five dollars (\$35)** for postage and publication costs; and

(ii) any other actual costs incurred by the county that are directly attributable to the tax sale; and

(E) any unpaid costs due under subsection (b) from a prior tax sale.

(4) A statement that a person redeeming each tract or item of real property after the sale must pay an interest charge of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property after the tax sale.

(5) A statement for informational purposes only, of the location of each tract or item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The township assessor, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the key number or street address does not invalidate an otherwise valid sale.

(6) A statement indicating:

(A) the name of the owner of each tract or item of real property with a single owner; or

(B) the name of at least one (1) of the owners of each tract or item of real property with multiple owners.

(7) A statement of the procedure to be followed for obtaining or objecting to a judgment and order of sale, that must include the following:

(A) A statement that the county auditor and county treasurer will apply on or after a date designated in the notice for a court judgment against the tracts or real property for an amount that is not less than the amount set under subdivision (3), and for an order to sell the tracts or real property at public auction to the highest bidder.

(B) A statement that any defense to the application for judgment must be filed with the court before the date designated as the earliest date on which the application for judgment may be filed.

(C) A statement that the court will set a date for a hearing at least seven (7) days before the advertised date and that the court will determine any defenses to the application for judgment at the hearing.

(8) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all tracts and real property have been offered for sale.

(9) A statement that the sale will take place at the times and dates designated in the notice. Except as provided in section 5.5 of this chapter, the sale must take place on or after August 1 and before November 1 of each year.

(10) A statement that a person redeeming each tract or item after the sale must pay the costs described in IC 6-1.1-25-2(d).

(11) If a county auditor and county treasurer have entered into an agreement under IC 6-1.1-25-4.7, a statement that the county auditor will perform the duties of the notification and title search under IC 6-1.1-25-4.5 and the notification and petition to the court for the tax deed under IC 6-1.1-25-4.6.

(b) If within sixty (60) days before the date of the tax sale the county incurs costs set under subsection (a)(3)(D) and those costs are not paid, the county auditor shall enter the amount of costs that remain unpaid upon the tax duplicate of the property for which the costs were set. The county treasurer shall mail notice of unpaid costs entered upon a tax duplicate under this subsection to the owner of the property identified in the tax duplicate.

(c) The amount of unpaid costs entered upon a tax duplicate under subsection (b) must be paid no later than the date upon which the next installment of real estate taxes for the property is due. Unpaid costs entered upon a tax duplicate under subsection (b) are a lien against the property described in the tax duplicate, and amounts remaining unpaid on the date the next installment of real estate taxes is due may be collected in the same manner that delinquent property taxes are collected."

Page 1, line 11, delete "When a tax deed is issued to a tax sale purchaser or when the" and insert "**Within thirty (30) days after the date of the tax sale, the county auditor shall notify the owner of record on the day of the tax sale that the owner's property was sold at the tax sale. The notice must be on a form prescribed by the state board of accounts. The county auditor shall send the notice required by this subsection by certified mail. The notice must:**

(1) advise the owner of the owner's right to redeem the property under IC 6-1.1-25;

(2) state the amount deposited into the tax sale surplus fund under subsection (a); and

(3) advise the owner of the owner's rights relating to money deposited into the tax sale surplus fund."

Page 1, delete lines 12 through 17.

Page 2, delete lines 1 through 16.

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"(d) If the person described in subsection (c)(1) acquired the property from a delinquent taxpayer after the property was sold at a tax sale under this chapter, the county auditor may not issue a warrant to the person unless the person is named on a tax sale surplus fund disclosure form filed with the county auditor under

IC 32-2-8."

Page 2, line 34, delete "(d)" and insert "(e)".

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

Page 3, line 1, delete "(f)" and insert "(g)".

Page 3, after line 6, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-37-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. (a) If a taxpayer is entitled to a property tax refund or credit because an assessment is decreased, the taxpayer shall also be paid, or credited with, interest on the excess taxes that he paid at the rate of six percent (6%) per annum.

(b) For purposes of this section **and except as provided in subsection (c)**, the interest shall be computed from the date on which the taxes were paid or due, whichever is later, to the date of the refund or credit.

(c) **This subsection applies if a taxpayer who is entitled to a refund or credit does not make a written request for the refund or credit to the county auditor within ninety (90) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, or the Indiana tax court that entitles the taxpayer to the refund or credit. In the case of a taxpayer described in this subsection, the interest shall be computed from the date on which the taxes were paid or due to the date that is ninety (90) days after the final determination of the county property tax assessment board of appeals, the state board of tax commissioners, or the Indiana tax court.**

SECTION 4. IC 32-2-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

Chapter 8. Tax Sale Surplus Fund Disclosure

Sec. 1. This chapter applies to a transfer of property made after June 30, 2000, that transfers ownership of the property from a delinquent taxpayer to another person after the property is sold at a tax sale under IC 6-1.1-24 and before the tax sale purchaser is issued a tax sale deed under IC 6-1.1-25-4.

