



# Journal of the House

State of Indiana

111th General Assembly

Second Regular Session

**Eighteenth Meeting Day**

**Tuesday Morning**

**February 1, 2000**

The House convened at 11:00 a.m. with the Speaker in the Chair.

The invocation was offered by Pastor Gary Fiscus, Spencer, the guest of Representative Vern Tincher.

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

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 149: 99 present; 1 excused. 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.

MELLINGER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 7, 2000, at 11:00 a.m.

STURTZ

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 69, 95, 110, 117, 171, 175, 212, 447, and 471 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 House Concurrent Resolution 26 and the same is 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 Resolution 25 and the same is herewith transmitted to the House for further action.

CAROLYN J. TINKLE  
Secretary of the Senate

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 38

Representatives Oxley and Crooks introduced House Concurrent Resolution 38:

A CONCURRENT RESOLUTION congratulating the Jasper High School, Jasper, Indiana, tennis team on winning the state championship.

*Whereas, The Jasper High School tennis team recently won the state high school team championship;*

*Whereas, This victory marks the first time that Jasper High School has achieved this honor;*

*Whereas, This victory marks only the second time in 32 years that a team from southern Indiana has won the state high school team championship;*

*Whereas, The Jasper High School tennis team, coached by Ed Yarbrough, finished the season with a 21-1 record. The team was 13-1 during the regular season and 8-0 in tournament play;*

*Whereas, Ross Schitter gave the school its first individual undefeated season with a record of 27-0 and was an All-State Second Team Singles selection;*

*Whereas, The season was marked by individual records and accomplishments, including Luke Recker, 23-2, who was named co-captain and was an All-State First Team Singles selection; Jeb Brown, 13-3, received the State Mental Attitude Award, was named to the Academic All-State Team, and was All-State Singles Honorable Mention; Phil Schwenk, 23-4, a team co-captain, and partner Neil Giesler were an All-State First Team Doubles selection; and the team of Jeff Braun and Mark Seger was an All-State First Team Doubles selection; and*

*Whereas, A season such as the one just experienced by the Jasper High School tennis team is an occasion to celebrate: 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 the Jasper High School tennis team for winning the state championship and to wish team members continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Jasper High School tennis team and their families, their coaches, the athletic director, the principal, and the superintendent of the school corporation.

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 R. Young.

### House Resolution 13

Representatives Grubb and D. Young introduced House Resolution 13:

A HOUSE RESOLUTION to urge the United States Transportation Board to carefully consider the impact of the proposed Burlington Northern-Canadian National Railroad consolidation on railroad employees, railroad customers, and the future of other railroads operating in the State of Indiana.

*Whereas, The Burlington Northern Santa Fe Railroad and the Canadian National Railway have announced their intention to apply to the U.S. Surface Transportation Board for permission to consolidate into one railroad company;*

*Whereas, Such consolidation would result in the largest railroad company in North America, and would greatly affect the employment levels, service, and competitiveness of the railroad industry;*

*Whereas, The railroad industry is currently undergoing a substantial restructuring which is far from complete, and whose final nature and impact is uncertain; and*

*Whereas, The proposed Burlington Northern-Canadian should not be considered before there is sufficient experience with the current restructuring to enable the Board to make prudent and knowledgeable decisions concerning the implications of the consolidation: 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 urges the United States Transportation Board to carefully consider the impact of the proposed Burlington Northern-Canadian National Railroad consolidation on railroad employees, railroad customers, and the competitive balance and future structure of the railroad industry.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the United States Surface Transportation Board.

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

### House Resolution 14

Representative Kruzan introduced House Resolution 14:

A RESOLUTION urging the Congress of the United States to expeditiously reauthorize the Ryan White Comprehensive AIDS

Resources Emergency (CARE) Act in order to ensure that the expanding medical care and support services needs of individuals living with HIV are met.

*Whereas, In Indiana as of January 1, 2000, more than 10,000 cases of the expanding epidemic known as AIDS—Acquired Immune Deficiency Syndrome—have been reported;*

*Whereas, The state of Indiana created a division of HIV/STD within the state department of health to proactively address issues relating to HIV/AIDS and which now directly administers the expenditure of federal and state funds to combat the disease;*

*Whereas, Due to advancements in pharmaceutical therapies and an increasing focus on early intervention and treatment, the number of individuals living with HIV has grown significantly;*

*Whereas, For many, the progression from HIV to an AIDS diagnosis has slowed considerably as a result of these therapies;*

*Whereas, It is estimated that more than 6,000 residents of Indiana are currently living with HIV;*

*Whereas, It is estimated that an additional 1,300, or 21 percent, of Hoosiers with HIV are unaware of their condition, and hundreds more have been diagnosed with HIV but remain untreated;*

*Whereas, It is estimated by the Centers for Disease Control and Prevention that there are 40,000 new HIV infections in the United States each year;*

*Whereas, HIV/AIDS in Indiana disproportionately impacts communities of color, gay and bisexual men, women, and economically depressed and other underserved communities;*

*Whereas, In 1999, the rate of HIV disease among whites was 7 per 100,000, while the rate among Hispanics was 19.3 per 100,000, and the rate among African-Americans was 44 per 100,000;*

*Whereas, In 1999, the rate of HIV disease among white males was 13 per 100,000, while the rate among Hispanic males was 290.9 per 100,000, and the rate among African-American males was 59.8 per 100,000;*

*Whereas, In 1999, the rate of HIV disease among white females was 15 per 100,000, while the rate among Hispanic females was 8.4 per 100,000, and the rate among African-American females was 29.8 per 100,000;*

*Whereas, The rate among African-American females more than doubled compared to the rate among white females from 1998 to 1999;*

*Whereas, As many as 16 percent of new HIV infections occur in people under age 25; one in eight HIV infections occurs in people under age 22;*

*Whereas, Young adults ages 20-29 represent 20 percent of reported AIDS cases but represent 38 percent of newer cases of HIV infection;*

*Whereas, Increasingly, some individuals have a dual diagnosis: these individuals have been diagnosed with HIV and have also been diagnosed with substance abuse or mental illness, or both;*

*Whereas, Substance abuse is a factor in well over 50 percent of HIV infections in some United States cities;*

*Whereas, Indiana looks to the federal government to assist the state in meeting the expanding health care and social service needs of people living with HIV;*

*Whereas, The Ryan White Comprehensive AIDS Resources Emergency (CARE) Act was first adopted by Congress in 1990;*

*Whereas, The Ryan White CARE Act expires September 30, 2000;*

*Whereas, Since its inception, the Ryan White CARE Act has ensured the delivery of vital medical care, treatment, and essential support services to thousands of Hoosiers, including medical examinations, laboratory procedures and evaluations, pharmaceuticals, dental care, case management, transportation, housing, legal assistance, benefits education and assistance, treatment education and adherence, and mental health counseling;*

*Whereas, In more recent years, the state has developed the Health*

*Insurance Assistance Program (HIAP) using a portion of Ryan White CARE Act dollars to purchase comprehensive health insurance policies for hundreds of Hoosiers through the Indiana Comprehensive Health Insurance Association (ICHIA), Indiana's high risk insurance pool, at roughly one-half of the cost of providing medical and pharmaceutical services under the state's Early Intervention Program (EIP) and AIDS Drug Assistance Program (ADAP);*

*Whereas, Under federal law, the Ryan White CARE Act is designated as the provider of last resort; therefore, it is recognized as the critical safety net program for low income uninsured or underinsured individuals;*

*Whereas, The federal budget for fiscal year 2000 contains increased funding for the Ryan White CARE Act and Indiana is expected to receive \$7,813,713 beginning April 1, 2000;*

*Whereas, Funding under Title II of the Ryan White CARE Act pays for care, treatment, and social services, over 80 percent of which are for life extending and life saving pharmaceuticals under the state's AIDS Drug Assistance Program (ADAP), and for comprehensive health insurance policies under the state's Health Insurance Assistance Program (HIAP);*

*Whereas, Title III of the Ryan White CARE Act provides funding to public and private nonprofit entities in Indiana for outpatient early intervention and primary care services;*

*Whereas, The goal of the Ryan White CARE Act Special Projects of National Significance (SPNS) Program (Part F) is to advance knowledge about the care and treatment of persons living with HIV/AIDS by providing time limited grants to assess models for delivering health and support services; SPNS projects have supported the development of innovative service models for HIV care to provide legal, health, and social services to communities of color, youth, hard to reach populations, and those with dual diagnosis in Indiana; and*

*Whereas, The Midwest AIDS Training and Education Centers (MATEC) is funded as part of Part F of the Ryan White CARE Act; in Indiana, MATEC trains clinical health care providers, provides consultation and technical assistance, and disseminates current information for the effective management of HIV disease: Therefore,*

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

SECTION 1. That the Indiana General Assembly affirms its support of the Ryan White CARE Act and urges the Congress of the United States to expeditiously reauthorize the Act in order to ensure that the expanding medical care and support service needs of the individuals living with HIV are met.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the President and Vice President of the United States, the Senate Majority and Minority Leaders, the Speaker of the House of Representatives and the House Minority Leader, the Chairpersons and Ranking Minority Members of the Senate Health, Education, Labor and Pensions, Appropriations, and Budget Committees, the Chairpersons and Ranking Minority Members of the House Commerce, Appropriations, and Budget Committees, and to the members of the Indiana Congressional delegation.

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

## **ENGROSSED HOUSE BILLS ON THIRD READING**

### **Engrossed House Bill 1111**

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

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

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

Roll Call 150: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Craycraft.

### **Engrossed House Bill 1058**

Representative Avery called down Engrossed House Bill 1058 for third reading:

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

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

Roll Call 151: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller, Blade, and Server.

### **Engrossed House Bill 1055**

Representative Ayres called down Engrossed House Bill 1055 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

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

Roll Call 152: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Skillman, Merritt, Wolf, and S. Smith.

### **Engrossed House Bill 1073**

Representative Bailey called down Engrossed House Bill 1073 for third reading:

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

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

Roll Call 153: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax, Hume, and Skillman.

### **Engrossed House Bill 1372**

Representative Bauer called down Engrossed House Bill 1372 for third reading:

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

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

Roll Call 154: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Mills, Simpson, and C. Lawson.

### **Engrossed House Bill 1197**

Representative Becker called down Engrossed House Bill 1197 for third reading:

A BILL FOR AN ACT concerning human services.

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

Roll Call 155: yeas 89, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Server.

### Engrossed House Bill 1155

Representative Bischoff called down Engrossed House Bill 1155 for third reading:

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

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

Roll Call 156: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Wolf, Ford, and Craycraft.

### Engrossed House Bill 1398

Representative Bottorff called down Engrossed House Bill 1398 for third reading:

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

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

Roll Call 157: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks and Sipes.

### Engrossed House Bill 1312

Representative C. Brown called down Engrossed House Bill 1312 for third reading:

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

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

#### HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1312 be made a special order of business for 2:30 p.m.

#### DOBIS

Motion prevailed.

### Engrossed House Bill 1314

Representative C. Brown called down Engrossed House Bill 1314 for third reading:

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

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

Roll Call 158: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Clark, Rogers, Borst, S. Smith, Mrvan, and Howard.

### Engrossed House Bill 1344

Representative Buell called down Engrossed House Bill 1344 for third reading:

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

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

Roll Call 159: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Blade.

### Engrossed House Bill 1135

Representative Burton called down Engrossed House Bill 1135 for third reading:

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

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

Roll Call 160: yeas 87, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Riegsecker, Craycraft, and Ford.

The House recessed until the fall of the gavel.

### RECESS

The House reconvened at 2:45 p.m. with the Speaker in the Chair.

### House Resolution 15

Representative Kuzman introduced House Resolution 15:

A HOUSE RESOLUTION to honoring Joseph John Reitan, Crown Point, Indiana, as he receives the rank of Eagle Scout.

*Whereas, The Eagle Scout Award is a uniquely prestigious award—the highest rank that a Scout can earn;*

*Whereas, Fewer than two and one-half percent of all Scouts in the 86 years of Scouting in America have achieved the rank of Eagle Scout;*

*Whereas, The candidate for Eagle Scout must demonstrate proficiency in specific areas of crafts and skills as he advances from Tenderfoot through the ranks to Eagle Scout;*

*Whereas, This entire process is designed to broaden the Scout's knowledge and understanding of the many vocational opportunities available to aid him in choosing his career;*

*Whereas, Upon successful completion of all the requirements and a board of review, the Scout receives his Eagle Badge and Medal at a Court of Honor;*

*Whereas, The new Eagle Scout then joins an elite group that includes U.S. Presidents, members of Congress, astronauts, writers, entertainers, scientists, and judges;*

*Whereas, Joseph John Reitan will become a member of this elite group when he attains the rank of Eagle Scout;*

*Whereas, Joseph John Reitan is 16 years old and attends Andrean High School in Merrillville, Indiana, where he maintains a 3.3 GPA and is a member of the German club, drama club, and music club;*

*Whereas, To receive the rank of Eagle Scout, Joseph John Reitan earned 38 merit badges and completed a service project;*

*Whereas, As his service project Joseph John Reitan stained an outside gazebo and installed a brick walkway from the gazebo to a shrine of the Blessed Virgin Mary at St. Helen's Catholic Church in Hebron, Indiana;*

*Whereas, Joseph, who has been a member of the Boy Scouts since he was in the second grade, was elected into the Order of the Arrow, a service oriented organization for scouts in 1998, and will be a life member of this organization;*

*Whereas, Joseph is an active member of his community volunteering his time at St. Anthony Medical Center where he serves as a front desk escort; and*

*Whereas, The charge of an Eagle Scout states that the foremost responsibility of an Eagle Scout is to live with honor and that his second responsibility is loyalty - to live your life adhering to these two charges will improve your life and the lives of those around you: Therefore,*

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

SECTION 1. That the Indiana House of Representatives wishes to congratulate Joseph John Reitan on achieving the rank of Eagle Scout.

SECTION 2. That the principal clerk of the House of Representatives transmit a copy of this resolution to Joseph John Reitan and his family.

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

### House Resolution 16

Representative Mannweiler introduced House Resolution 16:

A HOUSE RESOLUTION paying tribute during February 2000 to four Army chaplains for their selfless ultimate sacrifice during World War II.

*Whereas, On January 11, 1943, the United States Army Transport Dorchester sailed from its home pier carrying 904 American soldiers, merchant marines and civilian support forces to Greenland as part of a convoy;*

*Whereas, On February 3, 1943, a German torpedo slammed through the hull of the Dorchester and detonated deep within the ship;*

*Whereas, Many of the passengers had been killed or injured, and survivors were stunned and disoriented;*

*Whereas, Four Army chaplains: Lieutenant George L. Fox, Methodist; Lieutenant Alexander D. Goode, Jewish; John F. Washington, Roman Catholic; and Clark V. Poling, Dutch Reformed, calmed the survivors and helped them find and don life jackets;*

*Whereas, As crowded life boats ran out, the chaplains removed their own life jackets and gave them to those who had none, without regard to their religious beliefs;*

*Whereas, In so doing, the chaplains gave up their only hope for survival;*

*Whereas, The four chaplains were awarded the Purple Heart and the Distinguished Service Cross and on July 14, 1960, the Congress of the United States awarded a special medal for valor given in memory of the four chaplains and never to be repeated;*

*Whereas, The permanent memorial to the four chaplains who went down with the U.S.A.T. Dorchester will be constructed at its new location near Valley Forge, PA;*

*Whereas, This memorial will be an interfaith shrine with remembrances for members of the Catholic, Jewish and Protestant faiths, calling all to the unity the four chaplains so heroically demonstrated; and*

*Whereas, The four chaplains are commemorated in the distinguished "Four Chaplains Award" which is given in recognition of outstanding service for the benefit of veterans of all prior wars and military action: Therefore,*

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

SECTION 1. That the Indiana House of Representatives hereby pays tribute, to the four Army chaplains for their selfless ultimate sacrifice during World War II.

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

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1097

Representative Cherry called down Engrossed House Bill 1097 for third reading:

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

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

Roll Call 161: yeas 88, 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 Jackman, Lewis, and R. Meeks.

### Engrossed House Bill 1271

Representative Cochran called down Engrossed House Bill 1271 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education financial assistance.

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

Roll Call 162: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul, Wyss, and Sipes.

### Engrossed House Bill 1235

Representative Crooks called down Engrossed House Bill 1235 for third reading:

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

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

Roll Call 163: yeas 39, nays 57. The bill was defeated.

## SPECIAL ORDER OF BUSINESS

### Engrossed House Bill 1312

The Speaker handed down for third reading Engrossed House Bill 1312, authored by Representative C. Brown, which had been made a special order of business.

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

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

Roll Call 164: yeas 85, nays 14. 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 Borst, Simpson, Miller, and Lewis.

