Journal of the House

State of Indiana

111th General Assembly *Second Regular Session*

Twenty-ninth Meeting Day **Friday Morning** **March 3, 2000**

The House convened at 9:00 a.m. with the Speaker in the Chair.

The invocation was sung by Representative Dennis Oxley.

The Pledge of Allegiance to the Flag was led by Representatives William W. Bailey and Jeffrey M. Linder.

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

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

Roll Call 380: 98 present; 2 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.

STILWELL

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1372 with amendments and the same is herewith returned to the House for concurrence.

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1005:

Conferees: Borst and Simpson
Advisors: R. Meeks, Alexa, and Kenley

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1006:

Conferees: Borst and Simpson
Advisors: Mills and Alexa

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1013:

Conferees: Wyss and Rogers

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1202:

Conferees: Skillman and Blade

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House

Bill 1221:

Conferees: Skillman and Lewis

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1311:

Conferees: Miller and Howard

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1354:

Conferees: Clark and Sipes
Advisors: Borst and Alexa

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1374:

Conferees: Borst and Skillman
Advisor: Simpson

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 not concurred in House amendments to Engrossed Senate Bill 79 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Simpson
Advisors: Lawson and Breaux

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 not concurred in House amendments to Engrossed Senate Bill 408 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Mills, Chair; and Simpson

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 not concurred in House amendments to Engrossed Senate Bill 455 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and S. Smith

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 not concurred in House amendments to Engrossed Senate Bill 504 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Simpson

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 adopted the Conference Committee Report on Engrossed House Bill 1143–1.

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 adopted the Conference Committee Report on Engrossed Senate Bill 73–1.

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 adopted the Conference Committee Report on Engrossed Senate Bill 227–1.

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 adopted the Conference Committee Report on Engrossed Senate Bill 262–1.

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 adopted the Conference Committee Report on Engrossed Senate Bill 278–1.

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 adopted the Conference Committee Report on Engrossed Senate Bill 317–1.

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 adopted the Conference Committee Report on Engrossed Senate Bill 353–1.

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 adopted the Conference Committee Report on Engrossed Senate Bill 372–1.

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 adopted the Conference Committee Report on Engrossed Senate Bill 431–1.

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 Resolutions 41, 80, 87, 88, 89, 90, 91, 92, 93, 95, 96, and 97 and the same are herewith returned to the House.

CAROLYN J. TINKLE
Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 48 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 Resolutions 10, 35, 48, 63, and 64 and the same are herewith transmitted to the House for further action.

CAROLYN J. TINKLE
Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 18, 44, 47, and 49 and the same are herewith transmitted to the House for further action.

CAROLYN J. TINKLE
Secretary of the Senate

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1328 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KRUZAN

Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1328 Conferees: Kruzan and Mannweiler

The Speaker announced the appointment on March 2 of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 79	Conferees:	Welch and Goeglein
	Advisors:	Day, Crosby, and Burton
ESB 408	Conferees:	Bauer and Buell
	Advisor:	Welch
ESB 455	Conferees:	C. Brown and Buell
	Advisor:	T. Brown
ESB 504	Conferees:	Crosby and Budak
	Advisor:	C. Brown

The Speaker announced the following changes on March 2 in appointment of Representatives as conferees and advisors:

ESB 118	Conferee:	Kromkowski replacing Kruzan
	Advisor:	Kruzan replacing Kromkowski
ESB 209	Conferee:	Becker replacing Yount
ESB 233	Conferee:	Kruzan replacing Fry

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1248:

Conferees: Nugent and Lewis

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 President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1328:

Conferees: Merritt and Simpson

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 concurred in the House amendments to Engrossed Senate Bills 40, 74, 117, 143, 147, 175, 178, 204, 205, 212, 218, 222, 224, 330, 352, 355, 442, 447, 470, 490, and 504.

CAROLYN J. TINKLE
Secretary of the Senate

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
ESB 353–1; filed March 2, 2000, at 10:30 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 353 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 4, line 9, delete "." and insert "**in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages.**".

Page 4, line 13, delete "." and insert "**in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages.**".

Page 6, delete lines 10 through 41.

Renumber all SECTIONS consecutively.

(Reference is to ESB 353 as reprinted February 22, 2000.)

CLARK	KUZMAN
HOWARD	ALDERMAN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1143–1; filed March 2, 2000, at 2:12 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1143 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning public officer benefits.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-8 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 8. COMPENSATION OF PUBLIC OFFICERS

Chapter 1. General Provisions

Sec. 1. Notwithstanding IC 1-1-1-8, the provisions of this article are not severable.

Chapter 2. Definitions

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

Sec. 2. "Commission" refers to the public officers compensation commission established by IC 2-8-3-1.

Sec. 3. "Political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 4. "Public employee" refers to any of the following:

(1) An employee of the state.

(2) An employee of a political subdivision.

(3) An employee of any other entity whose salary is paid in any part from funds derived from taxes imposed by the state or a political subdivision.

Sec. 5. "Public officer" refers to any of the following:

(1) A member of the general assembly.

(2) The governor.

(3) The lieutenant governor.

(4) The secretary of state.

(5) The auditor of state.

(6) The treasurer of state.

(7) The attorney general.

(8) The clerk of the supreme court.

(9) The state superintendent of public instruction.

(10) A justice of the supreme court of Indiana.

(11) A judge of the Indiana court of appeals.

(12) A judge of the Indiana tax court.

(13) A judge of a circuit, superior, probate, or county court.

Chapter 3. Public Officers Compensation Commission

Sec. 1. The public officers compensation commission is established.

Sec. 2. (a) The commission consists of the following members:

(1) Two (2) members appointed by the president pro tempore of the senate.

(2) Two (2) members appointed by the speaker of the house of representatives.

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

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

(5) One (1) member appointed by the chief justice of the supreme court of Indiana.

(6) One (1) member appointed by the chief judge of the Indiana court of appeals.

(7) Three (3) members appointed by the governor. Not more than two (2) members appointed under this subdivision may be affiliated with the same political party. At least one (1) member appointed under this subdivision must be regularly engaged in the field of business finance or business management. At least one (1) member appointed under this subdivision must be experienced in the field of labor and management relations.

(b) A public officer or a public employee may not be a commission member.

Sec. 3. (a) The term of a commission member begins on the later of the following:

(1) July 1 after the member is appointed.

(2) The day the member accepts the member's appointment.

(b) The term of a commission member expires on July 1 of the fourth year after the year the member's term begins.

(c) A member may be reappointed to serve a new term.

Sec. 4. (a) If there is a vacancy on the commission, the public officer who appointed the member whose position is vacant shall appoint an individual to fill the vacancy as provided in section 2 of this chapter.

(b) The member appointed under this section shall fill the vacancy for the remainder of the unexpired term.

Sec. 5. (a) At the commission's last meeting before July 1 of each year, the commission shall elect one (1) member to be chair of the commission.

(b) The member who is elected chair of the commission serves as chair beginning July 1 after election by the commission.

Sec. 6. Six (6) commission members constitute a quorum. The affirmative vote of at least six (6) commission members is necessary for the commission to take official action other than to adjourn or to meet to hear reports or testimony.

Sec. 7. The commission shall meet at least two (2) times each odd-numbered year at the call of the chair. The commission may meet at other times as the commission considers necessary.

Sec. 8. Each member of the commission is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 9. The legislative services agency shall provide administrative support for the commission. At the request of the legislative services agency, the state personnel department or the Indiana judicial center established by IC 33-13-14-2 shall assign staff to provide research and other support to assist the legislative services agency in providing administrative support to the commission.

Sec. 10. The commission may contract with consultants as the commission considers necessary to implement this article.

Sec. 11. The commission may adopt rules under IC 4-22-2 to fix salaries of public officers.

Sec. 12. The commission may adopt bylaws to govern commission proceedings. A bylaw is not required to be adopted as a rule under IC 4-22-2.

Sec. 13. The commission shall make reports to the general assembly as required by the legislative council.

Sec. 14. There is annually appropriated to the legislative services agency from the state general fund the amount of money necessary for the operation of the commission.

Chapter 4. Adoption of Rules to Set Salaries of Public Officers

Sec. 1. The commission shall meet at least one (1) time before April 1 of each odd-numbered year to do the following:

(1) Receive information relating to the salaries of public officers.

(2) Consider recommendations for suitable salaries for public officers.

(3) Take testimony relating to the salaries of public officers.

(4) Adopt, if necessary, proposed rules to set the salaries of public officers.

Sec. 2. (a) The commission shall meet at least one (1) time after March 31 and before July 1 of each odd-numbered year to adopt final rules based on proposed rules adopted under section 1 of this chapter.

(b) The commission must adopt a separate rule for each separate public officer listed in IC 2-8-2-5.

(c) The commission is not required to adopt or amend a rule to change the salary of a public officer if the commission considers the current salary suitable.

(d) If the commission does not adopt a rule relating to the salary of a public officer, the salary of the public officer is the salary provided by law.

Sec. 3. A final rule adopted under section 2 of this chapter must be published in the September edition of the Indiana Register.

Sec. 4. (a) When determining a suitable salary for a public officer,

the commission may consider the following:

(1) The responsibilities of the office.

(2) The educational background required or desired for an individual who holds the office.

(3) The skills required or desired for the office.

(4) The experience required or desired for the office.

(5) The time required or desired to be spent to fulfill the duties of the office.

(6) The opportunity or lack of opportunity that an individual who holds the office has to earn other income.

(7) The salaries paid to government officers in other states that have comparable duties and authority.

(8) Salaries paid to comparable professionals in the private sector in Indiana and other comparable states based on the responsibility and discretion required from or desired in an individual who holds the office.

(9) The increase in the cost of living in Indiana since the most recent increase in the salary of the public officer.

(10) Benefits other than salaries provided to public officers.

(11) Ability to attract and retain qualified individuals to be public officers.

(12) The interests and welfare of the public.

(13) The financial ability of the state to meet the costs of salaries recommended by the commission.

(14) Other factors the commission considers relevant.

(b) The commission may give the weight to the factors described in subsection (a) that the commission considers appropriate.

(c) The commission has no authority over benefits other than salaries. However, the commission may make recommendations to the general assembly concerning benefits other than salaries.

Sec. 5. A rule adopted by the commission to set the salaries of a public officer takes effect as follows:

(1) If the rule relates to the salary of the governor, the final rule takes effect on the second Monday in January after an election for governor if the general assembly has not voided the rule.

(2) If the rule relates to the salary of members of the general assembly, the final rule takes effect January 1 after the next general election for members of the general assembly if the general assembly has not voided the rule.

(3) If the rule relates to the salary of a public officer other than the governor or members of the general assembly, the final rule takes effect on January 1 of the next odd-numbered year if the general assembly has not voided the rule.

Sec. 6. A rule relating to the salary of a public officer may not diminish the compensation of the public officer below its level at the time the rule becomes effective.

Sec. 7. This article does not affect the authority of the general assembly to do the following:

(1) Set salaries of public officers by statute.

(2) Void a rule of the commission by statute before or, subject to section 6 of this chapter, after the rule takes effect.

Sec. 8. (a) If the general assembly voids a rule of the commission or repeals a statute that sets the salary of a public officer, the salary of the public officer is the salary of the public officer set in the most recent rule or statute in effect.

(b) If the general assembly voids a rule of the commission or repeals a statute that sets the salary of a public officer, the commission shall adopt a rule that states the salary of the public officer set in the most recent rule or statute in effect.

SECTION 2. IC 4-3-3-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. (a) An individual who holds the office of governor for any length of time during one (1) term of that office is entitled to receive an annual retirement benefit under subsection (e). Provided, however, an individual who succeeds to the office of governor without being elected is not entitled to an annual retirement benefit under this section unless such person serves for more than one (1) year of the term of the office.

(b) An individual who holds the office of governor for any length of time during each of two (2) separate terms of that office is entitled to receive an annual retirement benefit under subsection (f).

(c) If an individual who holds the office of governor resigns or is removed from office, during a term of that office, for any reason except a mental or physical disability that renders him unable to discharge the powers and duties of the office, then the term during which he resigned or was removed may not be considered for determining his annual retirement benefit under this section.

(d) The retirement benefit shall be paid in equal monthly installments by the treasurer of state on warrant of the auditor of state after a claim has been made for the retirement benefit to the auditor by the governor or a person acting on his behalf. A governor shall choose the date on which he will begin receiving his retirement benefit; however, the date must be the first state employee payday of a month. A governor may not receive the retirement benefit as long as he holds an elective position with any federal, state, or local governmental unit, and he may not receive the retirement benefit until he has reached at least age sixty-two (62) years. The governor's choice of initial benefit payment date and the governor's choice of benefit payment amount under subsections (e) and (f) are revocable until the governor receives the first monthly installment of his retirement benefit; after that installment is received, the choice of date and the choice of amount are irrevocable.

(e) With respect to a governor who is entitled to a retirement benefit under subsection (a):

(1) if he chooses to begin receiving his retirement benefit on or after the date he reaches age sixty-two (62) years but before he reaches age sixty-five (65) years, he may choose to receive:

(A) the retirement benefits he is entitled to, if any, from the public employees' retirement fund; or

(B) thirty percent (30%) of the governor's annual salary set:

(i) in IC 4-2-1-1 **before January 1, 2001; and**

(ii) under IC 2-8 after December 31, 2000;

for the remainder of his life; or

(2) if he chooses to begin receiving his retirement benefit on or after the date he reaches age sixty-five (65) years, he may choose to receive:

(A) the retirement benefits he is entitled to, if any, from the public employees' retirement fund; or

(B) forty percent (40%) of the governor's annual salary set:

(i) in IC 4-2-1-1 **before January 1, 2001; and**

(ii) under IC 2-8 after December 31, 2000;

for the remainder of his life.

(f) With respect to a governor who is entitled to a retirement benefit under subsection (b):

(1) if he chooses to begin receiving his retirement benefit on or after the date he reaches age sixty-two (62) years but before he reaches age sixty-five (65) years, he may choose to receive:

(A) the retirement benefits he is entitled to, if any, from the public employees' retirement fund;

(B) forty percent (40%) of the governor's annual salary set:

(i) in IC 4-2-1-1 **before January 1, 2001; and**

(ii) under IC 2-8 after December 31, 2000;

for the remainder of his life; or

(2) if he chooses to begin receiving his retirement benefit on or after the date he reaches age sixty-five (65) years, he may choose to receive:

(A) the retirement benefits he is entitled to, if any, from the public employees' retirement fund; or

(B) fifty percent (50%) of the governor's annual salary set:

(i) in IC 4-2-1-1 **before January 1, 2001; and**

(ii) under IC 2-8 after December 31, 2000;

for the remainder of his life.

SECTION 3. IC 5-10-8-1, AS AMENDED BY P.L.233-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following definitions apply in this chapter:

(1) **"Dependent child" means an individual who is:**

(A) less than eighteen (18) years of age;

(B) at least eighteen (18) years of age but not more than twenty-three (23) years of age and:

(i) enrolled in and regularly attending a secondary school; or

(ii) a full-time student at an accredited college or university; or

(C) physically or mentally disabled.

(2) "Employee" means:

(A) an elected or appointed officer or official, or a full-time employee;

(B) if the individual is employed by a school corporation, a full-time or part-time employee;

(C) for a local unit public employer, a full-time or part-time employee or a person who provides personal services to the unit under contract during the contract period; or

(D) a senior judge appointed under IC 33-2-1-8;

whose services have continued without interruption at least thirty (30) days.

~~(2)~~ **(3)** "Group insurance" means any of the kinds of insurance fulfilling the definitions and requirements of group insurance contained in IC 27-1.

~~(3)~~ **(4)** "Insurance" means insurance upon or in relation to human life in all its forms, including life insurance, health insurance, disability insurance, accident insurance, hospitalization insurance, surgery insurance, medical insurance, and supplemental medical insurance.

~~(4)~~ **(5)** "Local unit" includes a city, town, county, township, or school corporation.

~~(5)~~ **(6)** "New traditional plan" means a self-insurance program established under section 7(b) of this chapter to provide health care coverage.