Sec. 2. Upon transfer of title of a property sold at a tax sale under IC 6-1.1-24, the grantor and the grantee must sign a tax sale surplus fund disclosure form.

Sec. 3. A tax sale surplus fund disclosure form must contain the following information:

(1) The name and address of the taxpayer transferring the property.

(2) The name and address of the person acquiring the property.

(3) The date of the transfer.

(4) The purchase price for the transfer.

(5) The date the property was sold at a tax sale under IC 6-1.1-24.

(6) The amount of the tax sale purchaser's bid that was deposited into the tax sale surplus fund under IC 6-1.1-24-7.

Sec. 4. If a transfer described in section 1 of this chapter occurs, the tax sale surplus fund disclosure form must be filed with the county auditor at the same time a verified claim under IC 6-1.1-24-7 is filed.

Sec. 5. The county auditor shall stamp the tax sale surplus fund disclosure form to indicate the county auditor's receipt of the form and remit the duplicate to the taxpayer.

Sec. 6. The state board of accounts shall prescribe the tax sale surplus fund disclosure form required by this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1314 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1318, 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 6, nays 4.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1396, 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 utilities.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

Chapter 31. Distribution System Improvement Charges

Sec. 1. The definitions in IC 8-1-2-1 apply throughout this chapter.

Sec. 2. As used in this chapter, "DSIC" refers to distribution system improvement charge.

Sec. 3. As used in this chapter, "DSIC costs" means depreciation expenses and pretax return associated with eligible system improvements.

Sec. 4. As used in this chapter, "DSIC revenues" means revenues produced through a DSIC exclusive of revenues from all other rates and charges.

Sec. 5. As used in this chapter, "eligible system improvements" means new used and useful water 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.

Sec. 6. As used in this chapter, "pretax return" means the revenues necessary to:

- (1) produce net operating income equal to the public utility's weighted cost of capital multiplied by the net original cost of eligible system improvements; and
- (2) pay state and federal income taxes applicable to such income.

Sec. 7. (a) 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.

Sec. 8. (a) When a petition is filed under section 7 of this chapter, the commission shall conduct a summary hearing.

(b) The office of the utility consumer counselor may examine information of the public utility to confirm proper calculation of the proposed charge and submit a report to the commission not later than thirty (30) days after the petition is filed.

(c) The commission shall hold the summary hearing and issue its order not later than sixty (60) days after the petition is filed.

(d) The commission shall enter an order approving a DSIC that complies with this chapter.

Sec. 9. A public utility may, but is not required to, file a petition for a change in its DSIC not more often than one (1) time every three (3) months.

Sec. 10. Pretax return shall be calculated using the following:

- (1) The current state and federal income tax rates.
- (2) The public utility's actual capital structure.
- (3) The actual cost rates for the public utility's long term debt and preferred stock.
- (4) The public utility's cost of common equity.

(5) Other components that the commission considers appropriate.

Sec. 11. The cost of common equity to be used in the calculation of the charge shall be the most recent determination by the commission in a general rate proceeding of the public utility. If the commission finds that the last such determination is no longer representative of current conditions, the commission may make a new determination of the common equity cost rate for use in determining the charge, after notice and hearing. The most recent prior determination shall be used pending any redetermination.

Sec. 12. The commission may not approve a DSIC to the extent it would produce total DSIC revenues exceeding five percent (5%) of the public utility's revenues from providing water utility service.

Sec. 13. The DSIC may be calculated based on a reasonable estimate of sales in the period in which the charge will be in effect. At the end of each twelve (12) month period the charge is in effect, and using procedures approved by the commission, the public utility shall reconcile the difference between DSIC revenues and DSIC costs during that period and recover or refund the difference, as appropriate, through adjustment of the charge.

Sec. 14. A public utility that has implemented a DSIC under this chapter shall file revised rate schedules resetting the charge if new basic rates and charges become effective for the public utility following a commission order authorizing a general increase in rates and charges that includes in the utility's rate base eligible distribution system improvements reflected in the DSIC.

Sec. 15. For purposes of IC 8-1-2-42(a), the filing of a DSIC and a change in a DSIC is not a general increase in basic rates and charges.

Sec. 16. The commission may adopt by order or rule other procedures not inconsistent with this chapter that the commission finds reasonable or necessary to administer a DSIC.

SECTION 2. IC 8-1-32 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

Chapter 32. Water Wells

Sec. 1. This chapter applies only to a subject area located entirely or partially within a county having a consolidated city.

Sec. 2. The definitions in IC 8-1-2-1 apply throughout this chapter.

Sec. 3. As used in this chapter, "health agency" refers to either of the following:

- (1) The state department of health.
- (2) A local health department (as defined in IC 16-18-2-211).