## HOUSE BILLS ON SECOND READING

### House Bill 1326

Representative Dvorak called down House Bill 1326 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1326-2)

Mr. Speaker: I move that House Bill 1326 be amended to read as follows:

Delete pages 15 through 17 and insert the following:

**RESERVED FOR UCC FINANCIAL STATEMENT**

*Journal Clerk's Note:* Pages 366-368 are reserved for the UCC Financing Statements, which will be photocopied for the bound volume of the Journal. Internet users may view and print these forms from the Indiana legislative site [at [http://www.state.in.us/serv/lssa\\_billinfo](http://www.state.in.us/serv/lssa_billinfo)], then going to HB 1326 and selecting the House amendment 1326-2. The forms are on pages 2-4.

February 1, 2000

House 367

**RESERVED FOR UCC FINANCIAL STATEMENT**

**RESERVED FOR UCC FINANCIAL STATEMENT**

(Reference is to HB 1326 as printed January 27, 2000.)

DVORAK

Motion prevailed.

HOUSE MOTION  
(Amendment 1326-1)

Mr. Speaker: I move that House Bill 1326 be amended to read as follows:

Page 157, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 48. IC 32-8-40 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 40. Improper Lien; Recovery of Attorney's Fees; Punitive Damages**

**Sec. 1. If:**

(1) a contractor or subcontractor records a vendor's lien or notice of intention to hold a mechanic's lien for labor or materials supplied to erect, modify, or remove real property; and  
(2) a court determines that the contractor or subcontractor was not entitled to a vendor's lien or mechanic's lien for labor or materials supplied to erect, modify, or remove real property; the contractor or subcontractor is liable for the reasonable attorney's fees incurred by another person to prevent foreclosure of the lien and clear the title of the property subject to the lien. If the court determines that the lien or claim on which the lien is based was frivolous, unreasonable, groundless, or taken in bad faith, the court may award punitive damages against the contractor or subcontractor."

Page 157, after line 17, begin a new paragraph and insert:

"SECTION 50. [EFFECTIVE UPON PASSAGE] IC 32-8-40, as added by this act, applies only to a vendor's lien or notice of intention to hold a mechanic's lien that is recorded with a county recorder after the effective date of this SECTION.

SECTION 51. An emergency is declared for this act."

Re-number all SECTIONS consecutively.

(Reference is to HB 1326 as printed January 27, 2000.)

FRY

Motion failed. The bill was ordered engrossed.

**House Bill 1265**

Representative Friend called down House Bill 1265 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1265-2)

Mr. Speaker: I move that House Bill 1265 be amended to read as follows:

Page 3, line 1, delete "delivery schedule;" and insert "**delivery; and**".

Page 3, line 2, delete "transportation;" and insert "**transportation.**".

Page 3, delete lines 3 through 7.

Page 3, line 8, delete "(viii)" and insert "**(vi)**".

Page 3, line 9, delete "(ix)" and insert "**(v)**".

Page 3, between lines 10 and 11, begin a new paragraph line block indented and insert:

**"(B) Resolution of:**

**(i) delivery of quantity other than quantity agreed upon; and**

**(ii) delivery of quality other than quality agreed upon;**

**if quantity and quality of the end product are specified in the contract."**

Page 3, line 11, delete "(B)" and insert "**(C)**".

Page 3, line 24, delete "(C)" and insert "**(D)**".

Page 3, line 34, delete "(D)" and insert "**(E)**".

Page 3, line 35, delete "(E)" and insert "**(F)**".

Page 3, line 40, delete "(F)" and insert "**(G)**".

Page 3, line 41, delete "(G)" and insert "**(H)**".

Page 4, line 1, delete "(H)" and insert "**(I)**".

Page 4, line 2, delete "(I)" and insert "**(J)**".

Page 4, line 3, delete "(J)" and insert "**(K)**".

Page 4, line 5, delete "(K)" and insert "**(L)**".

Page 5, line 38, after "livestock" insert "**with age in excess of ten (10) days**".

Page 6, delete lines 6 through 10.

Page 6, line 11, delete "(G)" and insert "**(E)**".

Page 6, line 11, delete "animals, including scheduling and" and insert "**animals;**".

Page 6, delete line 12.

Page 6, line 13, delete "(H)" and insert "**(F)**".

(Reference is to HB 1265 as printed January 28, 2000.)

FRIEND

Motion prevailed.

HOUSE MOTION  
(Amendment 1265-1)

Mr. Speaker: I move that House Bill 1265 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and gaming.

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

"SECTION 1. IC 4-33-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This article applies only to the following:

(1) Counties contiguous to Lake Michigan.

(2) Counties contiguous to the Ohio River.

(3) ~~Counties contiguous to Patoka Lake.~~ A county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500).

SECTION 2. IC 4-33-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The commission shall adopt rules under IC 4-22-2 for the following purposes:

(1) Administering this article.

(2) Establishing the conditions under which riverboat gambling in Indiana may be conducted.

(3) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of riverboat gambling.

~~(4) With respect to riverboats that operate on Patoka Lake, ensuring:~~

~~(A) the prevention of practices detrimental to the natural environment and scenic beauty of Patoka Lake; and~~

~~(B) compliance by licensees and riverboat patrons with the requirements of IC 14-26-2-5 and IC 14-28-1.~~

~~(5) (4) Establishing rules concerning inspection of riverboats and the review of the permits or licenses necessary to operate a riverboat.~~

~~(6) (5) Imposing penalties for noncriminal violations of this article.~~

SECTION 3. IC 4-33-4-3, AS AMENDED BY P.L.273-1999, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The commission shall do the following:

(1) Adopt rules that the commission determines necessary to protect or enhance the following:

(A) The credibility and integrity of gambling operations authorized by this article.

(B) The regulatory process provided in this article.

~~(C) The natural environment and scenic beauty of Patoka Lake.~~

(2) Conduct all hearings concerning civil violations of this article.

(3) Provide for the establishment and collection of license fees and taxes imposed under this article.

(4) Deposit the license fees and taxes in the state gaming fund established by IC 4-33-13.

(5) Levy and collect penalties for noncriminal violations of this article.

(6) Deposit the penalties in the state gaming fund established by IC 4-33-13.

(7) Be present through the commission's inspectors and agents during the time gambling operations are conducted on a riverboat to do the following:

(A) Certify the revenue received by a riverboat.

(B) Receive complaints from the public.

(C) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.

~~(D) With respect to riverboats that operate on Patoka Lake, ensure compliance with the following:~~

~~(i) IC 14-26-2-6.~~

~~(ii) IC 14-26-2-7.~~

~~(iii) IC 14-28-1.~~

(8) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(A) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(B) an emergency rule is likely to address the need.

(b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted under subsection (a)(8) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(8).

SECTION 4. IC 4-33-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) After consulting with the United States Army Corps of Engineers, the commission may do the following:

(1) Determine the waterways that are navigable waterways for purposes of this article.

(2) Determine the navigable waterways that are suitable for the operation of riverboats under this article.

(b) In determining the navigable waterways on which riverboats may operate, the commission shall do the following:

(1) Obtain any required approvals from the United States Army Corps of Engineers for the operation of riverboats on those waterways.

(2) Consider the economic benefit that riverboat gambling provides to Indiana.

(3) Seek to ensure that all regions of Indiana share in the economic benefits of riverboat gambling.

~~(4) Considering IC 14-26-2-6, IC 14-26-2-7, and IC 14-28-1, conduct a feasibility study concerning:~~

~~(A) the environmental impact of the navigation and docking of riverboats upon Patoka Lake; and~~

~~(B) the impact of the navigation and docking of riverboats upon the scenic beauty of Patoka Lake.~~

SECTION 5. IC 4-33-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The commission shall annually do the following:

(1) Review the patterns of wagering and wins and losses by persons on riverboat gambling operations under this article.

(2) Make recommendations to the governor and the general assembly concerning whether limits on wagering losses should be imposed.

~~(3) Examine the impact on the natural environment and scenic beauty of Patoka Lake made by the navigation and docking of riverboats.~~

SECTION 6. IC 4-33-4-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 22. (a) **The commission, in conjunction with the commissioner of agriculture, shall develop a strategic assessment and recommend targeted priorities for the use of Indiana produced agricultural commodities, goods, and products within the gaming industry and particularly at a riverboat licensed under this article.**

**(b) The commission shall adopt rules under section 2 of this chapter to implement the strategic assessment and targeted priorities for the use of Indiana produced agricultural commodities, goods, and products.**

SECTION 7. IC 4-33-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The commission may issue to a person a license to own one (1) riverboat subject to the numerical

and geographical limitation of owner's licenses under this section and IC 4-33-4-17. However, not more than eleven (11) owner's licenses may be in effect at any time. Except as provided in subsection (b), those eleven (11) licenses are as follows:

(1) Two (2) licenses for a riverboat that operates from the largest city located in the counties described under IC 4-33-1-1(1).

(2) One (1) license for a riverboat that operates from the second largest city located in the counties described under IC 4-33-1-1(1).

(3) One (1) license for a riverboat that operates from the third largest city located in the counties described under IC 4-33-1-1(1).

(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that operate upon the Ohio River from counties described under IC 4-33-1-1(2). The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat operating from a county described in IC 4-33-1-1(2).

(6) One (1) license for a riverboat that operates: ~~upon Patoka Lake~~

**(A) from a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000); and**

**(B) on the property of the largest historic hotel located in the town;**

**located in a county described under IC 4-33-1-1(3).**

(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2) elections under section 20 of this chapter, and the voters of the city do not vote in favor of permitting riverboat gambling at either of those elections, the license assigned to that city under subsection (a)(2) or (a)(3) may be issued to any city that:

(1) does not already have a riverboat operating from the city; and

(2) is located in a county described in IC 4-33-1-1(1).

SECTION 8. IC 4-33-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A riverboat that operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:

(1) have a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; and

(2) be at least one hundred fifty (150) feet in length.

(b) A riverboat that operates ~~on Patoka Lake in a county described under IC 4-33-1-1(3)~~ must:

(1) have the capacity to carry at least five hundred (500) passengers;

(2) be at least one hundred fifty (150) feet in length; and

(3) meet safety standards required by the commission.

(c) This subsection applies only to a riverboat that operates on the Ohio River. A riverboat must replicate, as nearly as possible, historic Indiana steamboat passenger vessels of the nineteenth century. However, steam propulsion or overnight lodging facilities are not required under this subsection.

SECTION 9. IC 4-33-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) This section applies to:

(1) a county contiguous to the Ohio River;

~~(2) a county contiguous to Patoka Lake; and~~

~~(3) (2) a county contiguous to Lake Michigan that has a population of less than four hundred thousand (400,000).~~

(b) Notwithstanding any other provision of this article, the commission may not issue a license under this article to allow a riverboat to operate in the county unless the voters of the county have approved the conducting of gambling games on riverboats in the county.

(c) If the docking of a riverboat in the county is approved by an ordinance adopted under section 18 of this chapter, or if at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot,

the county election board shall place the following question on the ballot in the county during the next general election:

"Shall licenses be issued to permit riverboat gambling in \_\_\_\_\_ County?"

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a county and the voters of the county do not vote in favor of permitting riverboat gambling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of the county vote to reject riverboat gambling a second time, a third or subsequent public question under this section may not be held in that county until the general election held during the tenth year following the year that the previous public question was placed on the ballot.

**SECTION 10. IC 4-33-6-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.5. (a) This section applies to a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500).**

**(b) The commission may issue only one (1) license under this article to allow a riverboat to operate in a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000).**

**(c) The commission may not issue a license under this article to allow a riverboat to operate in the county unless the voters of the town described in subsection (b) have approved gambling on riverboats in the county.**

**(d) If at least the number of the registered voters of the town required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the clerk of the circuit court requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the town described in subsection (b) during the next primary or general election:**

"Shall a license be issued to allow riverboat gambling in the town of \_\_\_\_\_?"

**(e) A special election may be held under this section if an applicant for a riverboat license under IC 4-33-6 pays in advance of the election the costs to hold the special election, as determined by the election board.**

**(f) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9.**

**(g) If a public question is placed on the ballot under this section and the voters of the town do not vote in favor of allowing riverboat gambling under IC 4-33, another public question regarding riverboat gambling may not be held in the town for at least two (2) years.**

**(h) In a special election held under this section:**

**(1) IC 3 applies, except as otherwise provided in this section; and**

**(2) at least as many precinct polling places that were used in the town described in subsection (b) during the most recent general election must be used for the special election.**

**(i) The clerk of the circuit court of a county holding an election under this section shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.**

**SECTION 11. IC 4-33-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in subsections (b), ~~and~~ (c), and (d), gambling may not be conducted while a riverboat is docked.**

**(b) If the master of the riverboat reasonably determines and certifies in writing that:**

**(1) specific weather conditions or water conditions present a danger to the riverboat and the riverboat's passengers and crew;**

**(2) either the vessel or the docking facility is undergoing**

**mechanical or structural repair;**

**(3) water traffic conditions present a danger to:**

**(A) the riverboat, riverboat passengers, and crew; or**

**(B) other vessels on the water; or**

**(4) the master has been notified that a condition exists that would cause a violation of federal law if the riverboat were to cruise;**

the riverboat may remain docked and gaming may take place until the master determines that the conditions have sufficiently diminished or been corrected for the riverboat to safely proceed or the duration of the authorized excursion has expired.

**(c) The commission shall by rule permit gambling to be conducted for periods of not more than thirty (30) minutes during passenger embarkation and not more than thirty (30) minutes during passenger disembarkation.**

**(d) The owner of a riverboat located in a county described in IC 4-33-1-1(3) may conduct gambling while the riverboat is docked.**

**SECTION 12. IC 4-33-10-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) This section applies only to property given after June 30, 1996.**

**(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.**

**(c) As used in this section, "license" means:**

**(1) an owner's license issued under this article; or**

**(2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment.**

**(d) As used in this section, "licensee" means a person who holds a license.**

**(e) As used in this section, "officer" refers only to either of the following:**

**(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.**

**(2) An individual who is a successor to an individual described in subdivision (1).**

**(f) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:**

**(1) The person holds at least a one percent (1%) interest in the licensee.**

**(2) The person is an officer of the licensee.**

**(3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.**

**(4) The person is a political action committee of the licensee.**

**(g) A licensee or a person with an interest in a licensee may not give any property (as defined in IC 35-41-1-23) to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-33-6-19 or IC 4-33-6-19.5.**

**(h) A person who knowingly or intentionally violates this section commits a Class D felony.**

**SECTION 13. IC 4-33-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.**

**(b) Except as provided by subsection (c), The treasurer of state shall quarterly pay the following amounts:**

**(1) Except for a riverboat operating in a county described in IC 4-33-1-1(3), one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to:**

**(A) the city in which the riverboat is docked, if the city:**

**(i) is described in IC 4-33-6-1(a)(1) through IC 4-33-6-1(a)(4) or in IC 4-33-6-1(b); or**

**(ii) is contiguous to the Ohio River and is the largest city in the county; and**

**(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).**

**(2) Except for a riverboat operating in a county described in IC 4-33-1-1(3), one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the county in which the riverboat is docked. In the case of a county described in**

subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) **Except for a riverboat operating in a county described in IC 4-33-1-1(3)**, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during a quarter shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(5) Ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the division of mental health. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(7) **This subdivision applies only to a riverboat licensed to operate in a county described in IC 4-33-1-1(3). In addition to the payments required under subdivisions (4) through (6), the treasurer of state shall distribute the admissions tax collected by the licensed owner for each person embarking on the riverboat during the quarter as follows:**

(A) **Seventy cents (\$0.70) shall be paid to a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.**

(B) **Fifty cents (\$0.50) shall be paid to a town having a population of more than six hundred (600) but less than seven hundred (700) located in the county.**

(C) **Fifty cents (\$0.50) shall be paid to the county.**

(D) **Ten cents (\$0.10) shall be paid to a town located in the county having a population of more than three thousand five hundred (3,500) but less than four thousand (4,000).**

(E) **Ten cents (\$0.10) shall be paid to the tourism commission of a town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.**

(F) **Five cents (\$0.05) shall be paid to a town located in the county having a population of more than two thousand (2,000) but less than two thousand eighty-five (2,085).**

(G) **Five cents (\$0.05) shall be paid to a county having a population of more than thirty-six thousand (36,000) but less than thirty-six thousand seven hundred (36,700).**

(c) With respect to tax revenue collected from a riverboat that operates on Patoka Lake, the treasurer of state shall quarterly pay the following amounts:

(1) The counties described in IC 4-33-1-1(3) shall receive one dollar (\$1) of the admissions tax collected for each person embarking on the riverboat during the quarter. This amount shall be divided equally among the counties described in IC 4-33-1-1(3).

(2) The Patoka Lake development account established under IC 4-33-15 shall receive one dollar (\$1) of the admissions tax collected for each person embarking on the riverboat during the

quarter:

(3) **The resource conservation and development program that:**  
(A) is established under 16 U.S.C. 3451 et seq.; and  
(B) serves the Patoka Lake area;

shall receive forty cents (\$0.40) of the admissions tax collected for each person embarking on the riverboat during the quarter:

(4) **The state general fund shall receive fifty cents (\$0.50) of the admissions tax collected for each person embarking on the riverboat during the quarter:**

(5) **The division of mental health shall receive ten cents (\$0.10) of the admissions tax collected for each person embarking on the riverboat during the quarter. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.**

(d) **Money paid to a unit of local government under subsection (b)(1) through (b)(2) or subsection (c)(1): under subsection (b)(7):**

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum or actual levy under IC 6-1.1-18.5; and

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14.4.