~~(6)~~ **(7)** "Public employer" means the state or a local unit, including any board, commission, department, division, authority, institution, establishment, facility, or governmental unit under the supervision of either, having a payroll in relation to persons it immediately employs, even if it is not a separate taxing unit.

~~(7)~~ **(8)** "Public employer" does not include a state educational institution (as defined under IC 20-12-0.5-1).

~~(8)~~ **(9)** "Retired employee" means:

(A) in the case of a public employer that participates in the public employees' retirement fund, a former employee who qualifies for a benefit under IC 5-10.3-8;

(B) in the case of a public employer that participates in the teachers' retirement fund under IC 21-6.1, a former employee who qualifies for a benefit under IC 21-6.1-5; and

(C) in the case of any other public employer, a former employee who meets the requirements established by the public employer for participation in a group insurance plan for retired employees.

~~(9)~~ **(10)** "Retirement date" means the date that the employee has chosen to receive retirement benefits from the employees' retirement fund.

SECTION 4. IC 5-10-8-8, AS AMENDED BY P.L.233-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies only to the state and its employees who are not covered by a plan established under section 6 of this chapter.

(b) After June 30, 1986, the state shall provide a group health insurance plan to each retired employee:

(1) whose retirement date is:

(A) after June 29, 1986, for a retired employee who was a member of the field examiners' retirement fund;

(B) after May 31, 1986, for a retired employee who was a member of the Indiana state teachers' retirement fund; or

(C) after June 30, 1986, for a retired employee not covered by clause (A) or (B);

(2) who will have reached fifty-five (55) years of age on or before the employee's retirement date but who will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;

(3) who will have completed twenty (20) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which shall have been completed immediately preceding the retirement; and

(4) who will have completed at least fifteen (15) years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date.

(c) The state shall provide a group health insurance program to each retired employee:

(1) who is a retired judge;

(2) whose retirement date is after June 30, 1990;

(3) who is at least sixty-two (62) years of age;

(4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(5) who has at least eight (8) years of service credit as a participant in the Indiana judges' retirement fund, with at least eight (8) years of that service credit completed immediately preceding the judge's retirement.

(d) The state shall provide a group health insurance program to each retired employee:

(1) who is a retired participant under the prosecuting attorneys retirement fund;

(2) whose retirement date is after January 1, 1990;

(3) who is at least sixty-two (62) years of age;

(4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(5) who has at least ten (10) years of service credit as a participant in the prosecuting attorneys retirement fund, with at least ten (10) years of that service credit completed immediately preceding the participant's retirement.

(e) The state shall ~~make available~~ **provide** a group health insurance program to each former member of the general assembly or surviving spouse **or dependent child** of each former member, if the former member:

(1) is no longer a member of the general assembly;

~~(2) is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. or, in the case of a surviving spouse, the surviving spouse is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395, et. seq.;~~ and

~~(3)~~ **(2)** has at least ~~ten (10)~~ **six (6)** years of service credit as a member in the general assembly.

A former member or surviving spouse **or dependent child** of a former member who obtains insurance under this section is responsible for paying both the employer and the employee share of the cost of the coverage. **However, when the former member is at least fifty-five (55) years of age, the former member is responsible for paying only the employee share of the cost of the coverage, and the state is responsible for paying the employer share of the cost of the coverage.**

(f) The group health insurance program required under subsections (b) through (e) must be equal to that offered active employees. The retired employee may participate in the group health insurance program if the retired employee pays an amount equal to the employer's and the employee's premium for the group health insurance for an active employee and if the retired employee within ninety (90) days after the employee's retirement date files a written request for insurance coverage with the employer. **A former member of the general assembly who is at least fifty-five (55) years of age may participate in the group health insurance program if the former member pays the employee share of the cost of the coverage. A former member of the general assembly may file a written request for insurance coverage with the employer at any time.** However, the employer may elect to pay any part of the retired employee's premium.

(g) A retired employee's eligibility to continue insurance under this section ends when the employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program. **The eligibility of a former member of the general assembly to continue insurance under this section does not end when the former member becomes eligible for Medicare coverage.** A retired employee who is eligible for insurance coverage under this section may elect to have the employee's spouse covered under the health insurance program at the time the employee retires. **A former member of the general assembly may, at any time, elect to have the former member's spouse or dependent child covered under the health insurance program.** If a retired employee's spouse pays the amount the retired employee

would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under this section is not affected by the death of the retired employee. **If a spouse or dependent child of a former member of the general assembly pays the amount the former member would have been required to pay for coverage selected by the spouse or dependent child, the spouse's or dependent child's subsequent eligibility to purchase insurance under this section is not affected by the death of the former member.** The surviving spouse's eligibility ends on the earliest of the following:

(1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program.

(3) Two (2) years after the date of the employee's death.

(4) The date of the spouse's remarriage.

The eligibility of a surviving spouse of a former member of the general assembly to continue insurance under this section ends on the date of the spouse's remarriage.

(h) This subsection does not apply to an employee who is entitled to group insurance coverage under IC 20-6.1-6-1(c). An employee who is on leave without pay is entitled to participate for ninety (90) days in any health insurance program maintained by the employer for active employees if the employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance.

(i) An employer may provide group health insurance for retired employees or their spouses not covered by this section and may provide group health insurance that contains provisions more favorable to retired employees and their spouses than required by this section. A public employer may provide group health insurance to an employee who is on leave without pay for a longer period than required by subsection (h).

SECTION 5. IC 5-10-8-8.1, AS AMENDED BY P.L.233-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.1. (a) This section applies only to the state and former legislators, instead of section 8 of this chapter.

(b) As used in this section, "legislator" means a member of the general assembly.

(c) After June 30, 1988, the state shall provide to each retired legislator:

(1) whose retirement date is after June 30, 1988;

(2) who is not participating in a group health insurance coverage plan:

(A) including Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; but

(B) not including a group health insurance plan provided by the state or a health insurance plan provided under IC 27-8-10;

(3) who served as a legislator for at least ~~ten (10)~~ **six (6)** years; and

(4) who participated in a group health insurance plan provided by the state on the legislator's retirement date;

a group health insurance program that is equal to that offered active employees.

(d) A retired legislator who qualifies under subsection (c) may participate in the group health insurance program if the retired legislator ~~(1)~~ pays an amount equal to:

(1) if the retired legislator is less than fifty-five (55) years of age, the employer's and employee's premium for the group health insurance for an active employee; **or**

(2) if the retired legislator is at least fifty-five (55) years of age, the employee's premium for the group health insurance for an active employee and the state pays the employer share of the premium for the group health insurance for an active employee. ~~and~~

~~(2) within ninety (90) days after the legislator's retirement date files a written request for insurance coverage with the employer.~~

~~(e) A retired legislator's eligibility to continue insurance under this section ends when the member becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program.~~

~~(f)~~ **(e)** A retired legislator who is eligible for insurance coverage under this section may elect to have the legislator's spouse **or dependent child** covered under the health insurance program. ~~at the time the legislator retires.~~ If a retired legislator's spouse **or dependent child** pays the amount the retired legislator would have been required to pay for coverage selected by the spouse **or dependent child,** the spouse's **or dependent child's** subsequent eligibility to ~~continue~~ **purchase** insurance under this section is not affected by the death of the retired legislator. ~~and is not affected by the retired legislator's eligibility for Medicare.~~ The spouse's eligibility ends on the ~~earliest of the following:~~

~~(1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.~~

~~(2) When the employer terminates the health insurance program.~~

~~(3) The~~ date of the spouse's remarriage.

~~(g)~~ **(f)** The surviving spouse **or dependent child** of a legislator who dies ~~or has died in office~~ may elect to participate in the group health insurance program if all of the following apply:

(1) The deceased legislator would have been eligible to participate in the group health insurance program under this section had the legislator retired on the day of the legislator's death.

(2) The surviving spouse **or dependent child** files a written request for insurance coverage with the employer.

(3) The surviving spouse **or dependent child** pays an amount equal to the ~~employer's and~~ employee's premium for the group health insurance for an active employee.

(h) The eligibility of the surviving spouse of a legislator to purchase group health insurance under subsection ~~(g)~~ **(f)** ends on the ~~earliest of the following:~~

~~(1) When the employer terminates the health insurance program.~~

~~(2) The~~ date of the spouse's remarriage.

~~(3) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.~~

SECTION 6. IC 5-10-8-8.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.2. (a) The state shall offer coverage under a plan that supplements Medicare (42 U.S.C. 1395 et seq.) to retired members of the general assembly who are covered under Medicare.**

(b) The state shall pay the same percentage of the premium for the coverage offered under subsection (a) that the state pays as the employer share of the premium for coverage of an active employee under the new traditional plan. A retired member of the general assembly who participates in coverage offered under subsection (a) shall pay the same percentage of the premium for the coverage that an active employee pays as the employee share of the premium for the new traditional plan.

SECTION 7. IC 5-10.2-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) Except as provided in subsection (e), in computing the retirement benefit for a nonteacher member, "average of the annual compensation" means the average annual compensation calculated using the twenty (20) calendar quarters of service in a position covered by the retirement fund before retirement in which the member's annual compensation was the highest. However, in order for a quarter to be included in the twenty (20) calendar quarters, the nonteacher member must have performed service throughout the calendar quarter. All twenty (20) calendar quarters do not have to be continuous but they must be in groups of four (4) consecutive calendar quarters. The same calendar quarter may not be included in two (2) different groups.

(b) In computing the retirement benefit for a teacher member, "average of the annual compensation" means the average annual compensation for the five (5) years of service before retirement in which the member's annual compensation was highest. In order for a year to be included in the five (5) years, the teacher member must have received for the year credit under IC 21-6.1-4-2 for at least one-half (1/2) year of service. The five (5) years do not have to be continuous.

(c) Subject to IC 5-10.2-2-1.5 "annual compensation" means the basic salary earned by and paid to the member plus:

(1) the amount that would have been part of that salary but for:

~~(1)~~ **(A)** the state's, a school corporation's, a participating

political subdivision's, or a state educational institution's (as defined in IC 20-12-0.5-1) paying the member's contribution to the fund for the member; or

~~(2)~~ **(B)** the member's salary reduction agreement established under Section 125, 403(b), or 457 of the Internal Revenue Code;

(2) in the case of a member who:

(A) is a teacher;

(B) after June 30, 2000, takes an unpaid leave of absence of any type during the year to serve in an appointed or elected position of public service with a governmental entity; and

(C) retires after June 30, 2000;

the additional amount that would have been paid to the member under the member's employment contract if the member had not taken the unpaid leave of absence described in clause (B); and

(3) in the case of a member who:

(A) is a teacher;

(B) is a member of the legislators' retirement system under IC 2-3.5;

(C) while serving as a teacher took an unpaid leave of absence during a year to serve in the general assembly;

(D) provides a copy of the member's employment contract and any other evidence required by the board; and

(E) retires before July 1, 2000;

the additional amount that would have been paid to the member under the member's employment contract if the member had not taken the unpaid leave of absence described in clause (C).

The portion of a back pay award or a similar award that the board determines is compensation under an agreement or under a judicial or an administrative proceeding shall be allocated by the board among the years the member earned or should have earned the compensation. Only that portion of the award allocated to the year the award is made is considered to have been earned during the year the award was made. Interest on an award is not considered annual compensation for any year.

(d) Compensation of no more than two thousand dollars ($2,000) received from the employer in contemplation of the member's retirement, including severance pay, termination pay, retirement bonus, or commutation of unused sick leave or personal leave, may be included in the total annual compensation from which the average of the annual compensation is determined, if it is received:

(1) before the member ceases service; or

(2) within twelve (12) months after the member ceases service.

(e) This section applies to a member of the general assembly:

(1) who is a participant in the legislators' retirement system established under IC 2-3.5;

(2) who is also a member of the public employees' retirement fund or the state teachers' retirement fund; and

(3) whose years of service in the general assembly may not be considered in determining the average of the annual compensation under this section, as provided in IC 2-3.5-1-2(b)(2) or IC 2-3.5-3-1(c).

The board shall use the board's actuarial salary increase assumption to project the salary for any previous year needed to determine the average of the annual compensation.

SECTION 8. IC 33-3-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The judge of the tax court is entitled to an annual salary:

(1) equal to the annual salary provided in IC 33-13-12-9 to a judge of the court of appeals **before January 1, 2001; and**

(2) set under IC 2-8 after December 31, 2000.

(b) In addition, the judge of the tax court is entitled to the following:

(1) Reimbursement for traveling expenses and other expenses actually incurred in connection with the judge's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

(2) A subsistence allowance equal to the amount provided under IC 33-13-12-9 to a judge of the court of appeals who is not the chief judge of the court of appeals.

~~(b)~~ **(c)** The judge of the tax court:

(1) shall devote full time to judicial duties; and

(2) may not engage in the practice of law.

~~(c)~~ **(d)** The state shall pay the annual salary prescribed in subsection (a) from the state general fund.

~~(d)~~ **(e)** The state shall furnish an automobile to the judge of the state tax court.

SECTION 9. IC 33-5-37.7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The judge of the court is entitled to the salary set ~~out~~ in:

(1) IC 33-13-12 **before January 1, 2001; and**

(2) under IC 2-8 after December 31, 2000.

The salary shall be paid in the same manner as the salary of a circuit court judge, and the portion of the salary to be paid by the counties shall be paid by Ohio and Switzerland counties in equal portions.

SECTION 10. IC 33-10.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The salary of a county court judge who serves more than one (1) county shall be paid by the respective counties in equal amounts.

(b) The salary of every county court judge, as set:

(1) by IC 33-13-12 **before January 1, 2001; and**

(2) under IC 2-8 after December 31, 2000;

shall be paid in equal monthly installments.

SECTION 11. IC 33-13-12-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. (a) The total annual salary of each full-time judge of a circuit, superior, municipal, county, or probate court is:

(1) ninety thousand dollars ($90,000) ~~and~~ **before January 1, 2001; and**

(2) the salary set under IC 2-8 after December 31, 2000;

plus any additional salary provided under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall pay all of the total salary except for the additional salary, if any, under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall deposit quarterly the money received from the counties under subsection (c) in the state general fund.

(b) Before November 2 of each year, the county auditor of each county shall certify to the division of state court administration the amounts, if any, to be provided by the county during the ensuing calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

(c) When making each payment under subsection (a), the county shall determine for each judge whether the total of:

(1) the payment made on behalf of that judge;

(2) previous payments made on behalf of that judge in the same calendar year; and

(3) the state share of the judge's salary under subsection (a);

exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social Security wage base, the payment on behalf of that judge must also be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the total does exceed the Social Security wage base, the part of the payment on behalf of the judge that is below the Social Security wage base must be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes, and the part of the payment on behalf of the judge that exceeds the Social Security wage base must be accompanied by an amount equal to the employer's share of Medicare taxes. Payments made under this subsection shall be deposited in the state general fund under subsection (a).

(d) For purposes of determining the amount of life insurance premiums to be paid by a judge who participates in a life insurance program that:

(1) is established by the state;

(2) applies to a judge who is covered by this section; and

(3) bases the amount of premiums to be paid by the judge on the amount of the judge's salary;

the judge's salary does not include any amounts paid to the state by a county under subsection (a).

SECTION 12. IC 33-13-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The total annual salary for each justice of the supreme court of Indiana is:

(1) one hundred fifteen thousand dollars ($115,000) **before January 1, 2001; and**

(2) the salary set under IC 2-8 after December 31, 2000.

(b) The total annual salary for each judge of the **Indiana** court of appeals ~~of Indiana~~ is:

(1) one hundred ten thousand dollars ($110,000) **before January 1, 2001; and**

(2) the salary set under IC 2-8 after December 31, 2000.

(c) The state shall pay the annual salaries prescribed in subsections (a) through (b) from the state general fund.

(d) In addition to ~~said~~ **the** salary, there shall be paid in equal monthly payments on the first day of each month out of any money in the general fund of the state treasury not otherwise appropriated, the following annual subsistence allowances to assist in defraying expenses relating to or resulting from the discharge of the justice's or judge's official duties, for which no accounting shall be made by such judge:

(1) Five thousand five hundred dollars ($5,500) to the chief justice of the supreme court.