Sec. 4. As used in this chapter, "project" refers to the extension of water utility service to a subject area.

Sec. 5. As used in this chapter, "subject area" refers to an area described in section 6 of this chapter.

Sec. 6. (a) Notwithstanding IC 8-1-2-103(a), if a health agency determines that an area located within a municipality:

- (1) is served by private water wells;
- (2) suffers from a health hazard due to the presence of at least one (1) contaminant; and
- (3) incorporates at least a portion of at least one (1) census track or block having a median household income of less than two hundred percent (200%) of the most recently determined federal income poverty level;

the health agency may direct the nearest public utility that is authorized to provide water utility service within the municipality to prepare and provide to the commission an estimate of the cost of extending water utility service to the subject area.

(b) The costs estimated under subsection (a) may include the following:

- (1) Installing the mains and connecting service lines on properties within the subject area.
- (2) Abandoning and plugging existing wells in accordance with IC 25-39-2-14 and rules adopted under IC 25-39 on properties within the subject area.
- (3) Restoration of areas disturbed by the project.
- (4) Other reasonable costs of extending water utility service to the subject area.

Sec. 7. If the commission approves the project, the commission shall, at the request of the health agency, direct the local public utility to undertake and complete the project. The commission shall enter such an order only if both of the following apply:

(1) The commission's order authorizes an increase in the local public utility's water rates in an amount sufficient to cover the local public utility's depreciation expense related to its investment in the project and provide the local public utility an after-tax return on the undepreciated portion of the project at a rate not less than the rate of return allowed the local public utility on its rate base in its most recent general rate order as:

(A) set out in the order; or

(B) stipulated by the local public utility and the office of the utility consumer counselor.

(2) The rate adjustment associated with the project will not increase the local public utility's rates by more than one percent (1%).

Sec. 8. A rate adjustment authorized under section 7 of this chapter must be reflected in an amended rate schedule filed with the commission not later than thirty (30) days after the commission enters the order, effective upon completion of the project.

Sec. 9. A rate adjustment authorized under section 7 of this chapter:

(1) is not considered as a general increase in the local public utility's basic rates and charges for purposes of IC 8-1-2-42(a); and

(2) may be further adjusted by the commission to reflect actual project costs upon petition by the local public utility or the office of the utility consumer counselor.

Sec. 10. If the commission orders a project under this chapter, the health agency shall require owners of properties in the subject area to connect those properties to a project main and to abandon and plug their existing wells in accordance with IC 25-39-2-14 and rules adopted under IC 25-39.

Sec. 11. (a) Upon completion of a project, the local public utility shall be responsible for operating and maintaining;

(1) the mains installed; and

(2) any portion of the connecting service lines that are located in a public right-of-way.

(b) Upon completion of a project, each property owner shall be responsible for maintaining, repairing, and replacing, if necessary, the portion of the service line on the property served that is not required to be serviced by the local public utility under subsection (a).

Sec. 12. This chapter does not reduce or supersede the commission's jurisdiction under IC 8-1-2-86 and IC 8-1-2-86.5.

SECTION 3. [EFFECTIVE JULY 1, 2000] (a) If both of the following apply, a local water utility may, but is not required to, adjust its rates under IC 8-1-32, as added by this act, upon approval by the Indiana utility regulatory commission:

(1) The local water utility has undertaken a project requested by a municipal council and confirmed by an appropriate health agency under P.L.221-1997, SECTION 2, before July 1, 2000.

(2) The local water utility has not adjusted its rates as permitted by P.L.221-1997, SECTION 2.

(b) This SECTION expires July 1, 2001.

(Reference is to HB 1396 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BOTTORFF

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1398, 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 commerce.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-8-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. "Promotion" means a written notice offering:

(1) property; or

(2) a chance to obtain property;

to a person based on a representation that the person has been awarded or may have been awarded a prize. **The term includes sweepstakes, contests, and prize giveaways.**

SECTION 2. IC 24-8-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 5.5. (a) If a promotion represents that the person:**

(1) is a winner;

(2) is a finalist;

(3) has been specially selected;

(4) is in "first place"; or

(5) is otherwise among a limited group of persons with an enhanced likelihood of receiving a prize;

the written prize notice must contain a statement of the maximum number of persons described in subdivision (1), (2), (3), (4), or (5).

(b) The statement required under subsection (a) must be in at least 10 point boldface contrasting color type on the first page of the promotion.

SECTION 3. IC 24-8-3-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 7.5. (a) If a promotion offers a prize for which the purchase of goods or services is not necessary, the first page of the notice must clearly state that purchase is not necessary.**

(b) Disclosure must be made by using the following statement:

"No purchase is necessary to enter this promotion."

(c) The disclosure statement must be in at least 10 point boldface contrasting color type.