(e) **Money paid by the treasurer of state under subsection (b)(3) shall be:**

(1) deposited in:

(A) the county convention and visitor promotion fund; or  
(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(f) **Money received by the division of mental health under subsections (b)(5) and (c)(5): subsection (b)(5):**

(1) is annually appropriated to the division of mental health;  
(2) shall be distributed to the division of mental health at times during each state fiscal year determined by the budget agency; and  
(3) shall be used by the division of mental health for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

SECTION 14. IC 4-33-13-5, AS AMENDED BY P.L.273-1999, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) **Except for a riverboat operating in a county described in IC 4-33-1-1(3)**, twenty-five percent (25%) of the tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a city described in IC 4-33-12-6(b)(1)(A); or

(B) in equal shares to the counties described in IC 4-33-1-1(3); in the case of a riverboat whose home dock is on Patoka Lake; or

(C) (B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A). or a county described in clause (B); and

(2) **This subdivision applies only to a riverboat licensed to operate in a county described in IC 4-33-1-1(3). Twenty-five percent (25%) of the tax revenue remitted by the licensed owner shall be paid in equal shares to the following:**

(A) A town having a population of more than two thousand eighty-five (2,085) but less than three thousand (3,000) located in the county.

(B) Historic Landmarks of West Baden for the restoration, maintenance, and development of the West Baden Springs Hotel.

(2) (3) Seventy-five percent (75%) of the tax revenue remitted by each licensed owner shall be paid to the build Indiana fund lottery and gaming surplus account."

Page 7, after line 4, begin a new paragraph and insert:

"SECTION 16. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 4-33-4-19; IC 4-33-15.

SECTION 17. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1265 as printed January 28, 2000.)

DENBO

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

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

### House Bill 1150

Representative Fry called down House Bill 1150 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1150-1)

Mr. Speaker: I move that House Bill 1150 be amended to read as follows:

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

"SECTION 1. IC 27-1-6-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 21. (a) A company that is approved by the department after June 30, 2000, to be domiciled in Indiana, must have and maintain in Indiana the following:

(1) A physical presence that provides economic benefit to the state.

(2) Complete records of the company's assets, transactions, and affairs in accordance with methods and systems that are customary or suitable to the kind or kinds of insurance transacted by the company, including all records required under IC 27-1-7-16. Records may be maintained in a form that is physically or electronically available to the department within Indiana.

(b) The commissioner shall determine whether the requirements of subsection (a) are met. In making a determination under subsection (a)(1), the commissioner shall compare and consider the following:

(1) The economic benefit to Indiana and Indiana communities offered by the domestication of the company.

(2) The costs that may be incurred by the state in regulating the company as a domestic company versus a foreign company.

(c) If a domestic company subject to this section fails to comply with the provisions of subsection (a), the commissioner may:

(1) require the company to transfer its domicile under IC 27-1-6.5-2; or

(2) annually impose an additional administrative fee on the company in an amount equal to the difference between the cost of regulating the company as a domestic company and the cost of regulating the company as a foreign company. The fee shall be deposited in the department of insurance fund established by IC 27-1-3-28.

(d) In the case of a company that is part of an insurance holding company system (as defined in IC 27-1-23-1) whose presence provides an economic benefit to the state, the commissioner shall consider the insurance holding company system and any domestic company in the aggregate when making the determination required under subsection (b)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1150 as printed January 27, 2000.)

FRY

Motion prevailed. The bill was ordered engrossed.

### House Bill 1276

Representative Gia Quinta called down House Bill 1276 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1276-1)

Mr. Speaker: I move that House Bill 1276 be amended to read as follows:

Delete the title and insert the following:

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

Page 5, after line 21, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 2000]: (a) Sufficient funds are appropriated to pay for the increase in the unfunded actuarial liability for state and local government employee pension benefits.

(b) This SECTION expires July 1, 2001."

(Reference is to HB 1276 as printed January 28, 2000.)

ESPICH

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

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Espich's amendment (1276-1) violates Rule 80. The amendment is germane as the bill deals with pensions.

ESPICH  
MURPHY

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 165: yeas 49, nays 45. The ruling of the Chair was sustained.

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

### House Bill 1034

Representative Goeglein called down House Bill 1034 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1034-1)

Mr. Speaker: I move that House Bill 1034 be amended to read as follows:

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

"SECTION 1. IC 9-18-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 7. (a) The bureau may:

(1) prescribe forms; and

(2) adopt rules;

to implement this chapter.

(b) The bureau shall place an identifying symbol on the face of the license or permit to indicate that an executed anatomical gift form is located on the back of the document.

(c) A form prescribed under this section must include the information described in IC 9-18-2-16(b)(3)."

Page 2, between lines 22 and 23, begin a new paragraph and insert:

(c) The bureau shall place an identifying symbol on the face of the license or identification card to indicate that an executed document acknowledging the making of an anatomical gift is located on the back of the license or identification card."

Page 2, line 23, strike "(c)" and insert "(d)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1034 as printed January 28, 2000.)

GOEGLIN

Motion prevailed. The bill was ordered engrossed.

**House Bill 1046**

Representative Hasler called down House Bill 1046 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1237**

Representative Herrell called down House Bill 1237 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1237-1)

Mr. Speaker: I move that House Bill 1237 be amended to read as follows:

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

"SECTION 1. IC 4-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) The commission may promote and advertise the lottery.

(b) A promotion may refer to the total lottery prize, even though the prize may be paid over a period of years.

(c) **Each advertisement for a lottery game must contain a statement of the estimated odds of winning a prize for the lottery game. A person who omits from an advertisement the odds of winning a prize for a lottery game commits a Class A infraction.**

(c)(d) The commission may act as a retailer and conduct promotions involving the dispensing of free lottery tickets.

(d)(e) The director may authorize a sales incentive program for employees of the commission for the purpose of increasing the sales volume and distribution of lottery tickets.

SECTION 2. IC 4-33-9-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 17. (a) **A licensed owner of a riverboat shall:**

- (1) **keep statistics concerning; and**
- (2) **include in each advertisement for the riverboat a statement of;**

**the win percentage for slot machines operated on the licensed owner's riverboat.**

(b) **In addition to the requirements set forth in subsection (a), a licensed owner shall include in each advertisement for a gambling game conducted on a riverboat, other than a slot machine, a statement of the estimated odds of winning a prize for the gambling game.**

(c) **A licensed owner who:**

- (1) **fails to:**
  - (A) **keep statistics concerning; or**
  - (B) **include in an advertisement for the riverboat a statement of;**

**the win percentage for slot machines operated on the licensed owner's riverboat; or**

(2) **fails to include in an advertisement the odds of winning a prize for a gambling game conducted on the riverboat;**

**commits a Class A infraction."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1237 as printed January 27, 2000.)

FOLEY

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

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

**House Bill 1386**

Representative Klinker called down House Bill 1386 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1386-6)

Mr. Speaker: I move that House Bill 1386 be amended to read as follows:

Page 2, after line 42, begin a new paragraph and insert:

"SECTION 2. IC 6-3.1-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]:

**Chapter 20. Credit for Property Taxes Paid on Inventory**

**Sec. 1. As used in this chapter, "assessed value" means the assessed value of inventory determined under IC 6-1.1-3.**

**Sec. 2. As used in this chapter, "inventory" has the meaning set forth in IC 6-1.1-3-11.**

**Sec. 3. As used in this chapter, "pass through entity" means:**

- (1) **a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2); or**
- (2) **a partnership.**

**Sec. 4. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:**

- (1) **IC 6-2.1 (gross income tax);**
- (2) **IC 6-3-1 through IC 6-3-7 (adjusted gross income tax);**
- (3) **IC 6-3-8 (supplemental net income tax);**
- (4) **IC 6-5.5 (financial institutions tax); and**
- (5) **IC 27-1-18-2 (insurance premiums tax);**

**as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter, including the credit under IC 6-1.1-20.5.**

**Sec. 5. As used in this chapter, "taxpayer" means an individual or entity that has state tax liability.**

**Sec. 6. (a) A taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year for the ad valorem property taxes paid by the taxpayer in the taxable year on inventory.**

- (b) **The amount of the credit is equal to the product of:**
  - (1) **the appropriate percentage specified in subsection (c); multiplied by**
  - (2) **the amount of property taxes paid on inventory by the taxpayer during the taxable year.**

**(c) The percentage described in subsection (b)(1) is determined by the calendar year in which the property taxes on inventory are paid and is set forth in the following table:**

CALENDAR YEAR IN WHICH INVENTORY TAXES ARE PAID	PERCENTAGE OF INVENTORY TAXES ALLOWED AS A CREDIT
2000	10%
2001	20%
2002	30%
2003	40%
2004	50%
2005	60%
2006	70%
2007	80%
2008	90%
2009 and thereafter	100%

**(d) If a taxpayer pays property taxes in two (2) different calendar years during the taxpayer's same taxable year, the taxpayer shall apply the appropriate percentage specified for each calendar year to the property taxes paid in each calendar year to compute the credit for the taxable year.**

**Sec. 7. (a) If the amount determined under section 6(b) of this chapter for a taxpayer in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer may carry the excess over to the following taxable years. The amount of the credit carryover from a taxable year shall be reduced to the extent that the carryover is used by the taxpayer to obtain a credit under this chapter for any subsequent taxable year. A taxpayer is not entitled to a carryback.**

**(b) A taxpayer is not entitled to a refund of any unused credit.**

**Sec. 8. If a pass through entity does not have state income tax liability against which the tax credit may be applied, a shareholder or partner of the pass through entity is entitled to a tax credit equal to:**

- (1) **the tax credit determined for the pass through entity for the taxable year; multiplied by**
- (2) **the percentage of the pass through entity's distributive income to which the shareholder or partner is entitled.**

**Sec. 9. 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 proof of payment of an ad valorem property tax and all information that the department determines is necessary for the calculation of the credit provided by this chapter."

Page 3, after line 3, begin a new paragraph and insert:  
"SECTION 4. **An emergency is declared for this act.**"  
Renumber all SECTIONS consecutively.  
(Reference is to HB 1386 as printed January 28, 2000.)

TURNER

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

#### APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Turner's amendment (1386-6) violates Rule 80. The amendment is germane as the bill deals with inventory tax.

TURNER  
MURPHY

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

The question was, Shall the ruling of the Chair be sustained?

The House recessed until the fall of the gavel.

#### RECESS

The House reconvened at 7:20 p.m. with the Speaker in the Chair.

#### HOUSE BILLS ON SECOND READING

##### House Bill 1386

The Chair had ruled Representative Turner's amendment (1386-6) was not germane. An appeal of the ruling was pending.

#### APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Turner's amendment (1386-6) violates Rule 80. The amendment is germane as the bill deals with inventory tax.

TURNER  
MURPHY

The question was, Shall the ruling of the Chair be sustained? Roll Call 166: yeas 49, nays 44. The ruling of the Chair was sustained.

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

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

##### House Bill 1328

Representative Kruzan called down House Bill 1328 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1328-5)

Mr. Speaker: I move that House Bill 1328 be amended to read as follows:

Page 2, line 16, delete "or any other identification number".

Page 2, line 22, delete "are" and insert "is".

Page 2, line 24, delete "A" and insert "**Subject to the rules or policies of the governing body, a**".

Page 3, line 4, delete "or any other identification number".

Page 4, after line 2, begin a new paragraph and insert:

"SECTION 8. P.L.6-1997, SECTION 241, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 30, 1999 (RETROACTIVE)]; SECTION 241. (a) Notwithstanding IC 5-14-3, a sales disclosure form under IC 6-1.1-5.5, as added by this act, is not a public record and may only be used by **the county land valuation commission a township assessor** or persons acting on behalf of **the county land valuation**

**commission a township assessor** for the purpose of determining land values under IC 6-1.1-4-13.6 and by the state board of tax commissioners or persons acting on behalf of the state board of tax commissioners. Information contained on a sales disclosure form may not be used in a:

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

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

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

(b) This SECTION expires December 31, ~~1999~~ **2002**.

SECTION 9. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1328 as printed January 20, 2000.)

KRUZAN

Motion prevailed.

#### HOUSE MOTION (Amendment 1328-6)

Mr. Speaker: I move that House Bill 1328 be amended to read as follows:

Page 2, line 22, delete "are" and insert "is".

Page 4, after line 2, begin a new paragraph and insert:

"SECTION 8. IC 16-20-1-29 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) This section applies to an individual who has been diagnosed as having any of the following dangerous communicable diseases:**

(1) **Acquired immune deficiency syndrome (AIDS).**

(2) **Human immunodeficiency virus (HIV).**

(b) **A local health department may not require an individual described in subsection (a) to disclose the individual's Social Security number.**

SECTION 9. IC 16-22-8-56 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 56. (a) This section applies to an individual who has been diagnosed as having any of the following dangerous communicable diseases:**

(1) **Acquired immune deficiency syndrome (AIDS).**

(2) **Human immunodeficiency virus (HIV).**

(b) **The corporation may not require an individual described in subsection (a) to disclose the individual's Social Security number.**

SECTION 10. IC 16-41-8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) This section applies to an individual who has been diagnosed as having any of the following dangerous communicable diseases:**

(1) **Acquired immune deficiency syndrome (AIDS).**

(2) **Human immunodeficiency virus (HIV).**

(b) **The state department may not require an individual described in subsection (a) to disclose the individual's Social Security number.**

SECTION 11. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1328 as printed January 20, 2000.)

MURPHY

Motion prevailed.

#### HOUSE MOTION (Amendment 1328-3)

Mr. Speaker: I move that House Bill 1328 be amended to read as follows:

Page 2, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 5-14-3-4, AS AMENDED BY P.L.190-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as

confidential granted to the public agency by statute.

(3) Those records to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

(6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.

(10) Application information declared confidential by the twenty-first century research and technology fund board under IC 4-4-5.1.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of his scores.

(5) The following:

(A) Records relating to negotiations between the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the department of commerce shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making. **However, at the request of the legislative services agency or the individual members or partisan staff of the general assembly, the records described in this subdivision shall be disclosed by a state public agency to the legislative services agency or the general assembly.**

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharged.

However, all personnel file information shall be made available to the affected employee or his representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a recordkeeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of his identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing advisory committee. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations that concern the driver.

**(18) Records received by the legislative services agency or the general assembly from a state public agency under subdivision (6).**

(c) Notwithstanding section 3 of this chapter, a public agency is not required to create or provide copies of lists of names and addresses, unless the public agency is required to publish such lists and disseminate them to the public pursuant to statute. However, if a public agency has created a list of names and addresses, it must permit a person to inspect and make memoranda abstracts from the lists unless access to the lists is prohibited by law. The following lists

of names and addresses may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes:

- (1) A list of employees of a public agency.
- (2) A list of persons attending conferences or meetings at a state institution of higher education or of persons involved in programs or activities conducted or supervised by the state institution of higher education.
- (3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:
  - (A) prohibiting the disclosure of the list to commercial entities for commercial purposes; or
  - (B) specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes.

A policy adopted under subdivision (3) must be uniform and may not discriminate among similarly situated commercial entities.

(d) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(e) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(f) Notwithstanding subsection (e) and section 7 of this chapter:

- (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
- (2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business."

Renumber all SECTIONS consecutively.

(Reference is to HB 1328 as printed January 20, 2000.)

ESPICH

Upon request of Representatives Espich and Bosma, the Chair ordered the roll of the House to be called. Roll Call 167: yeas 48, nays 50. Motion failed. The bill was ordered engrossed.

### House Bill 1260

Representative Kuzman called down House Bill 1260 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1260-3)

Mr. Speaker: I move that House Bill 1260 be amended to read as follows:

Page 4, delete lines 17 through 42.

Delete page 5.

Page 6, delete lines 1 through 29.

Renumber all SECTIONS consecutively.

(Reference is to HB 1260 as printed January 25, 2000.)

ALDERMAN

Motion prevailed.

HOUSE MOTION  
(Amendment 1260-1)

Mr. Speaker: I move that House Bill 1260 be amended to read as follows:

Page 4, delete lines 17 through 42.

Delete page 5.

Page 6, delete lines 1 through 29.

Page 7, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE UPON PASSAGE]: (a) As used in this SECTION, "committee" refers to the alcoholic beverage study committee established under this SECTION.

(b) The alcoholic beverage study committee is established.

(c) The committee consists of members of the general assembly.

(d) The chairman of the legislative council shall determine the number of committee members. The chairman and vice chairman of the legislative council shall each appoint one-half (1/2) of the members of the committee.

(e) The committee shall study issues concerning the regulation

of alcoholic beverages in Indiana, including the following:

(1) The alcoholic beverage permitting process.

(2) Restrictions on the issuance of alcoholic beverage permits including quotas on the issuance of alcoholic beverage permits.

(3) Enforcement of alcoholic beverage statutes and the rules of the Indiana alcoholic beverage commission.

(4) Any other issue determined by the committee or referred to the committee by the legislative council.