(2) Five thousand five hundred dollars ($5,500) to the chief judge of the court of appeals.

(3) Three thousand dollars ($3,000) to each justice of the supreme court who is not the chief justice.

(4) Three thousand dollars ($3,000) to each judge of the court of appeals who is not the chief judge.

(e) The state shall not furnish automobiles for the use of justices or judges compensated ~~under~~ **as provided in** this section.

SECTION 13. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2001]: IC 2-3-1; IC 4-2-1-1.

SECTION 14. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "commission" refers to the public officers compensation commission established by IC 2-8-3-1, as added by this act.**

(b) Notwithstanding IC 2-8-3-3, as added by this act, the term of a commission member expires as follows:

(1) The term of a member appointed by the president pro tempore of the senate under IC 2-8-3-2(a)(1), as added by this act, expires July 1, 2004.

(2) The term of a member appointed by the speaker of the house of representatives under IC 2-8-3-2(a)(2), as added by this act, expires July 1, 2004.

(3) The term of a member appointed by the minority leader of the senate under IC 2-8-3-2(a)(3), as added by this act, expires July 1, 2003.

(4) The term of a member appointed by the minority leader of the house of representatives under IC 2-8-3-2(a)(4), as added by this act, expires July 1, 2003.

(5) The term of a member appointed by the chief justice of the supreme court of Indiana under IC 2-8-3-2(a)(5), as added by this act, expires July 1, 2002.

(6) The term of a member appointed by the chief judge of the Indiana court of appeals under IC 2-8-3-2(a)(6), as added by this act, expires July 1, 2002.

(7) The term of a member appointed by the governor under IC 2-8-3-2(a)(7), as added by this act, expires as follows:

(A) The terms of two (2) members expire July 1, 2004.

(B) The term of one (1) member expires July 1, 2003.

When making an appointment under this subdivision, the governor shall state, subject to this subdivision, the date when the term of the member expires.

(c) A public officer required to appoint a member of the commission under this SECTION shall appoint the member not later than May 15, 2000.

(d) Notwithstanding IC 2-8-3-3, as added by this act, the term of a commission member begins the day the member accepts the member's appointment.

(e) This SECTION expires July 1, 2004.

SECTION 15. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 2-8-2, as added by this act, apply throughout this SECTION.**

(b) Notwithstanding IC 1-1-1-8, this SECTION and IC 2-8, as added by this act, are not severable.

(c) The commission shall hold its first meeting on a date not later than June 1, 2000, set jointly by the speaker of the house of representatives and the president pro tempore of the senate. The speaker of the house or the president pro tempore, as determined by the speaker of the house and the president pro tempore, shall preside over the commission until the commission elects a commission chair. The commission's first order of business after the commission convenes is election of the commission chair. Notwithstanding IC 2-8-3-5, as added by this act, the member elected as chair under this SECTION serves beginning upon election. The commission may conduct other business at the first meeting.

(d) Notwithstanding IC 2-8-4, as added by this act, the commission shall meet not later than August 1, 2000, to do the following:

(1) Receive information relating to salaries of public officers.

(2) Consider recommendations for suitable salaries for public officers.

(3) Take testimony relating to salaries of public officers.

(4) Adopt, if necessary, proposed rules to set the salaries of public officers.

A proposed rule adopted under subdivision (4) must be published in the August 2000 Indiana Register.

(e) Notwithstanding IC 2-8-4-3, as added by this act, if the commission adopts proposed rules under subsection (d), the commission shall meet not later than November 1, 2000, to adopt any final rules based on the proposed rules. A final rule adopted under this SECTION must be published in the December 2000 Indiana Register.

(f) Notwithstanding IC 2-8-4-5, as added by this act, a final rule adopted under this SECTION takes effect January 1, 2001.

(g) IC 2-8, as added by this act, applies to the adoption and the effect of a rule under this SECTION to the extent that IC 2-8, as added by this act, does not conflict with this SECTION.

(h) Notwithstanding IC 2-8-3-11, the procedures described in IC 4-22-2 do not apply to a rule adopted under this SECTION. However, a rule adopted under this SECTION has the effect of a rule adopted under IC 4-22-2.

(i) This SECTION expires January 1, 2003.

SECTION 16. [EFFECTIVE UPON PASSAGE] **IC 5-10-8-8 and IC 5-10-8-8.1, both as amended by this act, apply to a group health insurance program that is issued, delivered, amended, or renewed after passage of this act.**

SECTION 17. [EFFECTIVE JULY 1, 2000] **(a) IC 5-10.2-4-3(c)(2), as added by this act, applies only to members who retire after June 30, 2000.**

(b) IC 5-10.2-4-3(c)(3), as added by this act, applies to members who retired before July 1, 2000. However, IC 5-10.2-4-3(c)(3), as added by this act, applies only to retirement benefits paid after June 30, 2000.

SECTION 18. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1143 as printed February 22, 2000.)

PAUL	DOBIS
LEWIS	M. SMITH
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 73–1; filed March 2, 2000, at 3:27 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 73 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 14

Page 2, line 40, before ";" insert "**and the person knows that the person's driving privileges are suspended**".

Page 2, line 42, before ";" insert "**and who knows of the existence of the restrictions**".

Page 3, delete line 1.
Page 3, line 2, delete "in compliance with IC 9-30-10-5,".
Page 3, line 3, after"(b)" insert " **Service by the bureau of notice of the suspension or restriction of a person's driving privileges under subsection (a)(1) or (a)(2):**
(1) in compliance with IC 9-30-10-5; and
(2) by first class mail to the person at the last address shown for the person in the bureau's records;
establishes a rebuttable presumption that the person knows that the person's driving privileges are suspended or restricted.
(c)".
Page 3, delete lines 10 through 42.
Delete pages 4 through 20.
Renumber all SECTIONS consecutively.
(Reference is to ESB 73 as printed February 17, 2000.)

LONG	ALDERMAN
ALEXA	GIA QUINTA
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 262–1; filed March 2, 2000, at 3:42 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 262 respectfully reports that said two committee have conferred and agreed as follows to wit:
that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:
Delete the title and insert the following:
A BILL FOR AN ACT concerning environmental law.
Page 1, delete lines 1 through 17.
Page 2, delete lines 1 through 3.
Page 2, line 4, delete "ON" and insert "UPON".
Renumber all SECTIONS consecutively.
(Reference is to ESB 262 as reprinted February 22, 2000.)

GARD	STURTZ
SIMPSON	WOLKINS
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 317–1; filed March 2, 2000, at 3:42 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 317 respectfully reports that said two committee have conferred and agreed as follows to wit:
that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:
Page 1, line 9, delete "non-community" and insert "**noncommunity**".
Page 2, line 7, after "size" insert "**,**".
Page 5, delete lines 2 through 32, begin a new paragraph and insert:
"**(d) Notwithstanding section 14 of this chapter, a water treatment plant or water distribution system that meets the conditions of subsection (a)(1) may continue to operate if the water treatment plant or water distribution system applies to the commissioner for certification of the operator in responsible charge of the water treatment plant or water distribution system as provided in this section.**".
Renumber all SECTIONS consecutively.
(Reference is to ESB 317 as reprinted February 22, 2000.)

GARD	STURTZ
SIMPSON	ATTERHOLT
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 278–1; filed March 2, 2000, at 4:01 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 278 respectfully reports that said two committee have conferred and agreed as follows to wit:
that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:
Page 1, line 1, after "1." insert "IC 20-12-61-2 IS AMENDED TO READ AS FOLLOWS".
Page 1, line 1, delete "(a) Ivy Tech State" and insert ": Sec. 2. **(a)** There shall be, and hereby is created and established, a two (2) year state college to be devoted primarily to providing **the following:**
(1) Educational opportunities that are occupational or technical in nature for the citizens of Indiana **under section 1 of this chapter.**
(2) Assessment and training services described in subsection (b).".
Page 1, delete lines 2 through 3.
Page 2, line 3, delete "this SECTION" and insert "**subsection (b)**".
Page 2, line 5, delete "this SECTION" and insert "**subsection (b)**".
Page 2, line 6, delete "it".
Page 2, line 7, delete "this SECTION" and insert "**subsection (b)**".
Page 2, delete line 10, begin a new paragraph and insert:
"SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) IC 20-12-61-2, as amended by this act, is intended to clarify the mission of Ivy Tech State College in helping to promote education and economic development by providing skills assessment and training services.**
(b) This SECTION expires January 1, 2006.".
Renumber all SECTIONS consecutively.
(Reference is to ESB 278 as printed February 18, 2000.)

WEATHERWAX	PORTER
ROGERS	HOFFMAN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 227–1; filed March 2, 2000, at 4:02 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 227 respectfully reports that said two committee have conferred and agreed as follows to wit:
that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:
Page 10, delete lines 14 through 40.
Renumber all SECTIONS consecutively.
(Reference is to ESB 227 as reprinted February 24, 2000.)

MILLS	DVORAK
SIMPSON	FOLEY
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 372–1; filed March 2, 2000, at 4:02 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 372 respectfully reports that said two committee have conferred and agreed as follows to wit:
that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:
Page 1, delete lines 13 through 17.
Page 2, delete lines 1 through 6.
Page 4, delete lines 24 through 42.
Page 5, delete lines 1 through 18.
Page 6, line 18, delete "subsection (b)," and insert " **subsections (b)**

and (c),".

Page 6, between lines 26 and 27, begin a new paragraph and insert:

"**(c) A generator of industrial waste that generates not more than two hundred twenty (220) pounds of industrial waste per month:**

(1) is not subject to the requirements of sections 4, 5, and 6 of this chapter; and

(2) may dispose of the industrial waste in a state permitted landfill or state permitted waste-to-energy facility.".

Page 6, line 27, delete "document that it".

Page 6, line 28, delete "has made" and insert "**perform**".

Page 6, line 33, after "Sec" insert "**.**".

Page 7, line 18, delete "department".

Page 7, line 19, delete "of environmental management" and insert "**solid waste management board**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 372 as reprinted February 24, 2000.)

RIEGSECKER	STURTZ
LEWIS	WOLKINS
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 431–1; filed March 2, 2000, at 4:02 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 431 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

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

Page 1, line 6, delete "stormwater" and insert "**storm water**".

Page 2, line 17, delete "allow".

Page 2, line 18, delete "of".

Page 2, line 18, delete "before arrival at" and insert "**entering**".

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 6. IC 13-11-2-50.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 50.5. "Degradation", for purposes of IC 13-18-3, has the meaning set forth in IC 13-18-3-2(b).**

SECTION 7. IC 13-11-2-72.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 72.5. "Exceptional use water", for purposes of IC 13-18-3, has the meaning set forth in IC 13-18-3-2(c).**".

Page 3, between lines 11 and 12, begin a new line block indented and insert:

"**(2) is developed in accordance with the recommendations set forth in Combined Sewer Overflows Guidance for Long-Term Control Plan (EPA 832B95002);**".

Page 3, line 12, delete "(2)" and insert "**(3)**".

Page 3, line 16, delete "(3)" and insert "**(4)**".

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

Page 3, line 24, delete "(5)" and insert "**(6)**".

Page 3, line 37, after "alternatives" insert "**, taking into account expected and projected future growth**".

Page 4, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 11. IC 13-11-2-149.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 149.5. "Outstanding national resource water", for purposes of IC 13-18-3, has the meaning set forth in IC 13-18-3-2(d).**

SECTION 12. IC 13-11-2-149.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 149.6. "Outstanding state resource water", for purposes of IC 13-18-3, has the meaning set forth in IC 13-18-3-2(e).**".

Page 4, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 14. IC 13-11-2-265.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 265.5. "Watershed", for purposes of IC 13-18-3, has the meaning set forth in IC 14-8-2-310.**".

Page 4, line 19, delete "flowing into" and insert "**entering**".

Page 4, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 16. IC 13-18-2-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. (a) The department shall prepare a list of impaired waters for the purpose of complying with federal regulations implementing Section 303(d) of the federal Clean Water Act (33 U.S.C. 1313(d)). In determining whether a water body is impaired, the department shall consider all existing and readily available water quality data and related information. The department, before submitting the list to the United States Environmental Protection Agency, shall:**

(1) publish the list in the Indiana Register;

(2) make the list available for public comment for at least ninety (90) days; and

(3) present the list to the board.

If the United States Environmental Protection Agency changes the list, the board shall publish the changes in the Indiana Register and conduct a public hearing within ninety (90) days after receipt of the changes.

(b) The board shall adopt by rule the methodology to be used in identifying waters as impaired. The rule must specify the methodology and criteria for including and removing waters from the list of impaired waters.

SECTION 17. IC 13-18-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. **(a)** The board may adopt rules under IC 4-22-2 that are necessary to the implementation of:

(1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as in effect January 1, 1988; and

(2) the federal Safe Drinking Water Act (42 U.S.C. 300f through 300j), as in effect January 1, 1988;

except as provided in IC 14-37.

(b) "Degradation" means, with respect to a National Pollutant Discharge Elimination System permit, the following:

(1) With respect to an outstanding national resource water, any new or increased discharge of a pollutant or a pollutant parameter, except for a short term, temporary increase.

(2) With respect to an outstanding state resource water or an exceptional use water, any new or increased discharge of a pollutant or pollutant parameter that results in a significant lowering of water quality for that pollutant or pollutant parameter, unless:

(A) the activity causing the increased discharge:

(i) results in an overall improvement in water quality in the outstanding state resource water or exceptional use water; and

(ii) meets the applicable requirements of 327 IAC 2-1-2(1) and (2) and 327 IAC 2-1.5-4(a) and (b); or

(B) the person proposing the increased discharge undertakes or funds a water quality improvement project in accordance with subsection (l) in the watershed of the outstanding state resource water or exceptional use water that:

(i) results in an overall improvement in water quality in the outstanding state resource water or exceptional use water; and

(ii) meets the applicable requirements of 327 IAC 2-1-2(1) and (2) and 327 IAC 2-1.5-4(a) and (b).

(c) "Exceptional use water" means any water designated as an exceptional use water by the board, regardless of when the designation occurred.

(d) "Outstanding national resource water" means a water designated as such by the general assembly after recommendations by the board and the environmental quality service council under subsections (o) and (p). The designation must describe the quality of the outstanding national resource water to serve as the benchmark of the water quality that shall be maintained and protected. Waters that may be considered for designation as outstanding national

resource waters include water bodies that are recognized as:

(1) important because of protection through official action, such as:

(A) federal or state law;

(B) presidential or secretarial action;

(C) international treaty; or

(D) interstate compact;

(2) having exceptional recreational significance;

(3) having exceptional ecological significance;

(4) having other special environmental, recreational, or ecological attributes; or

(5) waters with respect to which designation as an outstanding national resource water is reasonably necessary for protection of other water bodies designated as outstanding national resource waters.

(e) "Outstanding state resource water" means any water designated as such by the board regardless of when the designation occurred or occurs. Waters that may be considered for designation as outstanding state resource waters include water bodies that have unique or special ecological, recreational, or aesthetic significance.

(f) "Watershed" has the meaning set forth in IC 14-8-2-310.

(g) The board may designate a water body as an outstanding state resource water by rule if the board determines that the water body has a unique or special ecological, recreational, or aesthetic significance.

(h) Before the board may adopt a rule designating a water body as an outstanding state resource water, the board must consider the following:

(1) Economic impact analyses, presented by any interested party, taking into account future population and economic development growth.

(2) The biological criteria scores for the water body, using factors that consider fish communities, macro invertebrate communities, and chemical quality criteria using representative biological data from the water body under consideration.

(3) The level of current urban and agricultural development in the watershed.

(4) Whether the designation of the water body as an outstanding state resource water will have a significant adverse effect on future population, development, and economic growth in the watershed, if the water body is in a watershed that has more than three percent (3%) of its land in urban land uses or serves a municipality with a population greater than five thousand (5,000).