SECTION 4. IC 24-8-3-7.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 7.6. (a) If a promotion offers a prize for which the purchase of goods or services does not enhance the likelihood of receiving a prize, the first page of the notice must clearly state that a purchase does not enhance the likelihood of receiving a prize.**

(b) Disclosure must be made by using the following statement:

"A purchase does not increase your chance of winning."

(c) The disclosure statement must be in at least 10 point boldface contrasting color type.

SECTION 5. IC 24-8-3-10 IS REPEALED [EFFECTIVE JULY 1, 2000].

SECTION 6. IC 36-8-16.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 19. A majority of the members of the board constitutes a quorum for purposes of taking action. **Except as provided in section 39(b) of this chapter,** the board may take action approved by a majority of the members of the board.

SECTION 7. IC 36-8-16.5-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 39.(a) Except as provided by section 26 of this chapter **and subsection (b),** the fund must be managed in the following manner:

(1) Three cents (\$0.03) of the emergency wireless 911 fee collected from each subscriber must be held in an interest bearing escrow account to be used for implementation of phase two (2) of the FCC order. The board shall reevaluate the fees placed into escrow not later than May 1, 2000. The board shall determine if the fee should be reduced, remain the same, or be increased based on the latest information available concerning the costs associated with phase two (2) of the FCC order.

(2) At least twenty-five cents (\$0.25) of the emergency wireless 911 fee collected from each subscriber must be held in escrow and used to reimburse CMRS providers for the actual costs incurred by the CMRS providers in complying with the wireless 911 requirements established by the FCC order and rules that are adopted by the FCC under the FCC order, including costs and expenses incurred in designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide service as well as the costs of operating the service. Except as

provided by section 38 of this chapter, the carrier may only request funds for true cost recovery. The board may increase the amount held in escrow under this subdivision not more than one (1) time a calendar year. If the board adjusts the emergency wireless 911 fee under section 26 of this chapter within a calendar year, an adjustment to the amount held in escrow under this subdivision for the calendar year must be made at that time.

(3) Two percent (2%) of the emergency wireless 911 fee collected from each subscriber may be used by the board to recover the board's expenses in administering this chapter. However, the board may increase this percentage at the time the board may adjust the monthly fee assessed against each CMRS mobile telephone number to allow for full recovery of administration expenses.

(4) Money remaining in the fund must be held in escrow and used for monthly distributions to eligible PSAPs that provide wireless enhanced 911 service and that have submitted written notice to the board. The board shall maintain a list of eligible PSAPs. The fund held in escrow under this subdivision must be distributed in the following manner:

(A) Ninety-eight percent (98%) must be distributed among the eligible PSAPs based upon the percentage of the state's population (as reported in the most recent official United States census) served by each PSAP.

(B) Two percent (2%) must be distributed among the eligible PSAPs under a formula:

- (i) established by the board; and
- (ii) based on a PSAP's CMRS 911 call volume.

(b) Notwithstanding the requirements described in subsection (a), the board may transfer money between and among the accounts in subsection (a) in accordance with the following procedures:

(1) A transfer must be approved by the affirmative vote of at least eight (8) board members.

(2) The board may make transfers only one (1) time during a calendar year.

(3) The board may not make a transfer that:

- (A) impairs cost recovery by CMRS providers or PSAPs; or**
- (B) impairs the ability of the board to fulfill its management and administrative obligations described in this chapter.**

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) The regulatory flexibility committee established by IC 8-1-2.6-4 shall:

(1) study the possibility of requiring a board or agency that:

(A) regulates a profession under IC 15, IC 16, IC 22, or IC 25; and

(B) requires continuing education as a condition of registration, certification, or licensure;

to allow not less than one-half (1/2) of the continuing education requirements to be earned from distance learning courses, including home study, teleconference seminars, and computer, video, and audio programs; and

(2) report the results of its study to the legislative council before November 1, 2000.

(b) This SECTION expires December 31, 2000.

SECTION 9. An emergency is declared for this act.

(Reference is to HB 1398 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BOTTORFF, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Scholer be added as coauthor of House Bill 1005.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as coauthor of House Bill 1037.

STURTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1073.

BAILEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be added as coauthor of House Bill 1184.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Mangus be added as coauthor of House Bill 1247.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruse be added as coauthor of House Bill 1248.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Avery be added as coauthor of House Bill 1268.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1270.

DENBO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Dillon be added as coauthors of House Bill 1283.

DICKINSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representative Budak be added as coauthor of House Bill 1321

PELATH

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

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1385.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frizzell be added as coauthor of House Bill 1387.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Duncan be added as coauthor of House Bill 1398.

BOTTORFF

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Leuck the House adjourned at 4:05 p.m., this twenty-fifth day of January, 2000, until Wednesday, January 26, 2000, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE SMITH

Principal Clerk of the House of Representatives