(f) The committee shall operate under the policies and guidelines established by the legislative council for interim study committees.

(g) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council.

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

(i) The committee shall submit a final report to the legislative council in accordance with the policies and guidelines of the legislative council for interim study committees.

(j) This SECTION expires December 31, 2000."

Renumber all SECTIONS consecutively.

(Reference is to HB 1260 as printed January 25, 2000.)

ALDERMAN

Motion prevailed. The bill was ordered engrossed.

### House Bill 1317

Representative Liggett called down House Bill 1317 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1317-1)

Mr. Speaker: I move that House Bill 1317 be amended to read as follows:

Page 10, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 8. IC 20-8.1-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

**Chapter 14. Release of School Records to Courts With Juvenile or Criminal Jurisdiction**

**Sec. 1. Upon written request, a school shall provide a child's school records to a court having juvenile or criminal jurisdiction over a case involving the child who attends the school if the child:**

(1) is alleged to be or has been adjudicated a juvenile delinquent; or

(2) is charged with or convicted of an offense;

in the court that submits the request.

**Sec. 2. A court may request the disclosure of school records under section 1 of this chapter only in connection with:**

(1) a legitimate investigation;

(2) a prosecution;

(3) a juvenile delinquency adjudication;

(4) a treatment program; or

(5) an educational program.

**Sec. 3. Except as provided in this chapter, the disclosure of a child's school records is subject to confidentiality restrictions imposed by state and federal law.**

SECTION 9. IC 20-12-76 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

**Chapter 76. Release of School Records to Courts With Juvenile or Criminal Jurisdiction**

**Sec. 1. Upon written request, an institution of higher learning or a vocational school shall provide a child's school records to a court having juvenile or criminal jurisdiction over a case involving the child who attends the school if the child:**

(1) is alleged to be or has been adjudicated a juvenile delinquent; or

(2) is charged with or convicted of an offense;

in the court that submits the request.

**Sec. 2. A court may request the disclosure of school records**

under section 1 of this chapter only in connection with:

- (1) a legitimate investigation;
- (2) a prosecution;
- (3) a juvenile delinquency adjudication;
- (4) a treatment program; or
- (5) an educational program.

**Sec. 3. Except as provided in this chapter, the disclosure of a child's school records is subject to confidentiality restrictions imposed by state and federal law.**

Page 13, after line 3, begin a new paragraph and insert:

SECTION 11. IC 31-37-19-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 28. (a) Whenever a court adjudicates a child to be a delinquent child, the court shall notify the principal of any public or nonpublic elementary or secondary school that the child attends of the adjudication and disposition of the case.**

**(b) Upon written request of an authorized representative of the school, the court, if the court considers it appropriate, may authorize the attorney for the county office of family and children to give the principal of the school a statement of the facts in the case.**

**(c) A principal who receives information under subsection (a) or (b):**

- (1) shall release the information to any employees of the school having responsibility for classroom instruction with the child; and**
- (2) may release the information to any school administrative, transportation, or counseling personnel and any teacher or school employee with whom the student may come in contact.**

**However, the information must otherwise remain confidential and may not become part of the child's school records."**

"SECTION 12. IC 35-50-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

**Chapter 3.5. Release of Certain Criminal Records of a Child to a School the Child Attends**

**Sec. 1. Whenever a court convicts a child of an offense, the court shall notify the principal of any public or nonpublic school that the child attends of the child's conviction and sentence for the offense.**

**Sec. 2. Upon written request of an authorized representative of the school, the court, if the court considers it appropriate, may authorize the prosecuting attorney to give the principal of the school a statement of the facts of the case.**

**Sec. 3. A principal who receives information under section 1 or 2 of this chapter:**

- (1) shall release the information to employees of the school having responsibility for classroom instruction with the child; and**
- (2) shall release the information to employees of the school having responsibility for school safety.**

**Sec. 4. Information released under this chapter may not become part of the child's school records."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1074 as printed January 28, 2000.)

BOSMA

Upon request of Representatives Bosma and Mannweiler, the Chair ordered the roll of the House to be called. Roll Call 168: yeas 55, nays 40. Motion prevailed. The bill was ordered engrossed.

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

## House Bill 1248

Representative Lytle called down House Bill 1248 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 1248-2)

Mr. Speaker: I move that House Bill 1248 be amended to read as follows:

Page 2, between lines 20 and 21, begin a new paragraph and insert:  
"SECTION . IC 13-26-5-2 IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2001]: Sec. 2. A district may do the following:

- (1) Sue or be sued.
- (2) Make contracts in the exercise of the rights, powers, and duties conferred upon the district.
- (3) Adopt and alter a seal and use the seal by causing the seal to be impressed, affixed, reproduced, or otherwise used. However, the failure to affix a seal does not affect the validity of an instrument.

(4) Adopt, amend, and repeal the following:

(A) Bylaws for the administration of the district's affairs.

(B) Rules and regulations for the following:

(i) The control of the administration and operation of the district's service and facilities.

(ii) The exercise of all of the district's rights of ownership.

(5) Construct, acquire, lease, operate, or manage works and obtain rights, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property, whether real, personal, or mixed, of a person or an eligible entity.

(6) Assume in whole or in part any liability or obligation of:

(A) a person;

(B) a nonprofit water, sewage, or solid waste project system; or

(C) an eligible entity;

including a pledge of part or all of the net revenues of a works to the debt service on outstanding bonds of an entity in whole or in part in the district and including a right on the part of the district to indemnify and protect a contracting party from loss or liability by reason of the failure of the district to perform an agreement assumed by the district or to act or discharge an obligation.

(7) Fix, alter, charge, and collect reasonable rates and other charges in the area served by the district's facilities to every person whose premises are, whether directly or indirectly, supplied with water or provided with sewage or solid waste services by the facilities for the purpose of providing for the following:

(A) The payment of the expenses of the district.

(B) The construction, acquisition, improvement, extension, repair, maintenance, and operation of the district's facilities and properties.

(C) The payment of principal or interest on the district's obligations.

(D) To fulfill the terms of agreements made with:

(i) the purchasers or holders of any obligations; or

(ii) a person or an eligible entity.

(8) **Except as provided in section 2.5 of this chapter**, require connection to the district's sewer system of property producing sewage or similar waste and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures if:

(A) there is an available sanitary sewer within three hundred (300) feet of the property line; and

(B) the district has given written notice by certified mail to the property owner at the address of the property at least ninety (90) days before a date for connection to be stated in the notice.

(9) Provide by ordinance for reasonable penalties for failure to connect and also apply to the circuit or superior court of the county in which the property is located for an order to force connection, with the cost of the action, including reasonable attorney's fees of the district, to be assessed by the court against the property owner in the action.

(10) Refuse the services of the district's facilities if the rates or other charges are not paid by the user.

(11) Control and supervise all property, works, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to the district.

(12) Construct, acquire by purchase or otherwise, operate, lease, preserve, and maintain works considered necessary to accomplish the purposes of the district's establishment within or outside the district and enter into contracts for the operation

of works owned, leased, or held by another entity, whether public or private.

(13) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease as lessee or lessor, use, and sell interests in real and personal property or franchises within or outside the district for:

- (A) the location or protection of works;
- (B) the relocation of buildings, structures, and improvements situated on land required by the district or for any other necessary purpose; or
- (C) obtaining or storing material to be used in constructing and maintaining the works.

(14) Upon consent of two-thirds (2/3) of the members of the board, merge or combine with another district into a single district on terms so that the surviving district:

- (A) is possessed of all rights, franchises, and authority of the constituent districts; and
- (B) is subject to all the liabilities, obligations, and duties of each of the constituent districts, with all rights of creditors of the constituent districts being preserved unimpaired.

(15) Provide by agreement with another eligible entity for the joint construction of works the district is authorized to construct if the construction is for the district's own benefit and that of the other entity. For this purpose the cooperating entities may jointly appropriate land either within or outside their respective borders if all subsequent proceedings, actions, powers, liabilities, rights, and duties are those set forth by statute.

(16) Enter into contracts with a person, an eligible entity, the state, or the United States to provide services to the contracting party for any of the following:

- (A) The distribution or purification of water.
- (B) The collection or treatment of sanitary sewage.
- (C) The collection, disposal, or recovery of solid waste.

(17) Make provision for, contract for, or sell the district's byproducts or waste.

(18) Exercise the power of eminent domain.

(19) Remove or change the location of a fence, building, railroad, canal, or other structure or improvement located within or outside the district. If:

- (A) it is not feasible or economical to move the building, structure, or improvement situated in or upon land acquired; and
- (B) the cost is determined by the board to be less than that of purchase or condemnation;

the district may acquire land and construct, acquire, or install buildings, structures, or improvements similar in purpose to be exchanged for the buildings, structures, or improvements under contracts entered into between the owner and the district.

(20) Employ consulting engineers, superintendents, managers, and other engineering, construction, and accounting experts, attorneys, bond counsel, employees, and agents that are necessary for the accomplishment of the district's purpose and fix their compensation.

(21) Procure insurance against loss to the district by reason of damages to the district's properties, works, or improvements resulting from fire, theft, accident, or other casualty or because of the liability of the district for damages to persons or property occurring in the operations of the district's works and improvements or the conduct of the district's activities.

(22) Exercise the powers of the district without obtaining the consent of other eligible entities. However, the district shall:

- (A) restore or repair all public or private property damaged in carrying out the powers of the district and place the property in the property's original condition as nearly as practicable; or
- (B) pay adequate compensation for the property.

(23) Dispose of, by public or private sale or lease, real or personal property determined by the board to be no longer necessary or needed for the operation or purposes of the district.

SECTION 3. IC 13-26-5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.5. (a) As used in this section, "septic system" includes privies, cesspools, septic tanks, and similar structures.**

**(b) Except as provided in subsection (c), the district may not require a property owner to connect to the district's sewer system and to discontinue use of a septic system if the following conditions are met:**

- (1) The property owner's septic system was installed not more than five (5) years before the district's sewer system first became available for connection.**
- (2) The property owner's septic system was new at the time of installation and was approved in writing by the local health department.**
- (3) The property owner, at the property owner's own expense, obtains and provides to the district a certification from the local health department or a registered professional engineer that the septic system is functioning satisfactorily.**

**(c) A property owner who qualifies for the exemption provided under this section may not be required to connect to the district's sewer system for a period of three (3) years beginning on the date the district's sewer system first becomes available for connection. The exemption does not apply to a subsequent owner of the property during the exemption period. A property owner has sixty (60) days from the date of the notice given under section 2(8) of this chapter to notify the district in writing that the property owner may qualify for the exemption. The property owner has an additional sixty (60) days from the date the district receives the property owner's original notification to provide to the district the certification required under subsection (b)(3). The district shall suspend the date proposed for connection in the notice given under section 2(8) of this chapter while a determination of the property owner's eligibility for the exemption is pending.**

**(d) The district may require a property owner who qualifies for the exemption under subsection (b) to connect to the district's sewer system if the district credits the unamortized portion of the original cost of the property owner's septic system against the debt service portion of the customer's monthly bill according to the following STEPS:**

**STEP ONE: Multiply the original cost of the property owner's septic system by a fraction, the numerator of which is ninety-six (96) months minus the age in months of the property owner's septic system, and the denominator of which is ninety-six (96) months.**

**STEP TWO: The total credit the district may provide to a property owner shall equal four thousand eight hundred dollars (\$4,800) or the result of STEP ONE, whichever is less.**

**The district shall apportion the total credit amount as determined in STEP TWO against the debt service portion of the property owner's monthly bill over a period to be determined by the district, but not to exceed twenty (20) years, or two hundred forty (240) months."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1248 as printed January 26, 2000.)

BOTTORFF

Motion prevailed.

HOUSE MOTION  
(Amendment 1248-3)

Mr. Speaker: I move that House Bill 1248 be amended to read as follows:

Page 2, between lines 13 and 14, begin a new line block indented and insert:

**"(3) By making a reasonable effort to provide notice of the hearing by regular United States mail, postage prepaid, mailed at least two (2) weeks before the hearing to each freeholder within the proposed district."**

Page 2, line 14, delete "(3)" and insert "(4)".

(Reference is to HB 1248 as printed January 26, 2000.)

MELLINGER

Motion prevailed.

HOUSE MOTION  
(Amendment 1248-4)

Mr. Speaker: I move that House Bill 1248 be amended to read as follows:

Page 2, between lines 27 and 28, begin a new paragraph and insert: "SECTION 3. IC 14-13-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) The commission consists of the following members:

- (1) The executive of Gary.
- (2) The executive of Hammond.
- (3) The executive of East Chicago.
- (4) The executive of Portage.
- (5) The executive of Michigan City.
- (6) The executive of Whiting.
- (7) The director of the department of commerce, who is a nonvoting member.
- (8) The director of the department, who is a nonvoting member.

**(9) Three (3) members of the general assembly, who are nonvoting members appointed under section 5.5 of this chapter.**

(b) A member of the commission may designate an individual to serve on the commission in the member's place.

SECTION 4. IC 14-13-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 5.5. (a) The members appointed to the commission from the general assembly are as follows:**

- (1) A member who resides in Lake County.
- (2) A member who resides in LaPorte County.
- (3) A member who resides in Porter County.

**(b) Not more than two (2) members appointed under this section may be of:**

- (1) the same political party; or
- (2) the same chamber of the general assembly.

**(c) The governor shall annually make the appointments required under this section.**

**(d) If a member of the general assembly appointed under this section ceases to be a member of the general assembly, the member also ceases to be a member of the commission, creating a vacancy for the duration of the member's term.**

**(e) If a vacancy exists under subsection (d), the governor shall appoint a member of the general assembly to fill the vacancy for the duration of the former member's term. A member appointed under this subsection must have the same qualifications as the former member whose position has become vacant.**

SECTION 5. IC 14-13-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) **Except as provided in subsection (c)**, members of the commission are not entitled to receive from the commission a per diem. However, the members are entitled to receive an amount for mileage or travel.

(b) Designees:

- (1) of members of the commission; and
- (2) who are not holders of public office;

are entitled to receive from the commission an amount for per diem, mileage, and travel allowance equal to that fixed by the budget agency as payment to all persons entitled to receive those payments from the state.

**(c) A member appointed under section 5.5 of this chapter is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council."**

Page 3, between lines 9 and 10, begin a new paragraph and insert: "SECTION 7. [EFFECTIVE UPON PASSAGE](a) **The appointments made by the governor under IC 14-13-3-5.5, as added by this act, must be made not later than June 30, 2000.**

**(b) This SECTION expires July 1, 2000."**

Re-number all SECTIONS consecutively.

(Reference is to HB 1248 as printed January 26, 2000.)

AYRES

Motion prevailed. The bill was ordered engrossed.

**House Bill 1410**

Representative Mellinger called down House Bill 1410 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1410-1)

Mr. Speaker: I move that House Bill 1410 be amended to read as follows:

Page 6, between lines 10 and 11, begin a new paragraph and insert: "SECTION 7. IC 35-43-5-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 18. A retailer, or an agent of a retailer, who knowingly, intentionally, or recklessly:**

- (1) advertises a sale price for an item; and**
- (2) as the result of the failure of the retailer or agent to adjust the item's universal product code (UPC) or other product identification code to reflect the item's sale price, charges a consumer an amount for the item that is higher than the advertised sale price;**

**commits a Class A misdemeanor. In addition to any other penalty imposed for an offense under this section, the court shall order the retailer to reimburse the consumer up to three (3) times the amount that the retailer or agent charged the consumer for the item."**

Page 6, line 12, delete "and".

Page 6, line 12, before "all" insert "**and IC 35-43-5-18,**".

(Reference is to HB 1410 as printed January 28, 2000.)

COOK

Upon request of Representatives Cook and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 169: yeas 19, nays 76. Motion failed.

HOUSE MOTION  
(Amendment 1410-2)

Mr. Speaker: I move that House Bill 1410 be amended to read as follows:

Page 5, line 35, delete "Class C felony" and insert "**Class A misdemeanor**".

(Reference is to HB 1410 as printed January 28, 2000.)

MELLINGER

Motion prevailed. The bill was ordered engrossed.

**House Bill 1311**

Representative Moses called down House Bill 1311 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1311-1)

Mr. Speaker: I move that House Bill 1311 be amended to read as follows:

Page 1, line 3, after "(a)" insert "**As used in this SECTION, "health facility" shall include a state institution (as defined by IC 12-7-2-184) and special institution under the control of the state health commissioner (IC 16-19-6-5)." and delete "A health facility shall post a notice that a"**.

Page 1, line 4, begin a new paragraph and insert: "**(b) A health facility shall post a notice that a"**.

Page 1, line 12, delete "(b)" and insert "(c)".

Page 2, line 13, delete "(c)" and insert "(d)".

Page 2, line 17, after "(a)" insert "**As used in this SECTION, "health facility" shall include a state institution (as defined by IC 12-7-2-184) and special institution under the control of the state health commissioner (IC 16-19-6-5)." and delete "The office of Medicaid policy and planning shall."**

Page 2, line 18, before "produce" begin a new paragraph and insert: "**(b) The office of Medicaid policy and planning shall"**.