(5) Whether the designation of the water body as an outstanding state resource water is necessary to protect the unique or special ecological, recreational, or aesthetic significance of the water body.

(i) Before the board may adopt a rule designating a water body as an outstanding state resource water, the board must make available to the public a written summary of the information considered by the board under subsections (g) and (h), including the board's conclusions concerning that information.

(j) The commissioner shall present a summary of the comments received from the comment period and information that supports a water body designation as an outstanding state resource water to the environmental quality service council not later than one hundred twenty (120) days after the rule regarding the designation is finally adopted by the board.

(k) Notwithstanding any other provision of this section, the designation of an outstanding state resource water in effect on January 1, 2000, remains in effect.

(l) For a water body designated as an outstanding state resource water, the board shall provide by rule procedures that will:

(1) prevent degradation; and

(2) allow for increases and additions in pollutant loadings from an existing or new discharge if:

(A) there will be an overall improvement in water quality for the outstanding state resource water as described in this section; and

(B) the applicable requirements of 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2) and 327 IAC 2-1.5-4(a) and 327 2-1.5-4(b) are met.

(m) The procedures provided by rule under subsection (l) must include the following:

(1) A definition of significant lowering of water quality that includes a de minimis quantity of additional pollutant load:

(A) for which a new or increased permit limit is required; and

(B) below which antidegradation implementation procedures do not apply.

(2) Provisions allowing the permittee to choose application of one (1) of the following for each activity undertaken by the permittee that will result in a significant lowering of water quality in the outstanding state resource water or exceptional use water:

(A) Implementation of a water quality project in the watershed of the outstanding state resource water or the exceptional use water that will result in an overall improvement of the water quality of the outstanding state resource water or the exceptional use water.

(B) Payment of a fee, not to exceed five hundred thousand dollars ($500,000) based on the type and quantity of increased pollutant loadings, to the department for deposit in the outstanding state resource water improvement fund established under section 14 of this chapter.

(3) Criteria for the submission and timely approval of projects described in subdivision (2)(A).

(4) A process for public input in the approval process.

(5) Use of water quality data that is less than seven (7) years old and specific to the outstanding state resource water.

(6) Criteria for using the watershed improvement fees to fund projects in the watershed that result in improvement in water quality in the outstanding state resource water or exceptional use water.

(n) For a water body designated as an outstanding state resource water after June 30, 2000, the board shall provide by rule antidegradation implementation procedures before the water body is designated in accordance with this section.

(o) A water body may be designated as an outstanding national resource water only by the general assembly after recommendations for designation are made by the board and the environmental quality service council.

(p) Before recommending the designation of an outstanding national resource water, the department shall provide for an adequate public notice and comment period regarding the designation. The commissioner shall present a summary of the comments and information received during the comment period and the department's recommendation concerning designation to the environmental quality service council not later than ninety (90) days after the end of the comment period. The council shall consider the comments, information, and recommendation received from the department, and shall convey its recommendation concerning designation to the general assembly within six (6) months after receipt.".

Page 4, delete lines 26 through 34, begin a new line and insert: "**if:**

(1) the plan provides for the implementation of cost effective control alternatives that will attain water quality standards or maximize the extent to which water quality standards will be attained if they are not otherwise attainable;

(2) the plan provides, at a minimum, for the capture for treatment of first flush;

(3) the plan is reviewed periodically; and

(4) additional controls are implemented as provided in section 2.4 of this chapter.

Cost effectiveness may be determined, at the option of the permit holder, by using a knee of the curve analysis.".

Page 5, line 3, delete "The department shall" and insert "**A permit holder shall review the feasibility of implementing additional or new control alternatives to attain water quality standards, including**

standards suspended under section 2.5 of this chapter. The permit holder shall conduct such a review periodically, but not less than every five (5) years after approval of the long term control plan by the department. The permit holder shall:

(1) document to the department that the long term control plan has been reviewed;

(2) update the long term control plan as necessary;

(3) submit any amendments to the long term control plan to the department for approval; and

(4) implement control alternatives determined to be cost effective.

Cost effectiveness may be determined, at the option of the permit holder, by using a knee of the curve analysis.".

Page 5, delete lines 4 through 34, begin a new paragraph, and insert:

"SECTION 20. IC 13-18-3-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) Subject to the limitations of subsection (d), designated uses and associated water quality criteria are temporarily suspended on a site specific basis, for waters affected by discharges from combined sewer overflow points listed in the National Pollutant Discharge Elimination System (NPDES) permit due to wet weather events, if:**

(1) the department has approved a long term control plan for the NPDES permit holder for the combined sewer system:

(2) the approved long term control plan is incorporated into the permit holder's NPDES permit;

(3) the approved long term control plan:

(A) satisfies the requirements of section 2.3 of this chapter; and

(B) specifies the designated uses and water quality standards to be suspended under this section;

(4) the permit holder:

(A) has implemented the approved long term control plan; or

(B) is implementing the approved long term control plan in accordance with the schedule approved in the long term control plan;

(5) the permit holder is in compliance with the requirements for the operation and maintenance of its wastewater treatment facilities and combined sewer system, including its combined sewer operational plan approved by the department; and

(6) the provisions of 40 CFR 131.10, 40 CFR 131.20, and 40 CFR 131.21 are satisfied.

The provisions of 40 CFR 131.10 may be satisfied by including appropriate data and information in the long term control plan.

(b) Existing uses as defined in 40 CFR 131.3(e) and associated water quality criteria may be suspended only in accordance with federal law.

(c) To the extent permitted under federal law, the department shall provide a compliance schedule for attainment of water quality based limitations for discharges from combined sewer overflow points in the NPDES permit during the period when the long term control plan is being developed.

(d) A temporary suspension applies only:

(1) to the NPDES permit holder for discharges from the permit holder's listed combined sewer overflow points; and

(2) during the time and to the physical extent that the designated uses and water quality standards are not attained due to the discharges from the listed combined sewer overflow points, but no more than four (4) days after the date the overflow discharge ends.

(e) The board may adopt rules in accordance with IC 13-14-8 and IC 13-14-9 to amend the water quality standards to include the terms of the temporary suspension allowed by this section.

(f) The permit holder shall monitor its discharges and the water quality in the affected receiving stream periodically, but at least every three (3) years. The permit holder shall provide all such information to the department.

(g) In conjunction with a review of its long term control plan under section 2.4 of this chapter, the permit holder shall review information generated after the use attainability analysis was approved by the department to determine whether the conclusion of the use attainability analysis is still valid. The permit holder shall provide the results of the review to the department.

(h) A temporary suspension under this section may be authorized only to the extent allowed under federal law. If the department determines that information provided under this section demonstrates that uses being suspended are attainable, the department shall promptly notify the permit holder of its determination. A permit holder may appeal the department's determination under this section in accordance with IC 4-21.5.

(i) After the effective date of the determination under subsection (h), the long term control plan may be modified to achieve attainment of the previously suspended uses and associated water quality criteria. The compliance schedule and other provisions of the NPDES permit shall also be modified as necessary.

SECTION 21. IC 13-18-3-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) The outstanding state resource water improvement fund is established. All money collected under section 2 of this chapter and any money accruing to the fund are continuously appropriated to the fund to carry out the purposes of section 2 of this chapter. Money in the fund at the end of a state fiscal year does not revert to the state general fund, unless the outstanding state resource water improvement fund is abolished.**

(b) The outstanding state resource water improvement fund shall be administered as follows:

(1) The fund may be used by the department of environmental management to fund projects that will lead to overall improvement to the water quality of the affected exceptional use water or outstanding state resource water.

(2) The treasurer of state may invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(3) Any interest received accrues to the fund.

(4) The expenses of administering the fund shall be paid from the fund.".

Page 7, line 13, after "." insert "**The guidance must include information regarding minimization of industrial discharges in wet weather events.**".

Page 7, between lines 13 and 14, begin a new paragraph and insert:

"**(e) The department shall report to the environmental quality service council at each meeting of the council the progress of guidance given under this SECTION.**".

Page 7, line 14, delete "(e)" and insert "**(f)**".

Page 7, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 25. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "board" refers to the water pollution control board established under IC 13-18-1.**

(b) All waters designated under 327 IAC 2-1.5-19(b) as outstanding state resource waters shall be maintained and protected in their present quality in accordance with the antidegradation implementation procedures for the outstanding state resource waters established by the board for waters in the Great Lakes system. Nothing in this act except IC 13-18-3-2, as amended by this act, affects the authority of the board to amend 327 IAC 5-2-11.7. Any rule adopted by the board contrary to this standard is void.

(c) All waters designated as outstanding state resource waters under 327 IAC 2-1-2(3) and waters designated as exceptional use waters under 327 IAC 2-1-6(i) shall be maintained and protected in accordance with 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2). If a permittee seeks a new or increased discharge for which a new or increased permit limit is required and that amounts to a significant lowering of water quality, the permittee shall demonstrate an overall improvement in water quality in the outstanding state resource water or exceptional use water, subject to:

(1) the approval of the department of environmental management; and

(2) IC 13-18-3-2(m)(2)(A) and IC 13-18-3-2(m)(2)(B), as amended by this act.

(d) Any rule adopted by the board before the effective date of this SECTION is void to the extent that it:

(1) is inconsistent with this SECTION; or

(2) requires protection of waters beyond the protection required by 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2).

(e) Before January 1, 2001, the board shall amend 327 IAC 2-1-2, 327 IAC 2-1-6, and 327 IAC 2-1.5-4 to reflect this act.

(f) This SECTION expires on the earlier of:

(1) the effective date of the rule amendments adopted by the board under subsection (e); or

(2) January 1, 2001.

SECTION 26. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "department" refers to the department of environmental management.**

(b) Before July 1, 2001, the department shall develop and maintain a quality assurance program plan and information management system to assess the validity and reliability of the data used in the implementation of IC 13-18-2-3, as added by this act, and IC 13-18-3-2, as amended by this act.

(c) The department:

(1) shall make data from the information management system under subsection (b) available to the public upon request; and

(2) may charge a reasonable fee to persons requesting the data.

(d) The department shall use the data from the information management system under subsection (b) to review the data as of January 1, 2002, supporting:

(1) the listing of impaired waters under IC 13-18-2-3, as added by this act; and

(2) the special designation of waters under IC 13-18-3-2, as amended by this act.

(e) Before July 1, 2000, the environmental quality service council shall appoint a water data task force to assess the program resource needs of the department to collect adequate physical, chemical, and biological data used by the department. The task force shall present its findings to the environmental quality service council upon completion.

(f) The water data task force appointed under subsection (e) shall include four (4) members of the general assembly, the chairperson of the environmental quality service council, and representatives of the following:

(1) The academic community in the disciplines of biology, chemistry, and hydrology.

(2) The department.

(3) The department of natural resources.

(4) The United States Geological Survey.

(5) Private chemical water testing laboratories.

(6) Industry.

(7) Agriculture.

(8) Environmental advocacy organizations.

(9) General citizens.

(10) Municipalities.

(11) The water pollution control board.

(12) Local public health officials.

(13) The state department of health.

(14) The United States Fish and Wildlife Service.

(g) This SECTION expires October 1, 2002.

SECTION 27. [EFFECTIVE UPON PASSAGE] **(a) Until October 1, 2002, the following apply to a water body designated before October 1, 2002, as an exceptional use water:**

(1) The water body is subject to the overall water quality improvement provisions of IC 13-18-3-2(l), as added by this act.

(2) The water body is not subject to a standard of having its water quality maintained and protected without degradation consistent with the provisions of this act.

(b) Before October 1, 2002, the water pollution control board established under IC 13-18-1 shall:

(1) determine whether, effective October 1, 2002, to designate as an outstanding state water each water designated before October 1, 2002, as an exceptional use water under 327 IAC 2-1-11; and

(2) complete rulemaking to make any designation determined under subdivision (1).

(c) This SECTION expires January 1, 2003.

SECTION 28. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "board" refers to the water pollution control board established under IC 13-18-1.**

(b) Before October 1, 2003, the board shall establish policies and rules to govern the implementation of total maximum daily load requirements of Section 303(d) of the Clean Water Act, 33 U.S.C. 1313(d).

(c) Before July 1, 2000, the department shall appoint a working group of stakeholders with respect to the implementation of maximum daily load requirements as described in subsection (b). The working group shall consider and make recommendations to the department of environmental management and the board on identification of issues, the development of policy options, policy adoption, and rulemaking. The working group must include representatives from:

(1) the general public;

(2) municipalities;

(3) industry;

(4) business;

(5) agriculture;

(6) environmental advocacy groups; and

(7) others with a high level of expertise in the subject area to be considered by the working group.

(d) The working group appointed under subsection (c) must also include the following members:

(1) a representative of the environmental quality service council;

(2) a technical secretary; and

(3) a member of the board.

(e) This SECTION expires October 1, 2003.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 431 as printed February 17, 2000.)

GARD	J. LUTZ
R. YOUNG	STURTZ
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

EHB 1393–1; filed March 2, 2000, at 4:37 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1393 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 3, line 23, delete "nine" and insert "eleven".

Page 3, line 24, delete "(9)" and insert "**(11)**".

Page 3, between lines 34 and 35, begin a new line block indented and insert:

"**(5) One (1) member appointed by the executive of the eligible entity to represent real estate brokers or salespersons. The member appointed under this subdivision must be nominated to the executive by the local realtors' association.**

(6) One (1) member appointed by the executive of the eligible entity to represent construction trades. The member appointed under this subdivision must be nominated to the executive by the local building trades council.".

Page 3, line 35, delete "(5) Five" and insert "**(7) Five**".

(Reference is to EHB 1393 as reprinted February 25, 2000.)

MERRITT	HASLER
L. LUTZ	BECKER
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

EHB 1398–1; filed March 2, 2000, at 5:05 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1398 respectfully reports that

said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

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

"SECTION 1. IC 14-13-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 16. (a) The commission shall prepare and adopt by majority vote an annual budget that shall be submitted to each municipality or agency appropriating money for the use of the commission. After the commission approves the budget, money may be expended only as budgeted unless a majority vote of the commission authorizes other expenditures. If money is appropriated by the commission for the use of a county, a municipality, or an agency, the money may not later be diverted from the county, municipality, or agency without the consent of the county, municipality, or agency.

(b) Any appropriated amounts remaining unexpended or unencumbered at the end of the year **may** become part of a nonreverting cumulative fund to be held in the name of the commission.

(c) The commission may authorize unbudgeted expenditures from the **nonreverting cumulative** fund by a majority vote of the commission.

(d) The commission is responsible for money the commission receives under this chapter. The state board of accounts shall:

(1) prescribe the methods and forms for keeping; and

(2) periodically audit;

the accounts, records, and books of the commission.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1398 as printed February 16, 2000.)

R. MEEKS	BOTTORFF
SIPES	DUNCAN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1202–1; filed March 2, 2000, at 5:25 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1202 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, line 23, delete "(b)The" and insert "**(b)** The".

Page 3, line 2, reset in roman "(c)".

Page 3, line 2, after "(c)" insert "**(b) This subsection does not apply to a county having a consolidated city.**".

Page 3, line 2, reset in roman "If the township board does not appeal to borrow money under".

Page 3, line 3, reset in roman "IC 12-20-24 or if an appeal fails, the board of commissioners".

Page 3, line 3, after "shall" insert "**may**".

Page 3, line 4, reset in roman "borrow money or otherwise provide the money."

Page 3, line 4, delete "The" and insert "**If the county commissioners determine to borrow the money or otherwise provide the money,** the".

Page 3, line 4, reset in roman "county fiscal body".

Page 3, reset in roman lines 5 through 13.

Page 3, between lines13 and 14, begin a new paragraph and insert:

"**(c) This subsection applies only to a county having a consolidated city. If a township board does not appeal to borrow money under IC 12-20-24 or if an appeal fails, the board of commissioners shall borrow money or otherwise provide the money. The county fiscal body shall promptly pass necessary ordinances and make the necessary appropriations to enable this to be done, after determining whether to borrow money by any of the following methods:**

(1) A temporary loan against taxes levied and in the process of collection.

(2) The sale of county poor relief bonds or other county obligations.

(3) Any other lawful method of obtaining money for the payment of poor relief claims.".

Page 3, after line 42, begin a new paragraph and insert:

"SECTION 4. IC 12-20-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. If the board of commissioners determines from the ~~estimated~~ a~~dvancements~~ ~~of~~ **quarterly reports filed by the townshiptrustee under IC 12-20-21-5 with** the county auditor and the levies made by the respective townships for poor relief purposes that there will be insufficient money in the ~~county general~~ **townshippoor relief** fund to provide free and available money during the following year for estimated advancements to townships for poor relief purposes on the basis of the total costs of poor relief granted by the township trustees, as administrators of poor relief, for the previous twelve (12) months:

(1) the board of commissioners may include estimates for the advancements in the county general fund budget;

(2) the county fiscal body may appropriate for the advancement in the budget and levy as adopted by the county fiscal body; and

(3) the state board of tax commissioners shall include that amount in the final county general fund levy.".

Page 5, line 15, delete "IC 1 -2-4.5-4" and insert"~~IC 12-2-4.5-4~~".

Page 6, line 14, delete "." and insert "; IC 12-20–21-1.".

Page 6, delete lines 15 through 16.

Page 6, line 19, after "balance" delete ",".

Page 6, line 20, after "county" delete ",".

Page 6, line 22, delete "by".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1202 as printed February 25, 2000.)

SKILLMAN	STILWELL
BLADE	SAUNDERS
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 64–1; filed March 2, 2000, at 5:26 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 64 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 6, delete lines 19 through 42.

Page 7, delete lines 1 through 30.

Page 11, delete line 29.

Renumber all SECTIONS consecutively.

(Reference is to ESB 64 as reprinted February 17, 2000.)

HARRISON	KROMKOWSKI
L. LUTZ	BUELL
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 433–1; filed March 2, 2000, at 5:26 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 433 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

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

Page 7, delete lines 12 through 30.

Page 9, delete lines 17 through 40.

Page 10, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 22. 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 UPON PASSAGE]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, ~~IC~~ 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) The amount of credit time earned under this section is reduced to the extent that application of the credit time would otherwise result in:

(1) postconviction release (as defined in IC 35-40-4-6); or

(2) assignment of the person to a community transition program;

in less than forty-five (45) days after the person earns the credit time.".

Page 12, line 23, delete "A person shall be returned to the department of correction".

Page 12, delete lines 24 through 26.

Page 12, line 27, delete "(d)".

Page 12, run in lines 23 and 27.

Renumber all SECTIONS consecutively.

(Reference is to ESB 433 as reprinted February 22, 2000.)

KENLEY	MELLINGER
WASHINGTON	ULMER
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 511–1; filed March 2, 2000, at 5:42 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 511 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 1 through 21.

Page 5, delete lines 16 through 42.

Delete page 6.

Page 7, delete lines 1 through 11.

Page 7, delete line 15.

Renumber all SECTIONS consecutively.

(Reference is to ESB 511 as reprinted February 22, 2000.)

GARD	STURTZ
SIMPSON	J. LUTZ
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 233–1; filed March 2, 2000, at 7:28 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 233 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana code concerning securities and insurance.

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 7.

Page 9, delete lines 3 through 42.

Delete pages 10 through 16.

Page 17, delete lines 1 through 19.

Page 18, delete lines 6 through 30.

Renumber all SECTIONS consecutively.

(Reference is to SB 233 as reprinted February 22, 2000.)

PAUL	KRUZAN
MRVAN	M. SMITH
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1051–1; filed March 2, 2000, at 7:40 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1051 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 1, line 12, delete "or has reason to know".
Page 2, line 6, delete "or has reason to know".
Page 2, line 41, delete "or has reason".
Page 2, line 42, delete "to know".

(Reference is to EHB 1051 as reprinted February 29, 2000.)

JACKMAN	DVORAK
BLADE	THOMPSON
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1043–1; filed March 3, 2000, at 7:55 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1043 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, line 41, delete "two" and insert "**seven**".
Page 2, line 41, delete "($6, 200)" and insert "**($6,700)**".
Page 3, line 7, after "exceed" delete "six" and insert "**seven**".
Page 3, line 7, after "thousand" delete "six" and insert "**three**".
Page 3, line 7, delete "($6,600)" and insert "**($7,300)**".
Page 3, line 15, after "thousand" insert "**nine hundred**".
Page 3, line 15, delete "($7,000)" and insert "**($7,900)**".
Page 5, line 11, delete "years 2001" and insert "**year 2001,**".
Page 5, line 12, delete "and 2002,".
Page 5, between lines 13 and 14, begin a new paragraph and insert:
"**(b) For calendar year 2002, all employers shall have a contribution rate as set forth in rate schedule D in section 3 of this chapter.**".
Page 5, line 14, delete "(b)" and insert "**(c)**".

(Reference is to EHB 1043 as printed February 18, 2000.)

HARRISON	STILWELL
CRAYCRAFT	TORR
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 79–1; filed March 3, 2000, at 8:44 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 79 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, line 12, strike "a" and insert "**one (1) of the following:**
(A) A".
Page 1, line 13, delete ", or has a".
Page 1, delete line 14.
Page 1, line 15, delete "licensed under IC 25-33,".
Page 2, between lines 3 and 4, begin a new line double block indented and insert:
"**(B) A mental impairment, disease, or loss that is:**
(i) diagnosed by a physician licensed under IC 25-22.5 or a health services provider in psychology licensed under IC 25-33-1; and
(ii) verifiable by a physician licensed under IC 25-22.5 or a psychologist licensed under IC 25-33;
that has lasted or appears reasonably certain to last for a continuous period of at least four (4) years without significant improvement and that substantially impairs the individual's ability to perform labor or services or to engage in a useful occupation.".

(Reference is to ESB 79 as reprinted February 22, 2000.)

MILLER	WELCH
SIMPSON	GOEGLEIN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 186–1; filed March 3, 2000, at 8:45 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 186 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.
Delete page 2.
Page 3, delete lines 1 through 41.
Page 6, delete lines 2 through 3.
Renumber all SECTIONS consecutively.

(Reference is to ESB 186 as reprinted February 22, 2000.)

ALTING	KUZMAN
BLADE	SCHOLER
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 315–1; filed March 3, 2000, at 8:46 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 315 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete page 6.

(Reference is to ESB 315 as reprinted February 22, 2000.)

LANDSKE	STEVENSON
MRVAN	McCLAIN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Acts 44, 46, 76, 146, 158, 162, 171, 244, 322, 331, 373, 393, 401, 418, 419, 469, 508, and 515 on March 2.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 86

Representatives Mellinger, Cheney, and Porter introduced House Concurrent Resolution 86:

A CONCURRENT RESOLUTION honoring Gail Pluta for her contributions to education in the state of Indiana, the Indiana general assembly, and the citizens of Indiana.

Whereas, Gail Pluta believes that education and children are our future;

Whereas, Gail has worked tirelessly to enable all children to obtain a quality education regardless of their economic or cultural background;

Whereas, Gail spends endless hours in the hallowed halls of the Indiana State House helping to ensure that the best interests of children and education are protected;

Whereas, Gail recognizes that not all children will go to college, so she works to ensure that these students will have the same opportunities to become gainfully employed citizens of Indiana;

Whereas, Gail Pluta graduated from Washington High School in South Bend, Indiana, and received bachelor's and master's degrees from Indiana University;

Whereas, Gail has spent her life supporting the needs of education, beginning as a teacher in the South Bend school system;

Whereas, Gail has also served as a staff representative for the Missouri Federation of Teachers and currently is employed by the Indiana Federation of Teachers;

Whereas, In addition to her duties at the State House, Gail is involved in several other local and national organizations, including the Council of Volunteers and Organizations for Hoosiers with Disabilities (COVOH), the National Council for Accreditation for Teacher Education (NCATE), the Indiana Education Policy Center, the Indiana Human Resource Investment Council (HRIC), and the Indiana Association of United Ways;

Whereas, Gail was recently seriously injured in an automobile accident;

Whereas, Through the grace of God and her determination, she is well on the road to a full recovery; and

Whereas, It is proper and fitting that the Indiana General Assembly recognize the efforts of this great woman: 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 commend Gail Pluta on her efforts to provide each child in the state of Indiana with a quality education and to wish her a speedy recovery and a quick return to the State House.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Gail Pluta and the Indiana Federation of Teachers.

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

House Concurrent Resolution 104

Representative Foley introduced House Concurrent Resolution 104:

A CONCURRENT RESOLUTION congratulating the Indian Creek High School Dance Team, Trafalgar, Indiana, on winning the Indiana High School Dance Team Association Division III Pom state championship.

Whereas, The Indian Creek High School Dance Team, Trafalgar, Indiana, won the Indiana High School Dance Team Association Division III Pom state championship;

Whereas, The competition was held February 19, 2000, at Lawrence North High School in Indianapolis, Indiana;

Whereas, The members of the Indian Creek High School Dance Team are Rachel Vleck, Amber Rash, Shannon McMurray, Megan Wise, Miranda Drake, Kelly Blessing, Brianna Swanberg, Ashley Jones, and Tracey Brock;

Whereas, Kelly Blessing and team captain Tracey Brock were named to the all state dance team; and

Whereas, The success achieved by the Indian Creek High School Dance Team is an indicator of the degree of the team's dedication and work ethic: 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 Indian Creek High School Dance Team on its Indiana High School Dance Team Association Division III Pom state championship.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of the Indian Creek High School Dance Team, Coach Beth Brock, the principal of Indian Creek High School, 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 sponsor: Senator Garton.

House Concurrent Resolution 105

Representative Yount introduced House Concurrent Resolution 105:

A CONCURRENT RESOLUTION honoring Meredith L. Thompson who has served as the C^4 Columbus Area Career Connection and District 41 Vocational Director for the past 36 years.

Whereas, Meredith L. Thompson has actively participated in local, state, and national endeavors to promote economic development and educational reform;

Whereas, Meredith's commitment to vocational education is evident by his membership within the Indiana Vocational Association in which he served as president;

Whereas, Meredith has also taken an active role in the Indiana Association of Area Vocational Districts by serving as a member, past president, and now on the Board of Directors;

Whereas, The Workforce Investment Board, formerly known as the South Central Indiana Private Industry Council, was fortunate to have Meredith's input on how to meet the needs of Indiana's workforce;

Whereas, Meredith's years of experience in the area of vocational education made him a natural candidate to serve on the Indiana Professional Standards Board;

Whereas, Meredith participated as a member of the Governor's Technical Study Committee in preparing Indiana workforce legislation and the Indiana Professional Standards Board Occupational Testing Committee;

Whereas, As a member of the State Committee of Practitioners, Meredith recommended core standards and measures of performance for Vocational Education;

Whereas, Meredith has been instrumental in forging the School-to-Work partnerships in the area with Cummins Engine Company;

Whereas, This School-to-Work partnership was awarded the Indiana Vocational Education Partnership Award for Excellence in 1996;

Whereas, The C^4 Long Range Plan was initiated by Meredith to study facility utilization, equity, access, and safety along with changes that occur in the workplace, including advances in technology;

Whereas, Meredith's open door policy has led to a strong rapport with his students, who look to him as a role model; and

Whereas, The Columbus area is fortunate to have someone of Meredith's caliber serving in the field of education: Therefore,

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

SECTION 1. The Indiana General Assembly congratulates Meredith L. Thompson for his service as the C^4 Columbus Area

Career Connection and District 41 Vocational Director for the past 36 years.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Meredith L. Thompson.

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

House Concurrent Resolution 106

Representative Yount introduced House Concurrent Resolution 106:

A CONCURRENT RESOLUTION honoring the Columbus Area Career Connection and the Solar Stealth Team.

Whereas, The C^4 Solar Stealth Team was formed during the 1996-97 school year;

Whereas, The Solar Stealth Team is fortunate to have the proven leadership of Meredith Thompson, Executive Director of the Columbus Area Career Center, and Malcolm Stalcup, Advisor and Coordinator to the Solar Stealth Team;

Whereas, Both the business and industrial communities along with the State of Indiana have rallied around the Solar Stealth Team with funding and resources;

Whereas, The Solar Stealth Team has participated in the Winston Solar Challenge three years in a row;

Whereas, In 1997 at the Winston Solar Challenge, the team received the trophy for Fastest Average Speed—One Day;

Whereas, In 1998 at the Winston Solar Challenge, the team was awarded Fastest Average Speed for each of the three days of racing and in 1999 received the same award for each of the six days of racing;

Whereas, The Solar Stealth Team placed First in the 1998 High School Solar Car World Championship;

Whereas, In 1998 the Solar Stealth Team was awarded the Pitsco Award, which enabled them to compete in the World Solar Challenge;

Whereas, The team has participated in 1998 and 1999 in the World Solar Challenge which is a 2,000 mile race that takes place in the Australian Outback;

Whereas, The team is currently planning and redesigning to produce the Solar Stealth IV;

Whereas, The Solar Stealth Team has been touring various school districts, malls, museums and community functions to show young people the innovations which are taking place in solar technology;

Whereas, The Solar Stealth Team's commitment and dedication make it a world class leader in solar technology; and

Whereas, The Solar Stealth Team exemplifies the innovative spirit of our youth. We honor them for serving as positive role models for their peers: Therefore,

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

SECTION 1. The Indiana General Assembly congratulates the Columbus Area Career Connection and the Solar Stealth Team on their accomplishments and encourages them to continue in their winning ways.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit copies of this resolution to the Columbus Area Career Connection and the Solar Stealth Team.

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

House Concurrent Resolution 107

Representatives Tincher, Kersey, Gregg, Grubb, and Crosby introduced House Concurrent Resolution 107:

A CONCURRENT RESOLUTION honoring Kelly Lloyd, Miss Indiana 1999.

Whereas, The Miss Indiana Scholarship Pageant, held annually in Terre Haute, Indiana, is the official pageant for selecting Miss Indiana, who represents the Hoosier state at the Miss America Pageant in Atlantic City; Whereas, The Miss Indiana and Miss America Programs excel in providing opportunities for women to lead, achieve, and make a difference in their communities, states, and the nation;

Whereas, The Miss America Organization was responsible for providing over $39 million in scholarship opportunities in 1999, making it the world's largest scholarship program for women;

Whereas, Many fine American states have adopted the wise and judicious practice of declaring the winner of the state pageant as the state's official hostess and goodwill ambassador during her year of service as winner of the state pageant;

Whereas, The qualities and attributes of a winner in the Miss Indiana Scholarship Pageant are identical to those that are necessary for a young lady to serve as Indiana's official state hostess and goodwill ambassador, as well as to be successful in any other endeavor; and

Whereas, It would be of great benefit to the state of Indiana for Miss Indiana to serve as the state hostess and goodwill ambassador at appropriate public and festive occasions as well as other events to promote the state of Indiana: Therefore,

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

SECTION 1. That the annual winner of the Miss Indiana Scholarship Pageant should be and is declared the official hostess and goodwill ambassador of the state of Indiana for the duration of her year of service as winner of the pageant from this point forward.

SECTION 2. That the Indiana General Assembly honors Miss Indiana 1999, Kelly Lloyd, an Indianapolis, Indiana, resident and an outstanding ambassador of goodwill for all Hoosiers, for being a true inspiration, role model, and a shining example of living a healthy drug and alcohol free life.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Kelly Lloyd and her family, and to Governor O'Bannon, Lieutenant Governor Kernan, and the Legislative Council.

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

House Resolution 94

Representative V. Smith introduced House Resolution 94:

A RESOLUTION urging the establishment of an interim study committee to study the use of telephones and commissaries by inmates confined in a county jail or department of correction facility.

Whereas, Prisoners are in dire need of a direct link to the world and their loved ones outside the prison or jail walls; and

Whereas, Prisoners need to be able to obtain the fundamental things that make life more comfortable: Therefore,

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

SECTION 1. That the legislative council is urged to establish an interim study committee to study the use of telephones and commissaries by inmates confined in a county jail or department of correction facility.