Page 2, line 34, delete "(b)" and insert "(c)".

Page 2, line 42, delete "(c)" and insert "(d)".

Page 3, line 6, delete "(d)" and insert "(e)".

Page 3, line 24, delete "(e)" and insert "(f)".  
(Reference is to HB 1311 as printed January 27, 2000.)

GOEGLEIN

Upon request of Representatives Goeglein and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 170: yeas 56, nays 40. Motion prevailed.

HOUSE MOTION  
(Amendment 1311-2)

Mr. Speaker: I move that House Bill 1311 be amended to read as follows:

Page 3, after line 25, begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE JULY 1, 2000] (a) As used in this SECTION, "committee" refers to the state care facilities oversight committee established by this SECTION.

(b) As used in this SECTION, "state care facility" refers to a:

- (1) state institution (as defined by IC 12-7-2-184); or
- (2) special institution under the administrative control of the state health commissioner (IC 16-19-6-5).

(c) As used in this SECTION, "agency" refers to the office of the secretary of family and social services.

(d) The state care facilities oversight committee is established.

(e) The committee consists of twenty-four (24) voting members, appointed as follows:

(1) Eight members appointed by the president pro tempore of the senate and the speaker of the house of representatives, appointed as follows:

(A) Four (4) members shall be appointed by the president pro tempore of the senate. Not more than two (2) of the members appointed under this subdivision may be of the same political party; and

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

At least one-half (1/2) of the members of the committee appointed by the speaker of the house of representatives and at least one-half (1/2) of the members appointed by the president pro tempore of the senate must represent legislative districts in which a state care facility is located.

(2) Two individuals representing the agency, including the division directors of:

- (A) disability, aging and rehabilitative services; and
- (B) the division of mental health.

(3) Fourteen (14) individuals who are not members of the general assembly and who are appointed by the governor as follows:

(A) Four (4) individuals representing business and industry, not more than two (2) of whom may be affiliated with the same political party.

(B) Four (4) individuals representing local government, not more than two (2) of whom may be affiliated with the same political party.

(C) Two (2) individuals representing families of those living in state care facilities, not more than (1) of whom may be affiliated with the same political party.

(D) Two (2) individuals representing the general public, not more than one (1) of whom may be affiliated with the same political party.

(E) Two (2) individuals representing the following interests:

(i) One (1) individual representing the department of corrections who works with incarcerated individuals having mental health needs.

(ii) One (1) individual representing the Association of Retarded Citizens.

(f) Appointments are valid for two (2) years after the date of the appointment. However, a member shall serve on the committee until a new appointment is made.

(g) A vacancy among the members of the committee shall be filled by the appointing authority of the member whose position is vacant. If the appointing authority does not fill a vacancy within sixty (60)

days after the date the vacancy occurs, the vacancy shall be filled by the chair of the legislative council.

(h) The chair of the legislative council shall designate a member of the committee to be the chair of the committee

(i) The chair of the committee shall call for the committee to meet at least six (6) times during a calendar year. The chair may designate subcommittees to meet between committee meetings and report back to the full committee.

(j) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, serving on interim study committees established by the legislative council.

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

(l) The legislative services agency shall provide staff support to the committee.

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

(n) The committee shall study, investigate, and oversee the following issues:

(1) The current operating practices of state care facilities.

(2) The nature and needs of the populations served by state care facilities.

(3) Staffing, training and resource needs of state care facilities.

(4) Funding and the financial status of state care facilities.

(5) Legislative and administrative changes needed to serve the populations of state care facilities.

(6) Any other matter related to state care facilities.

(o) The committee shall submit:

(1) an interim report of the committee's findings and recommendations to the legislative council by October 31, 2000; and

(2) a final report of the committee's findings and recommendations to the legislative council by October 31, 2001.

(p) A state care facility shall, upon request, submit information to the committee.

(q) The agency division directors of disability, aging and rehabilitative services and the division of mental health, and the state health commissioner shall report to the committee each month concerning each state care facility under their administrative control and responsibility, the following:

(1) The status and progress of a five (5) year long-range plan to improve:

(A) Staffing and training of nursing care staff, and other support staff.

(B) Funding for hiring a sufficient number of competent, reliable staff members.

(C) The physical plant.

(D) Properly monitored community placement.

(2) Proposed rules and rulemaking in progress.

(3) Current financial status of state operated care facilities.

(4) Current staffing levels and training of nursing and support staff.

(4) Any additional matter requested by the committee.

(q) The council on state operated care facilities created by executive order 99-19 shall submit a copy of the council's interim and final reports to the committee at the same time the council submits the reports to the governor.

(r) This SECTION expires December 31, 2001."

(Reference is to HB 1311 as printed January 27, 2000.)

GOEGLEIN

Upon request of Representatives Goeglein and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 171: yeas 46, nays 50. Motion failed. The bill was ordered engrossed.

### House Bill 1067

Representative Oxley called down House Bill 1067 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1067-3)

Mr. Speaker: I move that House Bill 1067 be amended to read as follows:

Page 11, between lines 41 through 42, begin a new paragraph and insert:

"SECTION 7. IC 6-9-35 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

**Chapter 35. Orange County Innkeeper's Tax**

**Sec. 1. (a)** This chapter applies to a county having a population of more than eighteen thousand three hundred (18,300) but less than eighteen thousand five hundred (18,500) that adopted an innkeeper's tax under IC 6-9-18 before July 1, 2000.

**(b) The:**

- (1) convention, visitor, and tourism promotion fund;
- (2) convention and visitor commission;
- (3) innkeeper's tax rate; and
- (4) tax collection procedures;

established under IC 6-9-18 before July 1, 2000, remain in effect and govern the county's innkeeper's tax through June 30, 2000. After June 30, 2000, this chapter governs the county's innkeeper's tax. However, the tax rate and tax collection procedures adopted under IC 6-9-18 remain in effect after June 30, 2000, unless the rate or collection procedures are amended by an ordinance adopted under this chapter.

**(c)** A member of the convention and visitor commission established by the county under IC 6-9-18 before July 1, 2000, shall serve a full term of office. If a vacancy occurs, the appointing authority shall appoint a qualified replacement as provided under this chapter. The appointing authority shall make other subsequent appointments to the commission as provided under this chapter.

**Sec. 2.** As used in this chapter, "executive" has the meaning set forth in IC 36-1-2-5.

**Sec. 3.** As used in this chapter, "fiscal body" has the meaning set forth in IC 36-1-2-6.

**Sec. 4.** As used in this chapter, "gross retail income" has the meaning set forth in IC 6-2.5-1-5.

**Sec. 5.** As used in this chapter, "person" has the meaning set forth in IC 6-2.5-1-3.

**Sec. 6. (a)** The fiscal body of a county may levy a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:

- (1) hotel;
- (2) motel;
- (3) boat motel;
- (4) inn;
- (5) college or university memorial union;
- (6) college or university residence hall or dormitory; or
- (7) tourist cabin;

located in the county.

**(b)** The tax does not apply to gross income received in a transaction in which:

- (1) a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county; or
- (2) a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.

**(c)** The tax may not exceed the rate of five percent (5%) on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under IC 6-2.5.

**(d)** The county fiscal body may adopt an ordinance to require that the tax be reported on forms approved by the county treasurer and that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month in which the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

**(e)** All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this section except to the extent those provisions are in conflict or are inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. If the tax is paid to the department of state revenue, the return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

**(f)** If the tax is paid to the department of state revenue, the amounts received from the tax imposed under this section shall be paid monthly by the treasurer of state to the county treasurer upon warrants issued by the auditor of state.

**Sec. 7. (a)** If a tax is levied under section 6 of this chapter, the county treasurer shall establish a convention, visitor, and tourism promotion fund. The county treasurer shall deposit in this fund all amounts the county treasurer receives under that section.

**(b)** In a county in which a commission has been established under section 8 of this chapter, the county auditor shall issue a warrant directing the county treasurer to transfer money from the convention, visitor, and tourism promotion fund to the commission's treasurer if the commission submits a written request for the transfer.

**(c)** Money in a convention, visitor, and tourism promotion fund, or money transferred from such a fund under subsection (b), may be expended only to promote and encourage conventions, visitors, and tourism within the county. Expenditures under this subsection may include, but are not limited to, expenditures for advertising, promotional activities, trade shows, special events, and recreation.

**Sec. 8. (a)** If a tax is levied under section 6 of this chapter, the county executive shall create a commission to promote the development and growth of the convention, visitor, and tourism industry in the county. If two (2) or more adjoining counties desire to establish a joint commission, the counties shall enter into an agreement under IC 36-1-7.

**(b)** A commission established under this section consists of the following seven (7) members:

- (1) Four (4) members appointed by the executive of a municipality in which seventy-five percent (75%) or more of the tax revenue collected under IC 6-9-18 was collected.
- (2) Two (2) members appointed by the county executive.
- (3) One (1) member appointed by the executive of the largest municipality located in the county.

**(c)** A simple majority of the members appointed under this section must be:

- (1) engaged in a convention, visitor, or tourism business; or
- (2) involved in or promoting conventions, visitors, or tourism.

If available and willing to serve, at least two (2) of the members must be engaged in the business of renting or furnishing rooms, lodging, or accommodations (as described in section 6 of this chapter). Not more than one (1) member may be affiliated with the same business entity. Not more than a simple majority of the members may be affiliated with the same political party. Each member must reside in the county.

**(d)** All terms of office of commission members begin on January 1. Initial appointments must be for staggered terms, with subsequent appointments for two (2) year terms. A member whose term expires may be reappointed to serve another term. If a vacancy occurs, the appointing authority shall appoint a qualified person to serve for the remainder of the term. If an initial appointment is not made by February 1 or a vacancy is not filled within thirty (30) days, the commission shall appoint a member by majority vote.

**(e)** A member of the commission may be removed for cause by the member's appointing authority.

**(f)** Members of the commission may not receive a salary. However, commission members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties.

**(g)** Each commission member, before entering the member's duties, shall take an oath of office in the usual form, to be endorsed

upon the member's certificate of appointment and promptly filed with the clerk of the circuit court of the county.

(h) The commission shall meet after January 1 for the purpose of organization. It shall elect one (1) of its members president, another vice president, another secretary, and another treasurer. The members elected to those offices shall perform the duties pertaining to the offices. The first officers chosen shall serve from the date of their election until their successors are elected and qualified. A majority of the commission constitutes a quorum, and the concurrence of a majority of the commission is necessary to authorize any action.

Sec. 9. (a) The commission may:

- (1) accept and use gifts, grants, and contributions from any public or private source, under terms and conditions that the commission considers necessary and desirable;
- (2) sue and be sued;
- (3) enter into contracts and agreements;
- (4) make rules necessary for the conduct of its business and the accomplishment of its purposes;
- (5) receive and approve, alter, or reject requests and proposals for funding by corporations qualified under subdivision (6);
- (6) after its approval of a proposal, transfer money, quarterly or less frequently, from the fund established under section 7(a) of this chapter, or from money transferred from that fund to the commission's treasurer under section 7(b) of this chapter, to an Indiana nonprofit corporation to promote and encourage conventions, visitors, or tourism in the county; and
- (7) require financial or other reports from a corporation that receives funds under this chapter.

(b) All expenses of the commission shall be paid from the fund established under section 7(a) of this chapter or from money transferred from that fund to the commission's treasurer under section 7(b) of this chapter. The commission shall annually prepare a budget, taking into consideration the recommendations made by a corporation qualified under subsection (a)(6) and submit it to the county fiscal body for its review and approval. An expenditure may not be made under this chapter unless it is in accordance with an appropriation made by the county fiscal body in the manner provided by law.

Sec. 10. All money coming into possession of the commission shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money coming into possession of the commission is subject to audit and supervision by the state board of accounts.

Sec. 11. (a) A member of the commission who knowingly approves:

- (1) the transfer of money to any person or corporation not qualified under law for that transfer; or
- (2) a transfer for a purpose not permitted under law;

commits a Class D felony.  
(b) A person who receives a transfer of money under this chapter and knowingly uses that money for any purpose not permitted under this chapter commits a Class D felony."

Page 12, between lines 5 and 6, begin a new paragraph and insert: "SECTION 9. [EFFECTIVE JULY 1, 2000] (a) This SECTION applies to a commission to promote and encourage conventions, visitors, and tourism established under IC 6-9-35-8, as added by this act.

(b) This SECTION provides the procedure for the transition to a commission with membership appointed under IC 6-9-35-8, as added by this act.

(c) Each member of the commission who was appointed before July 1, 2000, may continue to serve on the commission until the normal expiration of the member's term. However, upon the expiration of a member's term, each vacancy shall be filled by appointment as follows:

- (1) The first three (3) vacancies for members appointed by the county executive and the vacancy for a member appointed by the municipality in the county in which more than fifty percent (50%) of the revenue was collected under IC 6-9-18 shall be filled by appointment under IC 6-9-35-8(b)(1), as added by this act.

(2) The fourth and fifth vacancies for members appointed by the county executive shall be filled by appointment under IC 6-9-35-8(b)(2), as added by this act.

(3) The vacancy for a member appointed by the largest municipality in the county shall be filled by appointment under IC 6-9-35-8(b)(3), as added by this act.

(d) This SECTION expires December 31, 2003."

Renumber all SECTIONS consecutively.

(Reference is to HB 1067 as printed January 28, 2000.)

DENBO

Motion prevailed.

HOUSE MOTION  
(Amendment 1067-1)

Mr. Speaker: I move that House Bill 1067 be amended to read as follows:

Page 5, between lines 10 and 11, begin a new paragraph and insert: "SECTION 5. IC 6-3.5-1.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. (a) The part of a county's certified distribution for a calendar year that is to be used as property tax replacement credits shall be allocated by the county auditor among the civil taxing units and school corporations of the county.

(b) Except as provided in section 13 of this chapter, the amount of property tax replacement credits that each civil taxing unit and school corporation in a county is entitled to receive during a calendar year equals the product of:

- (1) that part of the county's certified distribution that is dedicated to providing property tax replacement credits for that same calendar year; multiplied by
- (2) a fraction:

(A) The numerator of the fraction equals the sum of the total property taxes being collected by the civil taxing unit or school corporation civil taxing unit's or school corporation's maximum permissible property tax levy during that calendar year, plus with respect to a civil taxing unit, the amount of federal revenue sharing funds and certified shares received by it during that calendar year to the extent that they are used to reduce its property tax levy below the limit imposed by IC 6-1.1-18.5 for that same calendar year.

(B) The denominator of the fraction equals the sum of the total property taxes being collected by all civil taxing units and school corporations; maximum permissible property tax levies of all civil taxing units and school corporations in the county, plus the amount of federal revenue sharing funds and certified shares received by all civil taxing units in the county to the extent that they are used to reduce the civil taxing units' property tax levies below the limits imposed by IC 6-1.1-18.5 for that same calendar year.

However, if the amount of property tax replacement credits that a civil taxing unit or a school corporation in a county is entitled to receive during a calendar year is less than the property tax replacement credits that the unit or school corporation received in 1999, then for those civil taxing units or school corporations that would otherwise receive property tax replacement credits greater than the credits received in 1999, the amount of credits in excess of the 1999 credit amounts shall be proportionally reduced (based on maximum permissible property tax levies).

(c) The state board of tax commissioners shall provide each county auditor with the amount of property tax replacement credits that each civil taxing unit and school corporation in the auditor's county is entitled to receive. The county auditor shall then certify to each civil taxing unit and school corporation the amount of property tax replacement credits it is entitled to receive (after adjustment made under section 13 of this chapter) during that calendar year. The county auditor shall also certify these distributions to the county treasurer.

SECTION 6. IC 6-3.5-1.1-15, AS AMENDED BY P.L.273-1999, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 15. (a) As used in this section, "attributed levy" of a civil taxing unit means the sum of:

(1) the ~~ad valorem maximum permissible~~ property tax levy of the civil taxing unit ~~that is currently being collected~~ at the time the allocation is made; plus

(2) the ~~current maximum permissible~~ ad valorem property tax levy of any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the civil taxing unit; plus

(3) the amount of federal revenue sharing funds and certified shares that were used by the civil taxing unit (or any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the civil taxing unit) to reduce its ad valorem property tax levies below the limits imposed by IC 6-1.1-18.5; plus

(4) in the case of a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(b) The part of a county's certified distribution that is to be used as certified shares shall be allocated only among the county's civil taxing units. Each civil taxing unit of a county is entitled to receive a percentage of the certified shares to be distributed in the county equal to the ratio of its attributed levy to the total attributed levies of all civil taxing units of the county. **However, if the amount of certified shares that a civil taxing unit is entitled to receive during a calendar year is less than the certified shares that the unit received in 1999, then for those civil taxing units that would otherwise receive certified shares greater than the certified shares received in 1999, the amount of certified shares in excess of the 1999 certified share amounts shall be proportionally reduced (based on maximum permissible property tax levies).**

(c) The local government tax control board established by IC 6-1.1-18.5-11 shall determine the attributed levies of civil taxing units that are entitled to receive certified shares during a calendar year. If the ~~ad valorem maximum permissible~~ property tax levy of any special taxing district, authority, board, or other entity is attributed to another civil taxing unit under subsection (b)(2), then the special taxing district, authority, board, or other entity shall not be treated as having an attributed levy of its own. The local government tax control board shall certify the attributed levy amounts to the appropriate county auditor. The county auditor shall then allocate the certified shares among the civil taxing units of his county.