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

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

House Resolution 95

Representative Gregg introduced House Resolution 95:

A RESOLUTION honoring Brooke Renee Chattin, Oaktown, Indiana, on her selection as the National Watermelon Queen.

Whereas, For the first time ever, a Knox County resident will reign as the National Watermelon Queen;

Whereas, Brooke Renee Chattin was crowned the National Watermelon Queen Saturday, February 26, 2000, in Los Angeles, California;

Whereas, Brooke will represent the United States and will be the official spokesperson for the National Watermelon Association;

Whereas, In her capacity as the Illiana Watermelon Queen, a title she won in March 1999, Brooke competed with eight others during the National Watermelon Association's annual convention;

Whereas, Brooke, the daughter of Beth and Dennis Chattin, is a sophomore at Purdue University studying public relations; and

Whereas, It is fitting and proper that special recognition be given to Brooke Renee Chattin: 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 Brooke Renee Chattin on her selection as the National Watermelon Queen.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Brooke Renee Chattin and her family and to the Illiana Watermelon Association.

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

House Resolution 96

Representatives Weinzapfel and Avery introduced House Resolution 96:

A RESOLUTION to honor the 2000 Indiana High School Athletic Association State Champion Wrestling Team from Evansville Mater Dei High School.

Whereas, The Evansville Mater Dei High School wrestling team is the 2000 Indiana High School Athletic Association State Wrestling Champion;

Whereas, This championship marks the team's sixth consecutive state title;

Whereas, The Wildcats completed their season with a perfect 25-0 record;

Whereas, In addition to their state championship title, the Wildcats garnered the following championship titles in 2000: Semi-State, Regional, Sectional, Southern Indiana Athletic Conference, and Evansville City;

Whereas, The team members are Craig Macke, Bobby Ausbrooks, Dustin Nosko, Mike Conkling, Matt Conkling, Logan Riggs, Chad Raben, Adam Goebel, Eric Dewig, Allen Weinzapfel, Aaron Knight, Tim Unfried, Craig Elsner, Jason Lewis, Jake Boehman, Jon Martin, Andrew Baumgartner, Jason Dewig, Nick Masterson, Justin Greubel, Sam Wildeman, Craig Weinzapfel, Mark Walker, and Eli Todich;

Whereas, The Wildcats coaching staff included head coach Mike Goebel and assistant coaches Randy Helfrich, Philip Zenthoefer, Andy McDonald, Steve Anslinger, Adam Siemers, Tim Scott, John Helfrich, and Kelly Maurer;

Whereas, Trainer Ron Straus, Dr. Jay Rohleder, Dr. James Macke, and Dr. Randall Oliver made up the medical support staff; and

Whereas, Athletic Director Joe Dippel, President Robert Wehde, and Principal Mary Traylor provided the administrative leadership: 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 recognizes and congratulates the 2000 IHSAA state championship wrestling team from Evansville Mater Dei High School.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to team members Craig Macke, Bobby Ausbrooks, Dustin Nosko, Mike Conkling, Matt Conkling, Logan Riggs, Chad Raben, Adam Goebel, Eric Dewig, Allen Weinzapfel, Aaron Knight, Tim Unfried, Craig Elsner, Jason Lewis, Jake Boehman, Jon Martin, Andrew Baumgartner, Jason Dewig, Nick Masterson, Justin Greubel, Sam Wildeman, Craig Weinzapfel, Mark Walker, Eli Todich, head coach Mike Goebel and assistant coaches Randy Helfrich, Philip Zenthoefer, Andy McDonald, Steve Anslinger, Adam Siemers, Tim Scott, John Helfrich, and Kelly Maurer, trainer Ron Straus, medical staff members Dr. Jay Rohleder, Dr. James Macke, and Dr. Randall Oliver, Athletic Director Joe Dippel, President Robert Wehde, and Principal Mary Traylor.

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

House Resolution 97

Representatives Kuzman and Alderman introduced House Resolution 97:

A RESOLUTION urging the establishment of an interim study committee on alcoholic beverages.

Whereas, The regulation of alcoholic beverages is of utmost importance to the citizens of the state of Indiana: Therefore,

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

SECTION 1. That the legislative council is urged to establish an interim study committee to study issues concerning alcoholic beverages.

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

SECTION 3. That the committee, if established, shall consist of members of the general assembly. 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.

SECTION 4. The committee, if established, 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.

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

House Resolution 98

Representatives Gregg and Mannweiler introduced House Resolution 98:

A HOUSE RESOLUTION to express the appreciation of the House of Representatives for the service of Richard W. Myers as Sergeant-at-Arms.

Whereas, Richard W. Myers has served the Second Regular Session of the House of Representatives of the 111th Indiana General Assembly as official Sergeant-at-Arms;

Whereas, Richard W. Myers brought to this task the professionalism acquired in his many years of training and his service as a Senior Trooper with the Indiana State Police, where he has served since 1986, with special expertise as an expert in explosives and member of the bomb squad;

Whereas, Richard W. Myers in the performance of his duties has consulted and advised and assisted the management and leadership of the House of Representatives on security matters;

Whereas, Richard W. Myers managed the doorkeeping and

receptionist staff under his supervision so that the flow of legislators and staff and visitors through the chambers and floor of this House was conducted with efficiency and safety;

Whereas, by his efforts and managerial skills, Richard W. Myers enabled thousands of the citizens of Indiana to view the proceedings of this House while maintaining the decorum required for the House to conduct its business; and

Whereas, Richard W. Myers efficiently performed all tasks required as Sergeant-at-Arms while providing the members of this House with professional security and safety measures and unfailing courtesy under trying circumstances: Therefore,

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

SECTION 1. The House of Representatives of the Indiana General Assembly gratefully acknowledges the services of Richard W. Myers and expresses it deep appreciation for his contribution to the functioning of this assembly.

SECTION 2. The Principal Clerk of the House is directed to deliver a copy of this resolution to Richard W. Myers and to Indiana State Police Superintendent Melvin Carraway.

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

House Resolution 122

Representatives Gregg and Mannweiler introduced House Resolution 122:

A HOUSE RESOLUTION to express the appreciation of the House of Representatives for the service of Jay J. Nawrocki as Sergeant-at-Arms.

Whereas, Sergeant Jay J. Nawrocki has served the Second Regular Session of the House of Representatives of the 111th Indiana General Assembly as official Sergeant-at-Arms;

Whereas, Sergeant Jay J. Nawrocki brought to this task the professionalism acquired in his many years of training with the Indiana State Police, where he has served since 1994, and his managerial experience with the Kroger Company, a Fortune 500 firm;

Whereas, In the performance of his duties Sergeant Jay J. Nawrocki has consulted, advised, and assisted the management and leadership of the House of Representatives on security matters;

Whereas, Sergeant Jay J. Nawrocki managed the doorkeeping and receptionist staff under his supervision so that the flow of legislators, staff, and visitors through the chambers and floor of this House was conducted with efficiency and safety;

Whereas, by his efforts and managerial skills, Sergeant Jay J. Nawrocki enabled thousands of the citizens of Indiana to view the proceedings of this House while maintaining the decorum required for the House to conduct its business; and

Whereas, Sergeant Jay J. Nawrocki efficiently performed all tasks required as Sergeant-at-Arms while providing the members of this House with professional security and unfailing courtesy under trying circumstances: Therefore,

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

SECTION 1. The House of Representatives of the Indiana General Assembly gratefully acknowledges the services of Indiana State Police Sergeant Jay J. Nawrocki and expresses its deep appreciation for his contribution to the functioning of this assembly.

SECTION 2. The Principal Clerk of the House is directed to deliver a copy of this resolution to Sergeant Jay J. Nawrocki. and to Indiana State Police Superintendent Melvin Carraway.

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

House Resolution 99

Representative V. Smith introduced House Resolution 99:

A RESOLUTION honoring Omega Psi Phi Fraternity, Inc. and the selection of Merrillville, Indiana, as the host city for its 10th District Conference.

Whereas, The Omega Psi Phi Fraternity, Inc., a predominantly African-American organization of college men with like ideals and goals, was founded at Howard University on November 17, 1911;

Whereas, The name Omega Psi Phi was derived from the initials of the Greek phrase meaning "friendship is essential to the soul";

Whereas, The Omega Psi Phi Fraternity, Inc. is guided by four principles: "Manhood, Scholarship, Perseverance, and Uplift";

Whereas, Many renowned Americans from the business, professional, and educational areas have been associated with Omega Psi Phi;

Whereas, Each year Omega Psi Phi Fraternity, Inc. selects one of its chartered chapters to host its 10th District Meeting;

Whereas, The 10th District includes the five states of Michigan, Illinois, Wisconsin, Minnesota, and Indiana;

Whereas, The Alpha Chi Chapter of Omega Psi Phi Fraternity, Inc. is hosting the 10th District Conference in the city of Merrillville, Indiana, April 6-9, 2000; and

Whereas, There are very few Americans whose lives have not been touched by a member of the Omega Psi Phi Fraternity, Inc.: 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 acknowledge the many contributions made to our state and our nation by the members of Omega Psi Phi Fraternity, Inc.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Omega Psi Phi Fraternity, Inc. and to Foster B. Stephens, 10th District Marshal of the Alpha Chi Chapter of Omega Psi Phi Fraternity.

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

House Resolution 100

Representatives Frizzell and Foley introduced House Resolution 100:

A HOUSE RESOLUTION urging the Legislative Council to create a study committee to study the relationship of buried utilities to the limited spacing for the postal system.

Whereas, Gas lines and other public utilities are buried in the right of way of state and local highways as well as on private property in the State of Indiana;

Whereas, It is an economic and regulatory necessity that public utility lines be buried underground for the safety and convenience of the general public;

Whereas, It is also necessary in rural and suburban settings that postal equipment (mailboxes) be located in the highway right of way or the abutting private property;

Whereas, The Indiana General Assembly has not recently studied this issue;

Whereas, Utility lines that are either buried deeper in the earth or farther from the side of the road would allow both utility lines and mailbox posts to coexist by the roadside; and

Whereas, Both of these useful commercial activities are required for the amenities of modern life: Therefore,

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

SECTION 1. The Legislative Council is urged to establish a study committee to study the relationship of buried utilities to the limited spacing for the postal system.

SECTION 2. That the study committee, if created, shall consist of eight (8) members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house pf representatives, not more

than twp (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

SECTION 3. That the study committee, if created, shall be created under the direction of the Legislative Council.

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

House Resolution 101

Representative C. Brown introduced House Resolution 101:

A HOUSE RESOLUTION urging the legislative council to assign the topic of the licensure of drug and alcohol abuse counselors to an existing interim study committee.

Whereas, The use of drugs and alcohol in our society is on the increase; and

Whereas, It is important that a patient be given the best possible care: Therefore,

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

SECTION 1. That the legislative council assign the topic of the licensure of drug and alcohol abuse counselors to an existing interim study committee.

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

The Speaker yielded the gavel to Representative Villalpando.

House Resolution 102

Representatives Lytle, Mellinger, and Scholer introduced House Resolution 102:

A RESOLUTION urging the establishment of an interim study committee on regional water and sewer districts.

Whereas, The creation of water and sewer districts is very important to the citizens of Indiana: Therefore,

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

SECTION 1. That the legislative council is urged to establish an interim study committee to study regional water and sewer districts.

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

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

House Resolution 103

Representative Kuzman introduced House Resolution 103:

A RESOLUTION honoring Scott W. Millsap on achieving the rank of Eagle Scout.

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

Whereas, Fewer than 2.5 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 through the ranks from Tenderfoot 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 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 the United States Congress, astronauts, writers, entertainers, scientists, and judges;

Whereas, Scott W. Millsap will become a member of this elite group on March 26, 2000, at St. John's United Church of Christ in Crown Point, Indiana, when he is awarded the rank of Eagle Scout;

Whereas, Scott W. Millsap constructed 12 picnic tables and refurbished eight others for his church as his Eagle Scout project; 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 Scott W. Millsap on achieving the rank of Eagle Scout.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Scott W. Millsap and his family.

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

House Resolution 104

Representative V. Smith introduced House Resolution 104:

A RESOLUTION recognizing the fifth annual African American Male National Conference sponsored by the African American Male National Council to be held in Indianapolis, Indiana.

Whereas, The African American Male National Council (AAMNC) is comprised of 17 member states designated with one common goal: to empower the African American community by attacking those issues that serve as impediments to their successful socioeconomic development;

Whereas, The AAMNC is under the auspices of the National Black Caucus of State Legislators;

Whereas, This year's conference theme, "Health: Ministering to the Whole Black Male," is designed to educate, inform, and prepare black males to strategically plan a course of action when trying to accomplish their life goals and overcoming life's obstacles; and

Whereas, The goals of this year's conference are to formulate strategies to positively affect the black male, to continue to address the challenges confronting the black male and to formulate appropriate policies, to build upon the initiatives discussed at the previous national conferences, to gain a clearer picture of the economic, social, and political issues facing black males, to educate the African American community on helping themselves, and to prepare the black male for self-improvement: 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 recognize the valuable work done by the African American Male National Council.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the African American Male National Council.

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

House Resolution 105

Representatives Gregg and Denbo introduced House Resolution 105:

A RESOLUTION honoring Lessalee Pickard for her years of dedicated service to the Democratic Party and the state of Indiana.

Whereas, Lessalee Pickard has dedicated her life to the Democratic Party at the local, state, and national levels;

Whereas, A totally unselfish person, Lessalee has volunteered countless hours of time in the service of her community and her state;

Whereas, This wonderful woman has served as Greene County Democratic vice chairperson for nearly 20 years under three

different chairpersons;

Whereas, Lessalee has held numerous positions during her career, including first and second deputy auditor under two different auditors, deputy surveyor for four years under three different surveyors, and president of the Greene County Democratic Club from 1949-1950;

Whereas, Lessalee was also picked to work on the Tax Board of Review;

Whereas, In addition to her work for the Democratic Party, Lessalee still finds the time to help her community, including organizing the annual Worthington Spring Festival and the annual Worthington-Jefferson Community Yard Sales, which brought 5,000 people to the community for the one-day event in September; and

Whereas, Lessalee is a rare individual. Her ability to give is exceeded only by her ability to care: 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 thank Lessalee Pickard for her years of dedicated service to the Democratic Party and her state.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Lessalee Pickard and to the Greene County Democratic Party chairman.

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

House Resolution 106

Representatives Porter, Richardson, C. Brown, Cochran, Dickinson, Harris, V. Smith, and Summers introduced House Resolution 106:

A HOUSE RESOLUTION to honor the Conner Prairie Living History Museum.

Whereas, Conner Prairie is a living history museum with year-round programs and exhibitions, hands-on activities for children and adults, heritage classes, family fun and lifelong learning;

Whereas, Conner Prairie is about the shaping of America as told through the story of the frontier spirit that still influences us as a nation today—a nation of innovators and entrepreneurs;

Whereas, Conner Prairie provides a variety of authentic, unique and entertaining educational experiences designed to show how American communities formed and developed in the nineteenth and twentieth centuries;

Whereas, Conner Prairie inspires and motivates people to realize the potential of communities to enrich and expand the possibilities of their own lives;

Whereas, Conner Prairie has innovated a special program entitled, "Follow the North Star," in which visitors step into the shoes of a runaway slave and experience first hand the Underground Railroad during the award winning 90-minute program;

Whereas, the North Star Program provides significant enlightenment towards the history of black citizens in the state of Indiana and cultivates communication regarding feelings and impressions about race relations in America today;

Whereas, this presentation has proven to be an outstanding resource for educating Indiana citizens on Indiana black history and for providing an understanding of the motivations that drove many courageous individuals in Indiana history to fight against the unjust human suffering in this country by participating in the Underground Railroad movement; and

Whereas, Conner Prairie has received national recognition through National Public Radio's This American Life program and was featured in USA Today: 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 recognizes Conner Prairie as a leading resource for education in the state of Indiana and acknowledges the importance of teaching the past to influence our future.

SECTION 2. That the Indiana General Assembly recognizes and commends the educational and community oriented mission of the North Star program and supports this program's outstanding efforts toward building understanding among the races.