(d) Certified shares received by a civil taxing unit shall be treated as additional revenue for the purpose of fixing its budget for the calendar year during which the certified shares will be received. The certified shares may be allocated to or appropriated for any purpose, including property tax relief or a transfer of funds to another civil taxing unit whose levy was attributed to the civil taxing unit in the determination of its attributed levy.

SECTION 7. IC 6-3.5-6-18, AS AMENDED BY P.L.273-1999, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

(1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;

(2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);

(3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;

(4) make payments permitted under IC 36-7-15.1-17.5;

(5) make payments permitted under subsection ~~(f)~~; **(i)**; and

(6) make distributions of distributive shares to the civil taxing units of a county.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax

collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain the amount, if any, specified by the county fiscal body for a particular calendar year under subsection ~~(f)~~; **(i)**, IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year. The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

(1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the ~~total property taxes that are first due and payable to the civil taxing unit~~ **civil taxing unit's maximum permissible property tax levy** during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund. The denominator of the fraction equals the sum of the ~~total property taxes that are first due and payable to~~ **maximum permissible property tax levies** of all civil taxing units of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

**However, if the amount of distributive shares that a civil taxing unit is entitled to receive during a calendar year is less than the distributive shares that the unit received in 1999, then for those civil taxing units that would otherwise receive distributive shares greater than the distributive shares received in 1999, the amount of distributive shares in excess of the 1999 distributive share amounts shall be proportionally reduced (based on maximum permissible property tax levies).**

(f) The state board of tax commissioners shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The state board of tax commissioners shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

~~(f)~~ **(i)** Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment

of the county's residents."

Page 7, between lines 6 and 7, begin a new paragraph and insert:  
"SECTION 8. IC 6-3.5-7-12, AS AMENDED BY P.L.124-1999, SECTION 1, AND AS AMENDED BY P.L.273-1999, SECTION 74, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. (a) *Except as provided in section 23 of this chapter*, the county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and section 15 of this chapter, the amount of the certified distribution that the county and each city or town in a county is entitled to receive during May and November of each year equals the product of *the following*:

- (1) The amount of the certified distribution for that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the *sum of the following*:

(A) ~~Total property taxes that are first due and payable to The maximum permissible property tax levy of the county, city, or town during the calendar year in which the month falls;~~  
*plus*

(B) *For a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.*

The denominator of the fraction equals the sum of the ~~total property taxes that are first due and payable to maximum property tax levies of the county and all cities and towns of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.~~

**However, if the amount of certified shares that a civil taxing unit is entitled to receive during a calendar year is less than the certified shares that the unit received in 1999, then for those civil taxing units that would otherwise receive certified shares greater than the certified shares received in 1999, the amount of certified shares in excess of the 1999 certified share amounts shall be proportionally reduced (based on maximum permissible property tax levies).**

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before July 1 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

- (1) The ordinance is effective January 1 of the following year.
- (2) The amount of the certified distribution that the county and each city and town in the county is entitled to receive during May and November of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

- (3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

- (1) The county.
- (2) A city or town in the county.
- (3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The state board of tax commissioners shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) *Except as provided in subsection (b)(2)(B)*, in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the state board of tax commissioners shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In a county having a consolidated city, only the consolidated city is entitled to the certified distribution, subject to the requirements of section 15 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1067 as printed January 28, 2000.)

THOMPSON

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

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

### House Bill 1011

Representative Porter called down House Bill 1011 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1011-1)

Mr. Speaker: I move that House Bill 1011 be amended to read as follows:

Page 4, after line 33, begin a new paragraph and insert:

SECTION 4. IC 35-50-6-3.3, AS AMENDED BY P.L.183-1999, SECTION 3, AND AS AMENDED BY P.L.243-1999, SECTION 3, IS AMENDED AND CORRECTED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, ~~if~~ a person earns credit time if the person:

- (1) is in credit Class I;
- (2) has demonstrated a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-10.1-12.1, if the person has not previously obtained a high school diploma.

(B) A high school diploma.

(C) An associate's degree from an approved institution of higher learning (as defined under IC 20-12-21-3).

(D) A bachelor's degree from an approved institution of higher learning (as defined under IC 20-12-21-3).

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

- (1) is in credit Class I;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a vocational education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsection (a) and subsection (b) for the same program of study.

(d) The amount of credit time a person may earn under this section is the following:

- (1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1.
- (2) One (1) year for graduation from high school.
- (3) One (1) year for completion of an associate's degree.
- (4) Two (2) years for completion of a bachelor's degree.
- (5) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction.
- (6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more vocational education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person after subtracting all other credit time earned by the person.

(f) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(g) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(h) Subsection (e) applies only to a person who completes at least a portion of the degree or program requirements under subsection (a) or (b) after June 30, 1999. Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from the period of imprisonment imposed on the person by the sentencing court.

(i) The maximum amount of credit time a person may earn under this section is the lesser of:

- (1) four (4) years; or
- (2) one-third (1/3) of the person's total applicable credit time.

**(j) This section does not apply to a person who is found to have committed the offense of domestic battery (IC 35-42-2-1.3) or a sex crime under IC 35-42-4."**

(Reference is to HB 1011 as printed January 28, 2000.)

M. YOUNG

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

#### APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative M. Young's amendment (1011-1) violates Rule 80. The amendment is germane as the bill deals with criminal law.

M. YOUNG  
MURPHY

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 172: yeas 50, nays 47. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

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

#### House Bill 1221

Representative Ripley called down House Bill 1221 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1221-4)

Mr. Speaker: I move that House Bill 1221 be amended to read as follows:

Page 3, between lines 29 and 30, begin a new paragraph and insert: "SECTION 2. IC 36-8-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) The board consists of three (3) commissioners appointed by the town legislative body. The commissioners must be of good moral character and legal residents of the town. Not more than two (2) of the commissioners may be of the same political party. All three (3) commissioners shall be appointed in January following the ~~general or primary election at which the trustees' action is ratified.~~ **the adoption of the enabling ordinance by the legislative body of the town.** One (1) commissioner serves for one (1) year, one (1) commissioner serves for two (2) years, and one (1) commissioner serves for three (3) years. On January 1 of each year one (1) commissioner shall be appointed to serve for a term of three (3) years. Each commissioner is subject to removal by the legislative body for any cause that the legislative body considers sufficient.

(b) After the initial appointment of the three (3) commissioners, the town legislative body may, by ordinance, increase the size of the board by providing for the appointment of two (2) additional commissioners. The commissioners must be of good moral character and legal residents of the town. The additional commissioners may not be members of the same political party. Each additional commissioner shall be appointed to serve for a term of three (3) years, however the initial appointment need not be for three (3) years if the town legislative body adopts, by ordinance, a staggered system for the terms of the additional members. The terms of additional members begin January 1 following the date of their appointment. Each commissioner appointed under this subsection is subject to removal by the legislative body for any cause that the legislative body considers sufficient.

(c) Before entering upon his duties, each commissioner shall take and subscribe an oath of office before the clerk of the county in which the town is located. Each commissioner shall also take and subscribe before the clerk the further oath or affirmation that, in each appointment or removal made by the board to or from the town police department under this chapter, he will not appoint or remove a member because of the political affiliation of the person or for another cause or reason other than that of the fitness of the person. The oath and affirmation shall be recorded and placed among the records of the court.

(d) Each commissioner shall give bond in the penal sum of five thousand dollars (\$5,000), payable to the state and conditioned upon the faithful and honest discharge of his duties. The bond must be approved by the legislative body.

(e) The salary of the commissioners shall be fixed by the legislative body and is payable monthly out of the treasury of the town."

Renumber all SECTIONS consecutively.

(Reference is to HB 1221 as printed January 25, 2000.)

WHETSTONE

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1293

Representative Ruppel called down House Bill 1293 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1293-3)

Mr. Speaker: I move that House Bill 1293 be amended to read as follows:

Page 2, delete lines 10 through 25.

Page 2, after line 25, begin a new paragraph and insert:

**"(d) A covered individual may not be required to pay an additional deductible and coinsurance for the colorectal cancer examination and laboratory testing benefit that is greater than an annual deductible or coinsurance established for similar benefits under the self insurance program or contract with health maintenance**

**organizations. If the program does not cover a similar benefit, the deductible or coinsurance may not be set at a level that materially diminishes the value of the colorectal cancer examination and laboratory testing benefit required by this chapter."**

Page 3, delete lines 13 through 19.

Page 3, line 20, delete "(d)" and insert "(c)".

Page 3, delete lines 29 through 42.

Page 4, delete lines 19 through 25.

Page 4, after line 25, begin a new paragraph and insert:

**d) A covered individual may not be required to pay an additional deductible and coinsurance for the colorectal cancer examination and laboratory testing benefit that is greater than an annual deductible or coinsurance established for similar benefits under the self insurance program or contract with health maintenance organizations. If the program does not cover a similar benefit, the deductible or coinsurance may not be set at a level that materially diminishes the value of the colorectal cancer examination and laboratory testing benefit required by this chapter."**

(Reference is to HB1293 as printed January 19, 2000.)

RUPPEL

Motion prevailed. The bill was ordered engrossed.

### House Bill 1059

Representative Mangus called down House Bill 1059 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1136

Representative Thompson called down House Bill 1136 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1136-1)

Mr. Speaker: I move that House Bill 1136 be amended to read as follows:

Page 2, line 13, after "earns" insert "not more than".

Page 2, line 17, delete "thirty-six (36)" and insert "not less than thirty (30)".

Page 2, line 18, after "are" insert "either approved or".

Page 2, line 25, after "(B)" insert "not more than"

Page 2, line 29, after "are" insert "either approved or".

Page 2, line 32, delete "thirty-six (36)" and insert "not less than thirty (30)".

Page 2, after line 33, begin a new subparagraph and insert:

**"(e) Compensation for continuing education or professional development activities which are required in order to obtain or retain a teacher license shall be determined in accordance with the provisions of IC 20-7.5. Nothing shall limit the rights of the school employer or the exclusive representative to mutually establish through the provisions of IC 20-7.5 compensation for continuing education or professional development activities which are in addition to requirements to obtain or retain a teaching license."**

(Reference is to HB1136 as printed January 27, 2000.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

### House Bill 1302

Representative Tincher called down House Bill 1302 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1302-2)

Mr. Speaker: I move that House Bill 1302 be amended to read as follows:

Delete the title and insert the following:

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

Page 10, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE JULY 1, 2000] (a) There is appropriated to the pension stabilization fund (IC 21-6.1-2-8) one billion four hundred forty-three million one hundred thousand dollars (\$1,443,100,000) from the state general fund beginning July 1, 2000, and ending June 30, 2001.

(b) This SECTION expires July 1, 2001."

Renumber all SECTIONS consecutively.

(Reference is to HB 1302 as printed January 27, 2000.)

BUCK

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

#### APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Buck's amendment (1302-2) violates Rule 80. The amendment is germane as the bill deals with pensions.

BUCK  
MURPHY

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 173: yeas 51, nays 47. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

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

### House Bill 1104

Representative Tincher called down House Bill 1104 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1104-1)

Mr. Speaker: I move that House Bill 1104 be amended to read as follows:

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

"SECTION 1. IC 4-15-2-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 29. (a) The rules shall provide for the hours of work, holidays, attendance regulation and leaves of absence in the various classes of positions in the classified service. They shall contain provisions for annual, sick, and special leaves of absence with or without pay or with reduced pay, and may allow special extended leaves for employees disabled through injury or illness arising out of their employment, and the accumulation of annual and sick leaves.

(b) An employee may transfer sick, personal, compensatory and vacation leaves of absence to any other employee. No fee or compensation of any kind shall be associated with this transfer. The rules shall provide the method for this transfer."

Renumber all SECTIONS consecutively.

(Reference is to HB 1104 as printed January 28, 2000.)

M. YOUNG

Upon request of Representatives M. Young and Linder, the Speaker ordered the roll of the House to be called. Roll Call 174: yeas 68, nays 30. Motion prevailed.

#### HOUSE MOTION (Amendment 1104-3)

Mr. Speaker: I move that House Bill 1104 be amended to read as follows:

Page 1, line 6, delete ":-".

Page 1, line 7, strike "(1)".

Page 1, delete line 8.

Page 1, line 9, strike "(2) a state elected official's office."

(Reference is to HB 1104 as printed January 28, 2000.)

TINCHER

Motion prevailed. The bill was ordered engrossed.

**House Bill 1232**

Representative D. Young called down House Bill 1232 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1232-1)

Mr. Speaker: I move that House Bill 1232 be amended to read as follows:

Page 1, delete lines 6 through 7.

Page 1, line 8, delete "(3)" and insert "(2)".

Page 1, line 11, delete "(4)" and insert "(3)".

Page 1, line 12, delete "fire department or".

Page 1, line 13, after "technician" insert "or other person".

Page 1, line 13, after "capacity." delete "In".

Page 1, delete lines 14 through 16.

Page 1, between lines 16 and 17, begin a new paragraph and insert: "**Sec. 4. "Volunteer ambulance company" means a department or association:**

(1) **organized as a nonprofit corporation or unincorporated association; or**

(2) **created by a governmental unit;**

**for the purpose of providing emergency medical services, including transportation of ill or injured persons, and in which the majority of members of the department or association do not receive compensation or receive minimal compensation for their services."**

Page 1, line 17, delete ""volunteer emergency medical".

Page 2, line 1, delete "technician"" and insert ""member"".

Page 2, line 6, delete "or an" and insert "executive".

Page 2, line 11, delete "unit" and insert "provider".

Page 2, line 13, delete "of the provider" and insert ".".

Page 2, line 14, delete "who is an emergency medical technician."

Page 4, line 7, after "technician." insert "**An amount paid to a member under section 9(1) of this chapter is a credit against any benefits payable under this subsection."**

(Reference is to HB 1232 as printed January 27, 2000.)

D. YOUNG

Motion prevailed. The bill was ordered engrossed.

**House Bill 1290**

Representative M. Young called down House Bill 1290 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1290-1)

Mr. Speaker: I move that House Bill 1290 be amended to read as follows:

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

"SECTION 1. IC 9-13-2-131, AS AMENDED BY P.L.1-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 131. "Prima facie evidence of intoxication" includes evidence that at the time of an alleged violation the person had an alcohol concentration equivalent to at least ~~ten-hundredths (0.10)~~ **nine-hundredths (0.09)** gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath.

SECTION 2. IC 9-13-2-151, AS AMENDED BY P.L.1-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 151. "Relevant evidence of intoxication" includes evidence that at the time of an alleged violation a person had an alcohol concentration equivalent to at least five-hundredths (0.05) gram, but less than ~~ten-hundredths (0.10)~~ **nine-hundredths (0.09)** gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath.

SECTION 3. IC 9-24-6-15, AS AMENDED BY P.L.1-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 15. A person who operates a commercial motor vehicle with an alcohol concentration equivalent to at least four-hundredths (0.04) gram but less than ~~ten-hundredths (0.10)~~ **nine-hundredths (0.09)** gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath;

commits a Class C infraction.

SECTION 4. IC 9-30-5-1, AS AMENDED BY P.L.1-2000, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) A person who operates a vehicle with an alcohol concentration equivalent to at least ~~ten-hundredths (0.10)~~ **nine-hundredths (0.09)** gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath;

commits a Class C misdemeanor.

(b) A person who operates a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath;

commits a Class A misdemeanor.

(c) A person who operates a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body commits a Class C misdemeanor.

(d) It is a defense to subsection (c) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 5. IC 9-30-5-4, AS AMENDED BY P.L.1-2000, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) A person who causes serious bodily injury to another person when operating a motor vehicle:

(1) with an alcohol concentration equivalent to at least ~~ten-hundredths (0.10)~~ **nine-hundredths (0.09)** gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or

(3) while intoxicated;

commits a Class D felony. However, the offense is a Class C felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this chapter.

(b) A person who violates subsection (a) commits a separate offense for each person whose serious bodily injury is caused by the violation of subsection (a).

(c) It is a defense under subsection (a)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 6. IC 9-30-5-5, AS AMENDED BY P.L.1-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) A person who causes the death of another person when operating a motor vehicle:

(1) with an alcohol concentration equivalent to at least ~~ten-hundredths (0.10)~~ **nine-hundredths (0.09)** gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood; or

(3) while intoxicated;

commits a Class C felony. However, the offense is a Class B felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this chapter.

(b) A person who violates subsection (a) commits a separate offense for each person whose death is caused by the violation of subsection (a).