SECTION 3. The Principal Clerk of the House is hereby directed to transmit a copy of this resolution to John Herbst, Chief Operating Officer of Conner Prairie.

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

House Resolution 107

Representative Ripley introduced House Resolution 107:

A HOUSE RESOLUTION congratulating John Sheets of Bellmont Senior High School for becoming the first Conseco Fieldhouse state champion at the 2000 IHSAA State Wrestling Finals.

Whereas, John Sheets became the first Conseco Fieldhouse state champion, matching the feat of his coach, Brent Faurote, who was the first Market Square Arena state champ 19 years ago;

Whereas, Freshman John Sheets defeated Goshen senior Gerardo Quiroz 4-1 for the 103-pound title, kicking off the first state mat finals in the recently opened arena;

Whereas, A spectacular semifinal match is what propelled John to the crown. Facing a very strong senior from Columbus North, John fell behind 4-0 and 6-1 as the wild first period took off with the two wrestlers scrambling around for position. John flattened his opponent in a stunning 1:12 to earn the title match shot: and

Whereas, This will be a memory that John Sheets can cherish for a lifetime: Therefore,

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

SECTION 1. The Indiana House of Representatives congratulates John Baker on becoming the first Conseco Fieldhouse state wrestling champion.

SECTION 2. The Principal Clerk of the House of representatives transmit a copy of this resolution to John Sheets.

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

House Resolution 108

Representative Friend introduced House Resolution 108:

A HOUSE RESOLUTION to congratulate the Luminairs, Jessica Mattox and Eric Pepper, for their award winning double trapeze act.

Whereas, The Luminairs, Jessica Mattox and Eric Pepper, performed their double trapeze act in Monte Carlo before 5,000 spectators and Prince Rainier;

Whereas, The Peru Amateur Circus will be again invited to Monaco next year by virtue of the Luminairs' performance and the assistance of Circus City Festival, Inc.;

Whereas, the Luminairs were ably assisted by trainers Randy Wallik and Bill Anderson; and

Whereas, Mattox and Pepper's trapeze act was singled out by Prince Rainier as his favorite, most daring and dangerous act: Therefore,

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

SECTION 1. The Indiana House of Representatives congratulates the Luminairs, Jessica Mattox and Eric Pepper, for their award winning double trapeze act performed in Monte Carlo.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit copies of this resolution to Jessica Mattox and Eric Pepper.

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

House Resolution 109

Representatives Gregg and Mannweiler introduced House

Resolution 109:

A HOUSE RESOLUTION to honor Margaret Sullivan for her many years of service to this House.

Whereas, House Receptionists work long, unpredictable hours;

Whereas, House Receptionists greet and provide information to members of the public and lobbyists;

Whereas, House Receptionists serve and assist the Members and staff of the House of Representatives and perform many other tasks required for the orderly operation of the General Assembly; and

Whereas, Margaret Sullivan was a full-time staff member for the Democratic Caucus in 1985 and 1986, and from 1988 through 1994 and after retirement has worked as a Session Receptionist from 1997 through 2000, for a total of 15 sessions, all the while contributing to the best performances of this House in the conduct of its business on behalf of the people of Indiana: Therefore,

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

SECTION 1. The House of Representatives expresses its deep appreciation to Margaret Sullivan for her patience, consideration and efficient helpfulness over all the years of her service.

SECTION 2. The Principal Clerk of the House is directed to deliver a copy of this resolution to Margaret Sullivan.

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

Representative Villalpando yielded the gavel to the Speaker.

House Resolution 110

Representatives Gregg and Mannweiler introduced House Resolution 110:

A HOUSE RESOLUTION to honor Jerome Sternberg for his many years of service to this House.

Whereas, House Doorkeepers work long, unpredictable hours;

Whereas, House Doorkeepers greet and provide information to members of the public and lobbyists;

Whereas, House Doorkeepers serve and assist the Members and staff of the House of Representatives and perform many other tasks required for the orderly operation of the General Assembly; and

Whereas, Jerome Sternberg has served as a doorkeeper from 1989 through 1994, and 1997 through 2000 for a total of ten sessions, all the while contributing to the best performances of this House in the conduct of its business on behalf of the people of Indiana: Therefore,

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

SECTION 1. The House of Representatives expresses its deep appreciation to Jerome Sternberg for his patience, consideration and efficient helpfulness over all the years of his service.

SECTION 2. The Principal Clerk of the House is directed to deliver a copy of this resolution to Jerome Sternberg.

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

House Resolution 111

Representatives Gregg and Mannweiler introduced House Resolution 111:

A HOUSE RESOLUTION to honor George Johnson for his many years of service to this House.

Whereas, House Doorkeepers work long unpredictable hours;

Whereas, House Doorkeepers greet and provide information to members of the public and lobbyists;

Whereas, House Doorkeepers serve and assist the Members and staff of the House of Representatives and perform many other tasks required for the orderly operation of the General Assembly; and

Whereas, George Johnson has served as a doorkeeper for every session since 1981, a total of nineteen sessions, and has endured the regimes of Speakers J. Roberts Dailey, Paul S. Mannweiler, Michael K. Phillips and John R. Gregg, all the while contributing to the best performances of this House in the conduct of its business on behalf of the people of Indiana: Therefore,

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

SECTION 1. The House of Representatives expresses its deep appreciation to George Johnson for his patience, consideration and efficient helpfulness over all the years of his service.

SECTION 2. The Principal Clerk of the House is directed to deliver a copy of this resolution to George Johnson.

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

House Resolution 112

Representatives Gregg and Mannweiler introduced House Resolution 112:

A HOUSE RESOLUTION to honor Carolyn Curtis for her many years of service to this House.

Whereas, House Receptionists work long unpredictable hours;

Whereas, House Receptionists greet and provide information to members of the public and lobbyists;

Whereas, House Receptionists serve and assist the Members and staff of the House of Representatives and perform many other tasks required for the orderly operation of the General Assembly; and

Whereas, Carolyn Curtis worked in the House Telephone Center from 1983 through 1990, and as Receptionist from 1995 through 2000, for a total of 14 sessions, all the while contributing to the best performances of this House in the conduct of its business on behalf of the people of Indiana: Therefore,

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

SECTION 1. The House of Representatives expresses its deep appreciation to Carolyn Curtis for her patience, consideration and efficient helpfulness over all the years of her service.

SECTION 2. The Principal Clerk of the House is directed to deliver a copy of this resolution to Carolyn Curtis.

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

House Resolution 113

Representative Denbo introduced House Resolution 113:

A HOUSE RESOLUTION to congratulate the Orleans High School Soil Judging Team for its State Championship in the Soil Career Development Event.

Whereas, Soil judging is a field-oriented activity that provides students with the opportunity to learn soil properties while observing various soils throughout the region and enhances the students' techniques to describe soil morphology and site characteristics, classify soils, and make land use interpretations;

Whereas, The development of soil judging techniques is increasingly important for the modern economy of Indiana;

Whereas, Orleans High School has a total student enrollment of fewer than three hundred students in the upper four grades, yet competes against schools of all classes in the state's field judging competition;

Whereas, Notwithstanding its small size, the Orleans High School Soil Judging Team won the Indiana championship in the soil career development event;

Whereas, This championship performance was achieved due to the outstanding talents and efforts of the team members: Justin Busick, C.J. Fleenor, Neil Hudelson, Dan Johnson and Levi Shelton;

Whereas, This championship program was further enabled by the strong support of the school's adult staff, including Coach Hank Carson, Principal Keith Brakel and Superintendent Terry Enlow, along with the active support of all the adult parents and other volunteers; and

Whereas, This championship experience will enhance all the rest of the lives of these students: Therefore,

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

SECTION 1. The House of Representatives congratulates all the members of the championship Orleans High School soil judging team, and urges that they use this championship experience for the enrichment of their own lives and to further contribute to their families and communities.

SECTION 2. The Principal Clerk of the House is directed to deliver a copy of this resolution to all the members of the Orleans High School soil judging team.

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

House Resolution 114

Representatives Turner and D. Young introduced House Resolution 114:

A HOUSE RESOLUTION to congratulate John Webster for receiving the 1999 Highway Superintendent of the Year Award.

Whereas, In December, 1999, Grant County Highway Superintendent John Webster received the Highway Superintendent of the Year Award;

Whereas, This award is given yearly to one of Indiana's 92 county highway commissioners;

Whereas, The Grant County Commissioners nominated Webster for the award for his cost-saving measures and for performing excavation and demolition work at the new detention center site in downtown Marion;

Whereas, Webster, a former hardware store owner, is well known throughout the state for the type of work he has done;

Whereas, John Webster has been the County Highway Superintendent since 1987, overseeing the county's 813 miles of roads and supervising a workforce of 38 people; and

Whereas, John Webster personifies the finest in Indiana's public service officials: Therefore,

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

SECTION 1. The Indiana House of Representatives congratulates John Webster for receiving the 1999 Highway Superintendent of the Year Award.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to John Webster.

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

House Resolution 115

Representative Scholer introduced House Resolution 115:

A HOUSE RESOLUTION honoring the Society of Black Engineers (NSBE) at Purdue University which grew into the National Society of Black Engineers.

Whereas, The National Society of Black Engineers celebrates 25 years as one of the nation's premier organizations for black engineers;

Whereas, NSBE's mission is to increase the number of culturally responsible Black engineers who excel academically, succeed professionally and positively impact the community;

Whereas, NSBE was founded by Arthur Bond, Edward Coleman, Anthony Harris, Brian Harris, Stanley Kirtley, John Logan Jr. and George Smith Jr.;

Whereas, NSBE recently honored David Robert Lewis who was the first African-American Engineering Graduate;

Whereas, NSBE has grown from a visionary single chapter in West Lafayette to 268 chapters throughout the world including chapters in Canada, England, Ghana and Nigeria with over 10,000 members;

Whereas, NSBE campus chapters sponsor tutorial programs, group study sessions, technical seminars and workshops and career fairs to students;

Whereas, NSBE honored the Purdue founders in 1997 with a four-foot bronze plaque in which cites a vision "manifested through past, present, and future leaders";

Whereas, The "NSBE torch symbolizes the everlasting burning desire to achieve success in this competitive society and to affect a positive change on the quality of life for all people";

Whereas, The "NSBE lightning bolt represents the striking impact that will be felt by the Society and industry due to the contributions and accomplishments made by dedicated members of the National Society of Black Engineers";

Whereas, NSBE students and alumni continue to make significant contributions to the Purdue University Campus through their strong academic and professional mentoring tradition; and

Whereas, NSBE members serve as positive role models for new generations of future engineers: Therefore,

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

SECTION 1. The Indiana House of Representatives congratulates the Society of Black Engineers (NSBE) which grew into the National Society of Black Engineers.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit copies of this resolution to the National Society of Black Engineers.

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

Senate Concurrent Resolution 10

The Speaker handed down Senate Concurrent Resolution 10, sponsored by Representatives Gregg and Ripley:

A CONCURRENT RESOLUTION urging the Legislative Council to establish an interim study committee to examine the fiscal impact of the courts upon county budgets.

Whereas, The Indiana General Assembly directed the County Government Study Commission to review various issues related to county government;

Whereas, The County Government Study Commission has been meeting since 1997 to review the issues raised by the Indiana General Assembly;

Whereas, While studying how to improve the effectiveness and efficiency of county government, the County Government Study Commission uncovered a significant issue that warrants establishment of a study committee that includes members of the judiciary;

Whereas, After reviewing the financial issues related to the county courts and hearing testimony from the Association of Indiana Counties, the Indiana Judges Association and many elected county officials, the County Government Study Commission has concluded that further review of this matter is needed; and

Whereas, The County Government Study Commission recommends that the General Assembly appoint an interim study committee for the purpose of studying the issues relating to the fiscal impact of the courts upon county budgets: Therefore,

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

SECTION 1. That the Legislative Council is urged to establish an interim committee to study the issues relating to the fiscal impact of the courts upon county budgets.

SECTION 2. That the County Government Study Commission recommends the Legislative Council include representatives of county government and the judiciary on the study committee, if established.

SECTION 3. That the study committee, if established, shall study and may make recommendations concerning the following issues:

(1) The burden on county budgets related to funding the courts, court employees, and the judicial system.
(2) The possible benefits of implementing state funding to ease the current burdens on county budgets.
(3) The potential implementation of programs for at-risk youth and the beneficial impact such programs could provide for county budgets through a reduction in the number of youth offenders.

SECTION 4. That the committee, if established, shall operate under the direction of the Legislative Council.

SECTION 5. That the Principal Secretary of the Senate is hereby directed to transmit copies of this resolution to the members of the Legislative Council.

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

Senate Concurrent Resolution 18

The Speaker handed down Senate Concurrent Resolution 118, sponsored by Representatives Avery, Becker, Hasler, and Weinzapfel:

A CONCURRENT RESOLUTION urging the Legislative Council to establish an interim study committee to examine the need for alternative care options for individuals prone to violent behavior due to the effects of dementia or related diseases.

Whereas, There is currently no adult care program that specifically identifies the increased needs of individuals prone to violent behavior due to the effects of dementia and related diseases and that provides the higher standard of care essential to ensure the safety of such individuals, other residents in the same facility, and the staff;

Whereas, Under current programs, obtaining mental health services for individuals suffering from dementia or related diseases is nearly impossible;

Whereas, As a result, individuals suffering from the effects of dementia or related diseases are typically placed in nursing home facilities;

Whereas, Current Indiana nursing home regulations do not set out specific care requirements for residents who suffer from dementia or related diseases;

Whereas, Indiana Medicaid does not currently provide additional funding for the care of individuals suffering from dementia or related diseases;

Whereas, Due to financial constraints, most nursing home facilities are not staffed appropriately to provide the constant care necessary to ensure that these individuals do not endanger themselves, other residents, and staff members during violent episodes; and

Whereas, The lack of appropriate facilities and services for individuals suffering from dementia or related diseases, coupled with the increasing number of elderly individuals prone to this condition, poses a great risk of injury or death to elderly individuals in nursing home facilities: Therefore,

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

SECTION 1. That the Legislative Council is urged to establish an interim study committee to study the issues relating to the availability of care for individuals suffering from the effects of dementia or related diseases.

SECTION 2. That the study committee, if established, shall study and may make recommendations concerning the following issues:
(1) Defining the full scope and severity of the problems resulting from the lack of adult care programs and facilities providing a higher level of service to meet the increased needs of individuals prone to violent behavior due to the effects of dementia and related diseases.
(2) Identifying the factors contributing to the above-identified problems.
(3) Identifying alternative types of care being utilized in other communities to address the above-identified problems.
(4) Recommending action to ameliorate the above-identified problems and to provide for the improved health and safety of individuals suffering from the effects of dementia or related diseases, for other residents with whom they live, and for the staff charged with caring for such individuals.

SECTION 3. That the committee, if established, shall operate under the direction of the Legislative Council and that the committee shall issue a final report when directed to do so by the Council.

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

Senate Concurrent Resolution 35

The Speaker handed down Senate Concurrent Resolution 35, sponsored by Representatives Scholer and Klinker:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study educational programs for high ability students.

Whereas, School corporations in Indiana indicate that there are approximately 90,000 high ability students enrolled in Indiana schools;

Whereas, "High ability student" means a child or youth who performs at, or shows the potential for performing at, an outstanding level of accomplishment in one or more domains when compared to others of the same age, experience, or environment;

Whereas, Students in accelerated classes have been shown to gain grade-level competencies at twice the rate of high ability students who are left in regular classes;

Whereas, Most school programs in Indiana do not provide consistent, comprehensive programs for high ability students in kindergarten through grade 12;

Whereas, While nearly all school corporations have a program for high ability students, there is a vast disparity in the level of services from district to district;

Whereas, There are many program structures and types of practices that can be implemented to provide services to high ability students, some of which have minimal or no additional fiscal impact;

Whereas, The services that would be best suited for each school corporation could be determined by local schools according to their needs and resources;

Whereas, There is widespread dissatisfaction among parents of Indiana's high ability students regarding the level and availability of an appropriate education for their children;

Whereas, If Indiana is to compete successfully in the global economy, it is important that more students reach higher levels of achievement and that highly capable students receive an education that prepares them to perform the highly innovative and creative work necessary in today's workplace; and

Whereas, The state of Indiana does not provide all students with an educational program that allows them to maximize their potential: Therefore,

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

SECTION 1. That the legislative council is urged to establish an interim study committee to study programs for high ability students.