(c) It is a defense under subsection (a)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 7. IC 9-30-5-8.5, AS AMENDED BY P.L.1-2000, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8.5. (a) A person who:

(1) is less than twenty-one (21) years of age; and  
 (2) operates a vehicle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram but less than ~~ten-hundredths (0.10)~~ **nine-hundredths (0.09)** gram of alcohol per:

- (A) one hundred (100) milliliters of the person's blood; or
- (B) two hundred ten (210) liters of the person's breath;

commits a Class C infraction.

(b) In addition to the penalty imposed under this section, the court may recommend the suspension of the driving privileges of the operator of the vehicle for not more than one (1) year."

Page 3, between lines 7 and 8, begin a new paragraph and insert:  
 "SECTION 8. IC 9-30-6-15, AS AMENDED BY P.L.1-2000, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 15. (a) At any proceeding concerning an offense under IC 9-30-5 or a violation under IC 9-30-15, evidence of the alcohol concentration that was in the blood of the person charged with the offense:

- (1) at the time of the alleged violation; or
- (2) within the time allowed for testing under section 2 of this chapter;

as shown by an analysis of the person's breath, blood, urine, or other bodily substance is admissible.

(b) If, in a prosecution for an offense under IC 9-30-5, evidence establishes that:

- (1) a chemical test was performed on a test sample taken from the person charged with the offense within the period of time allowed for testing under section 2 of this chapter; and
- (2) the person charged with the offense had an alcohol concentration equivalent to at least ~~ten-hundredths (0.10)~~ **nine-hundredths (0.09)** gram of alcohol per:

- (A) one hundred (100) milliliters of the person's blood at the time the test sample was taken; or
- (B) two hundred ten (210) liters of the person's breath;

the trier of fact shall presume that the person charged with the offense had an alcohol concentration equivalent to at least ~~ten-hundredths (0.10)~~ **nine-hundredths (0.09)** gram of alcohol per one hundred (100) milliliters of the person's blood or per two hundred ten (210) liters of the person's breath at the time the person operated the vehicle. However, this presumption is rebuttable.

(c) If evidence in an action for a violation under IC 9-30-5-8.5 establishes that:

- (1) a chemical test was performed on a test sample taken from the person charged with the violation within the time allowed for testing under section 2 of this chapter; and
- (2) the person charged with the violation:

- (A) was less than twenty-one (21) years of age at the time of the alleged violation; and
- (B) had an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per:
  - (i) one hundred (100) milliliters of the person's blood; or
  - (ii) two hundred ten (210) liters of the person's breath;

at the time the test sample was taken;

the trier of fact shall presume that the person charged with the violation had an alcohol concentration equivalent to at least two-hundredths (0.02) gram of alcohol per one hundred (100) milliliters of the person's blood or per two hundred ten (210) liters of the person's breath at the time the person operated the vehicle. However, the presumption is rebuttable.

(d) If, in an action for a violation under IC 9-30-15, evidence establishes that:

- (1) a chemical test was performed on a test sample taken from the person charged with the offense within the time allowed for testing under section 2 of this chapter; and
- (2) the person charged with the offense had an alcohol concentration equivalent to at least four-hundredths (0.04) gram of alcohol per:

- (A) one hundred (100) milliliters of the person's blood; or
- (B) two hundred ten (210) liters of the person's breath;

at the time the test sample was taken;

the trier of fact shall presume that the person charged with the

offense had an alcohol concentration equivalent to at least four-hundredths (0.04) gram of alcohol by weight in grams per one hundred (100) milliliters of the person's blood or per two hundred ten (210) liters of the person's breath at the time the person operated the vehicle. However, this presumption is rebuttable.

SECTION 9. IC 9-30-10-4, AS AMENDED BY P.L.1-2000, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

- (1) Reckless homicide resulting from the operation of a motor vehicle.
- (2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.
- (3) Failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.
- (4) Operation of a vehicle while intoxicated resulting in death.
- (5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.
- (6) After June 30, 1997, **and before July 1, 2000**, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:
  - (A) one hundred (100) milliliters of the blood; or
  - (B) two hundred ten (210) liters of the breath;
 resulting in death.
- (7) **After June 30, 2000, operation of a vehicle with an alcohol concentration equivalent to at least nine-hundredths (0.09) gram of alcohol per:**
  - (A) **one hundred (100) milliliters of the blood; or**
  - (B) **two hundred ten (210) liters of the breath;****resulting in death.**

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator:

- (1) Operation of a vehicle while intoxicated.
- (2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.
- (3) After June 30, 1997, **and before July 1, 2000**, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:
  - (A) one hundred (100) milliliters of the blood; or
  - (B) two hundred ten (210) liters of the breath.
- (4) **After June 30, 2000, operation of a vehicle with an alcohol concentration equivalent to at least nine-hundredths (0.09) gram of alcohol per:**
  - (A) **one hundred (100) milliliters of the blood; or**
  - (B) **two hundred ten (210) liters of the breath.**
- (5) Operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991) or IC 9-24-18-5(b).
- (~~5~~) (6) Operating a motor vehicle without ever having obtained a license to do so.
- (~~6~~) (7) Reckless driving.
- (~~7~~) (8) Criminal recklessness involving the operation of a motor vehicle.
- (~~8~~) (9) Drag racing or engaging in a speed contest in violation of law.
- (~~9~~) (10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-1(4), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or IC 9-26-1-4.
- (~~10~~) (11) Any felony under an Indiana motor vehicle statute or any felony in the commission of which a motor vehicle is used.

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, not arising out of the same incident, and with at least one (1) violation occurring after March 31, 1984, is a habitual violator. However, at least one (1) of the judgments must be for a violation enumerated in subsection (a) or (b). A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

SECTION 10. IC 9-30-10-9, AS AMENDED BY P.L.1-1999, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. (a) If a court finds that a person:

- (1) is a habitual violator under section 4(c) of this chapter;
- (2) has not been previously placed on probation under this section by a court;
- (3) operates a vehicle for commercial or business purposes, and the person's mileage for commercial or business purposes:
  - (A) is substantially in excess of the mileage of an average driver; and
  - (B) may have been a factor that contributed to the person's poor driving record; and
- (4) does not have:
  - (A) a judgment for a violation enumerated in section 4(a) of this chapter; or
  - (B) at least three (3) judgments (singularly or in combination and not arising out of the same incident) of the violations enumerated in section 4(b) of this chapter;

the court may place the person on probation in accordance with subsection (c).

(b) If a court finds that a person:

- (1) is a habitual violator under section 4(b) of this chapter;
- (2) has not been previously placed on probation under this section by a court;
- (3) does not have a judgment for any violation listed in section 4(a) of this chapter;
- (4) has had the person's driving privileges suspended under this chapter for at least five (5) consecutive years; and
- (5) has not violated the terms of the person's suspension by operating a vehicle;

the court may place the person on probation in accordance with subsection (c). However, if the person has any judgments for operation of a vehicle **before July 1, 2000**, while intoxicated or with **an alcohol concentration equivalent to at least ten-hundredths percent (0.10%) (0.10) gram of alcohol by weight in grams in per** one hundred (100) milliliters of the blood, or two hundred ten (210) liters of the breath, **or for the operation of a vehicle after June 30, 2000, while intoxicated or with an alcohol concentration equivalent to at least nine-hundredths (0.09) gram of alcohol per one hundred (100) milliliters of the blood, or two hundred ten (210) liters of the breath,** the court, before the court places a person on probation under subsection (c), must find that the person has successfully fulfilled the requirements of a rehabilitation program certified by the division of mental health.

(c) Whenever a court places a habitual violator on probation, the court:

- (1) shall record each of the court's findings under this section in writing;
- (2) shall obtain the person's driver's license or permit and send the license or permit to the bureau;
- (3) shall direct the person to apply to the bureau for a restricted driver's license;
- (4) shall order the bureau to issue the person an appropriate license;
- (5) shall place the person on probation for a fixed period of not less than three (3) years and not more than ten (10) years;
- (6) shall attach restrictions to the person's driving privileges, including restrictions limiting the person's driving to:

(A) commercial or business purposes or other employment related driving;

(B) specific purposes in exceptional circumstances; and

(C) rehabilitation programs;

(7) shall order the person to file proof of financial responsibility for three (3) years following the date of being placed on probation; and

(8) may impose other appropriate conditions of probation.

(d) If a court finds that a person:

(1) is a habitual violator under section 4(b) or 4(c) of this chapter;

(2) does not have any judgments for violations under section 4(a) of this chapter;

(3) does not have any judgments or convictions for violations under section 4(b) of this chapter, except for judgments or convictions under section 4(b)(4) of this chapter that resulted from driving on a suspended license that was suspended for:

(A) the commission of infractions only; or

(B) previously driving on a suspended license;

(4) has not been previously placed on probation under this section by a court; and

(5) has had the person's driving privileges suspended under this chapter for at least three (3) consecutive years and has not violated the terms of the person's suspension by operating a vehicle for at least three (3) consecutive years;

the court may place the person on probation under subsection (c).

SECTION 11. IC 14-15-8-5, AS AMENDED BY P.L.1-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. As used in this chapter, "prima facie evidence of intoxication" includes evidence that at the time of an alleged violation there was an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least ~~ten-hundredths (0.10)~~ **nine-hundredths (0.09)** gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath.

SECTION 12. IC 14-15-8-6, AS AMENDED BY P.L.1-2000, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. As used in this chapter, "relevant evidence" includes evidence that at the time of the alleged violation there was an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least five-hundredths (0.05) gram and less than ~~ten-hundredths (0.10)~~ **nine-hundredths (0.09)** gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath.

SECTION 13. IC 14-15-8-8, AS AMENDED BY P.L.1-2000, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) Except as provided in subsections (b) and (c), a person who operates a motorboat:

(1) with an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least ~~ten-hundredths (0.10)~~ **nine-hundredths (0.09)** gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) while intoxicated;

commits a Class C misdemeanor.

(b) The offense is a Class D felony if:

(1) the person has a previous conviction under:

(A) IC 14-1-5 (repealed); or

(B) this chapter; or

(2) the offense results in serious bodily injury to another person.

(c) The offense is a Class C felony if the offense results in the death of another person."

Page 5, between lines 29 and 30, begin a new paragraph and insert: "SECTION 14. IC 35-33-1-6, AS AMENDED BY P.L.1-2000, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. A law enforcement agency may use the following chart to determine the minimum number of hours that a person arrested for an alcohol-related offense should be detained before his release pending trial:

BLOOD OR BREATH ALCOHOL LEVEL IN GRAMS	HOURS AFTER INITIAL READING IS TAKEN													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
.09	.075	.06.045	.03.015	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.10	.085	.07.055	.04.025	.01.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.11	.095	.08.065	.05.035	.02.005	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.12	.105	.09.075	.06.045	.03.015	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.13	.115	.10.085	.07.055	.04.025	.01.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.14	.125	.11.095	.08.065	.05.035	.02.005	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.15	.135	.12.105	.09.075	.06.045	.03.015	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.16	.145	.13.115	.10.085	.07.055	.04.025	.01.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.17	.155	.14.125	.11.095	.08.065	.05.035	.02.005	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.18	.165	.15.135	.12.105	.09.075	.06.045	.03.015	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.19	.175	.16.145	.13.115	.10.085	.07.055	.04.025	.01.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.20	.185	.17.155	.14.125	.11.095	.08.065	.05.035	.02.005	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.21	.195	.18.165	.15.135	.12.105	.09.075	.06.045	.03.015	.00.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.22	.205	.19.175	.16.145	.13.115	.10.085	.07.055	.04.025	.01.000	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.23	.215	.20.185	.17.155	.14.125	.11.095	.08.065	.05.035	.02.005	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.24	.225	.21.195	.18.165	.15.135	.12.105	.09.075	.06.045	.03.015	.00.000	.00.000	.00.000	.00.000	.00.000	.00
.25	.235	.22.205	.19.175	.16.145	.13.115	.10.085	.07.055	.04.025	.01.000	.00.000	.00.000	.00.000	.00.000	.00
.26	.245	.23.215	.20.185	.17.155	.14.125	.11.095	.08.065	.05.035	.02.005	.00.000	.00.000	.00.000	.00.000	.00

Note: In order to find when a person will reach the legal blood or breath alcohol level, find the blood or breath alcohol level reading in the left hand column, go across and find where the blood or breath alcohol level reading is an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to below ~~ten-hundredths (0.10) nine-hundredths (0.09)~~ gram of alcohol per one hundred (100) milliliters of the person's blood or per two hundred ten (210) liters of the person's breath, then read up that column to find the minimum number of hours before the person can be released."

Renumber all SECTIONS consecutively.  
(Reference is to HB 1290 as printed January 28, 2000.)

**KRUSE**

After discussion, Representative Kruse withdrew the motion.

**HOUSE MOTION  
(Amendment 1290-2)**

Mr. Speaker: I move that House Bill 1290 be amended to read as follows:

Page 5, between lines 29 and 30, begin a new paragraph and insert: "SECTION 3. IC 35-50-6-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 3.6. Notwithstanding sections 3 and 3.3 of this chapter, the maximum amount of credit time a person may earn under this chapter may not exceed fifty percent (50%) of the person's fixed term of imprisonment.**"

Renumber all SECTIONS consecutively.  
(Reference is to HB 1290 as printed January 28, 2000.)

**MURPHY**

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

**APPEAL OF THE RULING OF THE CHAIR**

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Murphy's amendment (1290-2) violates Rule 80. The amendment is germane as the bill deals with criminal law.

**MURPHY  
BOSMA**

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 175: yeas 52, nays 45. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

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

**House Bill 1146**

Representative Avery called down House Bill 1146 for second reading. The bill was read a second time by title.

**HOUSE MOTION  
(Amendment 1146-5)**

Mr. Speaker: I move that House Bill 1146 be amended to read as follows:

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

"SECTION 1. IC 27-1-29-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 14. (a) In order to be eligible for payment under this chapter, a liability of a political subdivision must arise out of a claim based upon an act or omission that takes place while the political subdivision is a member of the fund.

(b) The maximum amount payable from the fund for any liability, whether or not it is covered under IC 34-13-3 (or IC 34-4-16.5 before its repeal), is:

- (1) ~~three five~~ **three five** hundred thousand dollars (~~\$300,000~~) (**\$500,000**) for injury, death, or damage suffered by any one (1) person as a result of the act or omission from which the liability arises; and
- (2) one million dollars (\$1,000,000) for all injury, death, or damage suffered by all persons as a result of the act or omission from which the liability arises.

(c) No amount may be paid from the fund in respect of punitive damages paid by or assessed against a member of the fund.

(d) No amount may be paid from the fund in the case of a liability based upon bodily injury or property damage arising out of the discharge, dispersal, release, or escape of smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, liquids, gases, waste materials, or other irritants, contaminants, or pollutants into or upon land, the atmosphere, or any watercourse or body of water unless the discharge, dispersal, release, or escape:

- (1) is caused by an act or omission of a political subdivision that is a member of the fund; and
- (2) occurs as a result of:
  - (A) a household hazardous waste; or
  - (B) a conditionally exempt small quantity generator (as described in 40 CFR 261.5(a);

collection, disposal, or recycling project conducted by or controlled by the political subdivision.

(e) The commissioner may pay a liability of a member of the fund in a series of annual payments. The amount of any annual payment under this subsection must be one hundred thousand dollars (\$100,000) or more, except for the final payment in a series of payments.

(f) The commission may negotiate a structured settlement of any claim.

(g) As used in this section, "household hazardous waste" means solid waste generated by households that consists of or contains a material that is:

- (1) ignitable, as described in 40 CFR 261.21;
- (2) corrosive, as described in 40 CFR 261.22;
- (3) reactive, as described in 40 CFR 261.23; or
- (4) toxic, as described in 40 CFR 261.24.

SECTION 2. IC 27-1-29.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 13. The amount that is to be paid by the commission toward the satisfaction of a liability qualifying for partial payment under this chapter is determined in STEP FOUR of the following formula:

STEP ONE: If the total amount of the liability exceeds ~~five eight~~ **five eight** million dollars (~~\$5,000,000~~) (**\$8,000,000**), subtract ~~five eight~~ **five eight** million dollars (~~\$5,000,000~~) (**\$8,000,000**) from the total amount of the liability.

STEP TWO: Add the remainder under STEP ONE to the minimum total amount figure that applies to the liability under section 12 of this chapter.

STEP THREE: Add to the sum determined under STEP TWO the total amount expended by the commission under section 16 of this chapter in defending the member of the fund against claims giving rise to the liability.

STEP FOUR: Subtract the sum determined under STEP THREE from the total amount of the liability."

Renumber all SECTIONS consecutively.

(Reference is to HB 1146 as printed January 28, 2000.)

DVORAK

Motion prevailed. The bill was ordered engrossed.

### House Bill 1396

Representative Bottorff called down House Bill 1396 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1396-1)

Mr. Speaker: I move that House Bill 1396 be amended to read as follows:

Page 2, line 21, delete "summary".

Page 2, line 23, after "confirm" insert "**that the system improvements are in accordance with section 5 of this chapter, to confirm**".

Page 2, line 24, after charge" insert ",."

Page 2, line 26, delete "summary".

Page 4, line 15, delete "." and insert "**and request the commission to approve the project**".

(Reference is to HB 1396 as printed January 26, 2000.)

MAHERN

Motion prevailed. The bill was ordered engrossed.

### House Bill 1022

Representative Cochran called down House Bill 1022 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1022-1)

Mr. Speaker: I move that House Bill 1022 be amended to read as follows:

Delete the title and insert the following:

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

Page 3, after line 5, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2000] (a) **Sufficient funds are appropriated to pay for the increase in the unfunded actuarial liability for state and local government employee pension benefits.**

(b) **This SECTION expires July 1, 2001.**"

(Reference is to HB 1022 as printed January 26, 2000.)

ESPICH

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

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

### House Bill 1124

Representative Day called down House Bill 1124 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1124-2)

Mr. Speaker: I move that House Bill 1124 be amended to read as follows:

Page 1, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 3. IC 16-21-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 15. (a) A hospital with at least one hundred (100) beds shall have on duty at all times at least one (1) physician licensed under IC 25-22.5. Implementation of this section shall be subject to rules promulgated by the state department of health to ensure continuous coverage by physicians licensed

under IC 25-22.5 for inpatient emergencies.

(b) **A hospital subject to this section must establish policies that govern immediate response to inpatient medical emergencies. These policies shall address:**

(1) **the composition of the hospital's emergency response team, which shall be a collaborative, interdisciplinary body with at least one (1) member who:**

(A) **has successfully completed advanced cardiac life support training; and**

(B) **is not staffing the hospital's emergency department while on duty as a member of the emergency response team;**

(2) **the location and contents of all emergency response carts for purposes of maintaining optimal efficiency and response time to inpatient emergencies; and**

(3) **the annual education and training requirements for emergency response team members, which must be consistent with accreditation specifications or other nationally recognized standards.**

**Implementation of this subsection is subject to survey by the state department of health."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1124 as printed January 27, 2000.)

C. BROWN

Motion prevailed. The bill was ordered engrossed.

### House Bill 1180

Representative Denbo called down House Bill 1180 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1180-5)

Mr. Speaker: I move that House Bill 1180 be amended to read as follows:

Page 1, between lines 16 and 17, begin a new paragraph and insert: "**Sec. 3. Nothing in this chapter may be construed to prohibit the continued display of the Ten Commandments in an existing freestanding monument.**"

Page 2, after line 15, begin a new paragraph and insert:

"**Sec. 3. Nothing in this chapter may be construed to prohibit the continued display of the Ten Commandments in an existing freestanding monument.**"

(Reference is to HB 1180 as printed January 27, 2000.)

MOCK

Motion prevailed.

HOUSE MOTION  
(Amendment 1180-6)

Mr. Speaker: I move that House Bill 1180 be amended to read as follows:

Page 1, delete lines 5 through 6, begin a new paragraph and insert:

"**Sec. 1. An object may be displayed on real property owned by the state as provided in this chapter.**

**Sec. 2. This chapter does not prohibit the display of an object on real property owned by the state if the object is displayed in a manner or setting that does not violate federal and Indiana law.**"

Page 1, line 7, delete "2." and insert "**3. (a)**".

Page 1, line 12, after "Commandments" insert ":

(1)".

Page 1, line 13, delete "," and insert ";".

Page 1, line 14, delete "shall not", begin a new line block indented and insert:

"(2) **may not**".

Page 1, between lines 16 and 17, begin a new paragraph and insert:

"(b) **Notwithstanding subsection (a), an object containing the words of the Ten Commandments may be displayed on real property owned by the state in a manner or setting other than as described in subsection (a) if the display satisfies section 2 of this chapter.**"

Page 2, delete lines 4 through 5, begin a new paragraph and insert:

"**Sec. 1. An object may be displayed on real property owned by a political subdivision as provided in this chapter.**

**Sec. 2. This chapter does not prohibit the display of an object on**

real property owned by a political subdivision if the object is displayed in a manner or setting that does not violate federal and Indiana law."

Page 2, line 6, delete "2." and insert "**3. (a)**".

Page 2, line 11, after "Commandments" insert ":

(1)".

Page 2, line 13, delete "," and insert ";".

Page 2, line 13, delete "shall not", begin a new line block indented and insert:

"(2) may not".

Page 2, after line 15, begin a new paragraph and insert:

"(b) Notwithstanding subsection (a), an object containing the words of the Ten Commandments may be displayed on real property owned by a political subdivision in a manner or setting other than as described in subsection (a) if the display satisfies section 2 of this chapter."

(Reference is to HB1180 as printed January 27, 2000.)

FRY

Motion failed. The bill was ordered engrossed.

### House Bill 1239

Representative Dvorak called down House Bill 1239 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1239-2)

Mr. Speaker: I move that House Bill 1239 be amended to read as follows:

Page 1, line 8, after "reaction," insert "**ignition,**".

Page 1, line 10, after "ammunition" insert "**or components for handloading ammunition**".

Page 2, line 21, after "hurls" insert ",".

Page 2, line 21, strike "or".

Page 2, line 21, after "drops" insert ", **or detonates**".

Page 2, after line 23, begin a new paragraph and insert:

"SECTION 5. IC 35-47-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. The provisions of sections 8 or 9 of this chapter shall not be construed to apply to any of the following:

(1) Members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing.

(2) Machine guns or bombs kept for display as relics and which are rendered harmless and not usable.

(3) Any of the law enforcement officers of this state or the United States while acting in the furtherance of their duties.

(4) Persons lawfully engaged in the display, testing, or use of fireworks.

(5) Agencies of state government.

(6) Persons permitted by law to engage in the business of manufacturing, assembling, conducting research on, or testing machine guns, bombs, airplanes, tanks, armored vehicles, or ordnance equipment or supplies while acting within the scope of such business.

(7) Persons possessing, or having applied to possess, machine guns under applicable United States statutes. Such machine guns must be transferred as provided in this article.

(8) **Persons lawfully engaged in the manufacture, transportation, distribution, use, or possession of any material, substance, or device for the sole purpose of industrial, agricultural, mining, construction, educational, or any other lawful use.**"

(Reference is to HB 1239 as printed January 28, 2000.)

DVORAK

Motion prevailed.

#### HOUSE MOTION (Amendment 1239-1)

Mr. Speaker: I move that House Bill 1239 be amended to read as follows:

Page 1, between lines 15 and 16, begin a new line block indented

and insert:

"(5) **Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.**"  
(Reference is to HB 1239 as printed January 28, 2000.)

STEELE

Motion prevailed. The bill was ordered engrossed.

### House Bill 1385

Representative Klinker called down House Bill 1385 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1385-1)

Mr. Speaker: I move that House Bill 1385 be amended to read as follows:

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

"(1) **a bartender, a waiter, or a waitress issued a permit under IC 7.1-3-18-9; or**

(2) **a clerk employed by a liquor, beer, or wine dealer.**"

Page 1, delete lines 6 through 9.

Page 1, line 14, delete "person" and insert "**retailer or a dealer**".

Page 1, line 14, delete "IC 7.1-3-9 or IC 7.1-3-10" and insert "**IC 7.1-3**".

Page 3, between lines 18 and 19, begin a new paragraph and insert:

"(d) **Money in the fund must be used to administer the responsible retail permittee program and may be used to compensate enforcement officers.**

**Sec. 8. The commission shall charge a fee of ten dollars (\$10) for an employee who:**

(1) **has not been issued a permit under IC 7.1-3-18-9; and**

(2) **is enrolled in a training program administered by an enforcement officer training unit.**

**The fee charged under this section must be deposited in the responsible retail permittee fund established by section 7 of this chapter."**

Page 3, line 19, delete "8." and insert "**9.**".

Page 3, line 22, delete "9." and insert "**10.**".

Page 3, line 29, delete "and".

Page 3, line 31, delete "." and insert "**; and**

(4) **the alleged violation is the first such violation by the employee in a twelve (12) month period.**"

Page 3, line 32, delete "10." and insert "**11.**".

Page 3, line 36, delete "11." and insert "**12.**".

Page 3, line 42, strike "twenty dollars (\$20);" and insert "**thirty dollars (\$30);**".

Page 3, line 42, reset in roman "or".

Page 4, line 2, delete "; or" and insert ".".

Page 4, delete lines 3 through 5.

Page 4, line 18, delete "Money in the fund".

Page 4, delete line 19.

Page 4, line 20, delete "program and may be used to compensate excise officers."

Page 4, line 25, delete "IC 7.1-4-1-38(a)(3)" and insert "**IC 7.1-4-1-38(a)**".

(Reference is to HB 1385 as printed January 28, 2000.)

KLINKER

Motion prevailed. The bill was ordered engrossed.

### House Bill 1247

Representative Lytle called down House Bill 1247 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1289

Representative Oxley called down House Bill 1289 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1289-2)

Mr. Speaker: I move that House Bill 1289 be amended to read as follows:

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

"SECTION 1. IC 4-15-2-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 35. (a) Any regular employee may file a complaint if his status of employment is involuntarily changed or if he deems conditions of employment to be unsatisfactory. However, the complaint procedure shall be initiated as soon as possible after the occurrence of the act or condition complained of and in no event shall be initiated more than thirty (30) calendar days after the employee is notified of a change in his status of employment or after an unsatisfactory condition of employment is created. Failure to initiate the complaint procedure within such time period shall render the complaint procedure unavailable to the employee. **The complaining employee may be accompanied by a representative of the employee's own choosing, including a union representative, at each step of the complaint procedure.** The following complaint procedure shall be followed:

Step I: The complaint procedure shall be initiated by a discussion of the complaint by the employee and his immediate supervisor and, if a mutually satisfactory settlement has not been made within two (2) consecutive working days, such complaint may be referred to Step II.

Step II: The complaint shall be reduced to writing and presented to the intermediate supervisor. If a mutually satisfactory settlement has not been reached within four (4) consecutive working days, such complaint may then be referred to the Appointing Authority.

Step III: The Appointing Authority or his designated representative shall hold such hearings and conduct such investigations as he deems necessary to render a decision and shall make such decision in writing within ten (10) consecutive working days.

(b) Working days the appointing authority or his designated representative not find in favor of the employee, the complaint may be submitted within fifteen (15) calendar days to the state personnel director. The director or his designee shall review the complaint and render a decision within fifteen (15) calendar days. If the decision is not agreeable to the employee, an appeal may be submitted by the employee in writing to the commission no later than fifteen (15) calendar days from the date the employee has been given notice of the action taken by the personnel director or his designee. After submission of the appeal, the commission shall, prior to rendering its decision, grant the appealing employee and the appointing authority a public hearing, with the right to be represented and to present evidence. With respect to all appeals, the commission shall render its decision within thirty (30) days after the date of the hearing on the appeal. If the commission finds that the action against the employee was taken on the basis of politics, religion, sex, age, race or because of membership in an employee organization, the employee shall be reinstated to his position without loss of pay. In all other cases the appointing authority shall follow the recommendation of the commission which may include reinstatement and payment of salary or wages lost by the employee which may be mitigated by any wages the employee earned from other employment during a dismissed or suspended period.

(c) If the recommendation of the commission is not agreeable to the employee, **or if the employee receives an adverse employee decision based upon procedural or substantive merit**, the employee, within fifteen (15) calendar days from receipt of the commission recommendation **or adverse employee decision**, may elect to submit the complaint to arbitration. The cost of arbitration shall be shared equally by the employee and the state of Indiana. The commissioner of labor shall prepare a list of three (3) impartial individuals trained in labor relations, and from this list each party shall strike one (1) name. The remaining arbitrator shall consider the issues which were presented to the commission and shall afford the parties a public hearing with the right to be represented and to present evidence. The

arbitrator's findings and recommendations shall be binding on both parties and shall immediately be instituted by the commission.

**(d) The time limits set forth in subsections (a) and (b) shall be strictly enforced. The failure of the immediate supervisor, the intermediate supervisor, the appointing authority or the appointing authority's designee, or the state personnel director to answer an employee's complaint within the prescribed period allows the employee to submit the complaint under the next step set forth in subsection (a). The failure of the commission to render a decision on the employee's complaint within the prescribed period results in the employee's complaint being decided in favor of the employee. However, the time limits set forth in subsections (a) and (b) may be extended by mutual agreement of the parties."**

Page 3, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 4. IC 12-24-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) Each year the director shall set a salary schedule for each of the educational systems established in a state institution as provided in subsections (b) and (c).

(b) The director shall set a salary schedule by using:

- (1) a daily rate of pay; and
- (2) **other wage and wage related benefits (including retirement and severance benefits);**

for each teacher that equals the rate of pay of the largest school corporation in the county in which the state institution is located. If the school corporation in which the state institution is located becomes the largest school corporation in the county in which the state institution is located, the daily rate of pay **and other wage and wage related benefits** for each teacher must equal that of the school corporation in which the institution is located, without regard to whether the school corporation in which the state institution is located remains the largest school corporation in the county.

(c) The salary schedule set by the director is subject to the approval of the state personnel department and the budget agency.

(d) The director shall prescribe the terms of the annual contract. The prescribed annual contract shall be awarded to licensed teachers qualified for payment under the salary schedule prescribed under this section. The director shall advise the budget agency and the governor of this action.

(e) Hours of work for all teachers shall be set in accordance with IC 4-15-2."

Renumber all SECTIONS consecutively.

(Reference is to HB 1289 as printed January 27, 2000.)

OXLEY

Representative Murphy rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. Representative Oxley withdrew the motion.

HOUSE MOTION  
(Amendment 1289-1)

Mr. Speaker: I move that House Bill 1289 be amended to read as follows:

Page 1, line 9, after "Indiana" insert "**or by private educational agencies in Indiana that meet the following requirements:**

- (1) **All teachers provided by the private educational agency must hold an appropriate Indiana license to teach in a public school.**
- (2) **The curricula and programs provided by the private educational agency must meet state academic standards for public schools."**

Page 3, line 33, delete "~~education.~~" and insert "**education.**"

(Reference is to HB 1289 as printed January 27, 2000)

HOFFMAN

Upon request of Representatives Hoffman and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 176: yeas 42, nays 55. Motion failed. The bill was ordered engrossed.

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House

Bill 1035, Roll Call 52, on January 20, 2000. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the Yea button when I intended to vote Nay."

DUNCAN

There being a constitutional majority voting in favor of the petition, the petition was adopted. *[Journal Clerk's note: this changes the vote tally for Roll Call 52 to 59 yeas, 34 nays. The corrected roll call will be printed in the final Journal volume.]*

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1111, Roll Call 150, on February 1, 2000. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I was unable to push the Yea button when I attempted to vote Yea."

LINDER

There being a constitutional majority voting in favor of the petition, the petition was adopted. *[Journal Clerk's note: this changes the vote tally for Roll Call 150 to 91 yeas, 0 nays. The corrected roll call is printed with this Journal.]*

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1097, Roll Call 161, on February 1, 2000. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I was unable to push the button to vote Yea when I intended to vote Yea."

BUDAK

There being a constitutional majority voting in favor of the petition, the petition was adopted. *[Journal Clerk's note: this changes the vote tally for Roll Call 161 to 89 yeas, 2 nays. The corrected roll call is printed with this Journal.]*

#### HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives T. Adams, Alderman, Atterholt, Ayres, Bailey, Becker, Behning, Bischoff, Bodiker, Bosma, Bottorff, C. Brown, T. Brown, Buck, Buell, Burton, Cherry, Cochran, Cook, Crooks, Crosby, Denbo, Dickinson, Dillon, Duncan, GiaQuinta, Goeglein, Grubb, Harris, Herrell, Hoffman, Kersey, Klinker, Kromkowski, Kruse, Kruzan, Kuzman, Liggett, Linder, J. Lutz, Mangus, McClain, Mellinger, Munson, Murphy, Oxley, Pond, Richardson, Ripley, Robertson, Ruppel, Saunders, M. Smith, V. Smith, Steele, Stevenson, Stilwell, Sturtz, Thompson, Tincher, Torr, Turner, Villalpando, Weinzapfel, Welch, Whetstone, Wolkins, D. Young, M. Young, and Yount be added as coauthors of House Bill 1180

DENBO

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 Stevenson be added as coauthor of House Bill 1184.

LYTLE

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Behning, Moses, and Goeglein be added as coauthors of House Bill 1197

BECKER

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 House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives C. Brown, Hasler, Becker, Behning, T. Brown, Budak, Crawford, Crosby, Day, Frizzell, Fry, Goeglein, Moses, T. Adams, and Alderman be added as coauthors of House Bill 1253

WELCH

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 Scholer be added as coauthor of House Bill 1271.

COCHRAN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Crosby and Duncan be added as coauthors of House Bill 1372.

BAUER

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as coauthor of House Bill 1410.

MELLINGER

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as cosponsor of Engrossed Senate Bill 21.

FRENZ

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Grubb, Crosby, Bosma, Richardson, Leuck, Ruppel, and Friend be added as cosponsors of Senate Concurrent Resolution 25.

KLINKER

Motion prevailed.

On the motion of Representative Kruzan the House adjourned at 10:05 p.m., this first day of February, 2000, until Monday, February 7, 2000, at 11:00 a.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE SMITH

Principal Clerk of the House of Representatives