SECTION 2. That the committee, if established, be directed by the legislative council to study and be permitted to make recommendations to the general assembly concerning the following issues related to programs for high ability students:
(1) Evaluation of the types of services presently being provided by school corporations under the existing definitions and requirements in the Indiana Code.

(2) Identification of the shortfalls in instructional services.
(3) Review of the programming options that would provide appropriate educational experiences for high ability students at the elementary, middle, and high school levels.
(4) Requiring, rather than permitting, school governing bodies to develop appropriate educational experiences for high ability students under IC 20-10.1-5.1-4 as a possible solution to the concerns regarding high ability students.
(5) Determination of the level of funding needed to provide appropriate instructional support for high ability students.
(6) Consideration of the recommendations of the Indiana commission on the future of gifted and talented education made in 1997.
(7) Review of successful programs for high ability students in other states.
(8) Provision for the assurance that each Indiana student is given the opportunity to advance at the student's own learning rate according to the student's ability.

SECTION 3. That the committee, if established, shall operate under the direction of the legislative council and shall issue a final report when directed to do so by the council.

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

Senate Concurrent Resolution 44

The Speaker handed down Senate Concurrent Resolution 44, sponsored by Representative Kruzan:

A CONCURRENT RESOLUTION to urge 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 disease 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 Department of Health, to proactively address issues relating to HIV/AIDS, and which office 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 disease has grown significantly; the progression from HIV to an AIDS diagnosis for many 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 disease;

Whereas, It is estimated that an additional 1,300, or 21 percent, of Hoosiers with HIV disease are unaware of their diagnosis, and hundreds of individuals know that they are HIV-positive but are not receiving care regularly;

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 and women, as well as 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 29.9 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 1.3 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 of HIV disease 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, and one in eight are in young people under age 22;

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

Whereas, Increasingly, some individuals with HIV disease have also been diagnosed with substance abuse and/or mental illness (dual diagnosis);

Whereas, Substance abuse is a factor in well over 50% 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 services needs of people living with HIV disease;

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

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

Whereas, Since its inception, the Ryan White CARE Act has ensured the delivery of vital medical care and 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;

Whereas, Over 80% pays for life-extending and life-saving pharmaceuticals under Indiana's AIDS Drug Assistance Program (ADAP) and for comprehensive health insurance policies under Indiana'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;

Whereas, 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 diagnoses in Indiana; and

Whereas, The Midwest AIDS Training and Education Center (MATEC) is funded as part of Part F of the Ryan White CARE Act, and in Indiana, MATEC trains clinical health care providers, provides consultation and technical assistance, and disseminates

ever-changing information for the effective management of HIV disease: Therefore,

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

SECTION 1. That the Indiana General Assembly 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 services needs of individuals living with HIV disease are met.

SECTION 2. The Secretary of the Senate is directed to transmit a copy 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, and to the Chairpersons and Ranking Minority Members of the House Commerce, Appropriations, and Budget Committees, and to each Senator and Representative from Indiana in the Congress of the United States.

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

Senate Concurrent Resolution 47

The Speaker handed down Senate Concurrent Resolution 47, sponsored by Representative Welch:

A CONCURRENT RESOLUTION urging the legislative council to establish a study committee to study the issues relating to the Infants and Toddlers with Disabilities Program (also known as First Steps).

Whereas, It has been well established that early intervention is an effective way to prevent or reduce problems for children at a later age;

Whereas, If it is suspected that a child has a developmental delay or a condition that could lead to such a delay, an evaluation of this problem should be initiated immediately; and

Whereas, Early intervention services should be implemented in a cost effective manner through the integration and coordination of all available federal, state, local, and private resources: Therefore,

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

SECTION 1. That the legislative council is urged to establish a study committee to study the issues relating to the Infants and Toddlers with Disabilities Program (also known as First Steps).

SECTION 2. That the committee, if established, shall study the following issues:

(1) Quality assurance issues, including:

(A) A means by which to assure the competence of individuals who provide early intervention services to infants and toddlers with disabilities, whether through establishing minimum qualifications to participate as a provider of services or through certification or accreditation of providers.

(B) Review of provider records.

(C) Continued enforcement of complaint and investigation procedures.

(2) Financial issues, including:

(A) Review of program costs.

(B) Possible implementation of a sliding fee scale for services.

SECTION 3. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

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

Senate Concurrent Resolution 48

The Speaker handed down Senate Concurrent Resolution 48, sponsored by Representatives Bottorff and J. Lutz:

A CONCURRENT RESOLUTION urging the legislative council to direct the regulatory flexibility committee to review the issue of open access to internet services.

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

SECTION 1. That the legislative council is urged to charge the regulatory flexibility committee, established under IC 8-1-2.6-4, with studying the issue of open access to high-speed broadband internet services provided over television or telephone cable.

SECTION 2. That the regulatory flexibility committee, if so charged, shall report the results of its review to the legislative council by November 1, 2000.

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

Senate Concurrent Resolution 49

The Speaker handed down Senate Concurrent Resolution 49, sponsored by Representative Behning:

A CONCURRENT RESOLUTION to honor and memorialize Dr. William M. Kendrick, founder of Kendrick Memorial Hospital.

Whereas, Dr. William M. Kendrick was renowned for his pioneering leadership in specialized medicine and surgery in the Midwest;

Whereas, Dr. William M. Kendrick was a compassionate and dedicated healer, who for more than 50 years brought awareness of the importance of early detection in colon and rectal cancer to the citizens of Indiana;

Whereas, Dr. William M. Kendrick dedicated his life to serving others as a physician and developed the largest private practice for colon and rectal treatment in the state;

Whereas, Dr. William M. Kendrick helped to develop a growing and vital regional specialized hospital resource in Morgan County serving hundreds of thousands of patients;

Whereas, Dr. William M. Kendrick provided community leadership serving as Chairman of the Board of Directors of Kendrick Memorial Hospital and Vice President of the 500 Festival; and

Whereas, Dr. William M. Kendrick proudly served his country in the United States Army Medical Corps from 1942-1946, treating the casualty victims of Okinawa, Iwo Jima and Guam. He received the American Campaign Service Medal, the Asiatic Pacific Service Medal and a Victory Medal, leaving the service with honor at the rank of Major: Therefore,

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

SECTION 1. That the people of Indiana and the Indiana General Assembly recognizes the many contributions of Dr. William M. Kendrick to the medical community and the State of Indiana.

SECTION 2. That the Secretary of the Senate be directed to send copies of this resolution to Dr. William M. Kendrick's wife Dawn Milesi Kendrick and Kendrick Memorial Hospital Board of Directors.

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

Senate Concurrent Resolution 63

The Speaker handed down Senate Concurrent Resolution 63, sponsored by Representative Yount:

A CONCURRENT RESOLUTION to honor Columbus North High

School senior swimmer Alec Sheehy as the recipient of the 2000 Herman F. Keller Mental Attitude Award.

Whereas, In recognition of his dedication and commitment to his team in the pursuit of victory, senior Alec Sheehy was awarded the 2000 Herman F. Keller Mental Attitude Award;

Whereas, In large part due to Alec Sheehy's contributions, the Columbus North High School Boys Swim Team (a.k.a. the Bull Frogs) captured its third consecutive state swimming title on February 26, 2000;

Whereas, During the state finals, Alec displayed great courage and tenacity by claiming the 200 individual medley for his second consecutive year, as well as serving on the championship 200 and 400 freestyle relay teams;

Whereas, Alec's talents also extend into the classroom, where he ranks 16th in his class of 380 students, and where he has been recognized as both an Academic All-American and as a member of the National Honor Society;

Whereas, Alec's commitment to excellence will continue next fall when he attends Stanford University in pursuit of a medical degree; and

Whereas, The people of Indiana are quite proud of the commitment to excellence that Alec Sheehy has displayed, and we encourage the youth of this great state to look to him as a quality role model: Therefore,

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

SECTION 1. That the Indiana General Assembly hereby congratulates Columbus North High School senior Alec Sheehy on his receipt of the 2000 Herman F. Keller Mental Attitude Award.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Columbus North High School senior Alec Sheehy, parents Joe and Kathleen Sheehy, principal Bill McCaa and Head Coach Jim Sheridan.

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

Senate Concurrent Resolution 64

The Speaker handed down Senate Concurrent Resolution 64, sponsored by Representative Yount:

A CONCURRENT RESOLUTION to congratulate the Columbus North High School Boys Swim Team on capturing the 2000 IHSAA state swimming championship.

Whereas, On February 26, 2000, the Columbus North High School Boys Swim Team, the Bull Frogs, captured its third consecutive state swimming championship, the tenth in the school's history, in a decisive 229-170 victory over runner-up Carmel;

Whereas, The Bull Frogs accumulated several medals on its way to victory, including junior Ryan Wochomurka's 200 freestyle, senior Alec Sheehy's 200 individual medley, and team 200 and 400 freestyle relays;

Whereas, As an additional team honor, senior Alec Sheehy was named the Herman F. Keller Mental Attitude Award winner;

Whereas, Recognizing him for his dedicated leadership and his overwhelming passion for the sport, the Bull Frogs head coach Jim Sheridan received the Coach of the Year Award for the fourth consecutive year; and

Whereas, The Bull Frogs have earned the respect and praise of this great state for its long-standing commitment to excellence in the sport of swimming, culminating with this championship: Therefore,

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

SECTION 1. That the people of Indiana extend their heartfelt congratulations to the Columbus North High School Boys Swim Team, the Bull Frogs, on capturing their third consecutive state championship at the 2000 IHSAA state swimming finals.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Columbus North Head Coach Jim Sheridan, principal Bill McCaa and to the various team members.

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

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 34

The Speaker handed down Senate Concurrent Resolution 34, sponsored by Representatives T. Adams, Saunders, and Munson:

A CONCURRENT RESOLUTION urging the legislative council to require the regulatory flexibility committee to study the topic of merchant power plants.

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

SECTION 1. That the legislative council require the regulatory flexibility committee to study the topic of merchant power plants.

SECTION 2. That the regulatory flexibility committee study the following issues related to merchant power plants:

(1) Local zoning.
(2) Regulation by the Indiana Utility Regulatory Commission and other state agencies, including certificates of need.
(3) Public input into siting of merchant power plants.
(4) Environmental impact issues.
(5) Tax abatement and other tax issues.
(6) The need for additional electrical capacity.
(7) How the establishment of merchant power plants affects utility rates.
(8) How the establishment of merchant power plants affects community cohesion and quality of life.
(9) Any public health issues or concerns resulting from the establishment of merchant power plants.
(10) Any other issues the committee considers relevant to the establishment of merchant power plants.

SECTION 3. That the committee issue a final report containing its findings or recommendations to the legislative council not later than November 1, 2000.

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

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 11:20 a.m. with the Speaker Pro Tempore, Representative Dobis, in the Chair.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
EHB 1343–1; filed March 3, 2000, at 9:23 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1343 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

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

"SECTION 1. IC 13-11-2-177.5 IS ADDED TO THE INDIANA

CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 177.5. "Publicly owned treatment works", for purposes of IC 13-18-3, has the meaning set forth in 327 IAC 5-1.5-48.**

SECTION 2. IC 13-11-2-242.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 242.3. "Upset", for purposes of IC 13-18-12-8, means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, and does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.**

SECTION 3. IC 13-18-12-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) If a publicly owned treatment works permittee:**

(1) determines that an upset has occurred in the publicly owned treatment works that is likely to pose a threat to human or animal life; or

(2) has knowledge of an imminent threat from a chemical or other release to the collection system that is likely to cause an upset in the publicly owned treatment works that is likely to pose a threat to human or animal life;

the permittee shall notify emergency response personnel of the department not more than two (2) hours after the determination under subdivision (1) or the acquisition of knowledge of an imminent threat under subdivision (2).

(b) If the department receives notification from a publicly owned treatment works permittee under subsection (a), the department:

(1) must notify all appropriate state and local government agencies;

(2) may provide technical assistance to the publicly owned treatment works as the department determines is necessary; and

(3) must, if the department determines that there is or may be a threat to human health or animal life, notify the affected news media;

not more than forty-eight (48) hours after receiving the notification under subsection (a).

SECTION 4. IC 13-30-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) A person who intentionally, knowingly, or recklessly violates:

(1) environmental management laws;

(2) air pollution control laws;

(3) water pollution control laws;

(4) a rule or standard adopted by one (1) of the boards; or

(5) a determination, a permit, or an order made or issued by the commissioner under environmental management laws or IC 13-7 (before its repeal);

commits a Class D felony.

(b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of a Class D felony under this section (or IC 13-7-13-3(a) before its repeal) may, in addition to the term of imprisonment established under IC 35-50-2-7(a), be punished by:

(1) a fine of not less than ~~two~~ **five** thousand ~~five hundred~~ dollars ~~($2,500)~~ **($5,000)** and not more than ~~twenty-five~~ **fifty** thousand dollars ~~($25,000)~~ **($50,000)** per day of violation; or

(2) if the conviction is for a violation committed after a first conviction of the person under this section (or IC 13-7-13-3(a) before its repeal), a fine of not more than ~~fifty~~ **one hundred** thousand dollars ~~($50,000)~~ **($100,000)** per day of violation.

SECTION 5. IC 13-30-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A person who knowingly:

(1) transports any hazardous waste to a facility that does not have an operation permit or approval to accept the waste;

(2) disposes, treats, or stores any hazardous waste without having obtained a permit for the waste; or

(3) makes a false statement or representation in an application, a label, a manifest, a record, a report, a permit, or other document filed, maintained, or used under environmental management laws with regard to hazardous waste;

commits a Class D felony.

(b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of a Class D felony under this section may, in addition to the term of imprisonment established under IC 35-50-2-7(a), be punished by:

(1) a fine of **not less than two thousand five hundred dollars ($2,500) and** not more than ~~twenty-five~~ **fifty** thousand dollars ~~($25,000)~~ **($50,000)** for each day of violation; or

(2) if the conviction is for a violation committed after a first conviction of the person under this section, IC 13-30-6-1, IC 13-30-6-2, or IC 13-7-13-3 (before its repeal), a fine of not more than ~~fifty~~ **one hundred** thousand dollars ~~($50,000)~~ **($100,000)** per day of violation.

SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "department" refers to the department of environmental management.**

(b) The department shall prepare a report that includes the following:

(1) A comprehensive and detailed report that:

(A) describes plans for restoration of the White River; and

(B) sets forth the department's recommendations for changes in statutes, rules, or procedures and practices of the department to:

(i) reduce the probability of contamination events; and

(ii) improve the timeliness and efficiency of protocols and procedures for notice to affected entities if such an event occurs in the future.

(2) A complete list of all events of contamination of waters of the state after December 31, 1994, in which fish or other aquatic species were killed and in which civil penalties were imposed under IC 13-30-4 (or under the law that governed the imposition of civil penalties before the enactment of IC 13-30-4), including the following:

(A) A description of the contamination event.

(B) The date the contamination event occurred.

(C) The entity on which the civil penalty was imposed.

(D) The total amount of the civil penalty imposed.

(c) Before November 30, 2000, the department shall deliver the report described in subsection (b) to:

(1) the executive director of the legislative services agency for distribution to members of the legislative council;

(2) the environmental quality service council;

(3) the governor; and

(4) the lieutenant governor.

(d) The environmental quality service council shall:

(1) study the report delivered to it under subsection (c); and

(2) make recommendations to the general assembly before January 1, 2002.".

Page 2, line 14, after "needing to" insert "**make a**".

Page 2, line 19, delete "SECTION 1" and insert "**SECTION 7**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1343 as printed February 9, 2000.)

GARD	KUZMAN
SIMPSON	WOLKINS
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 411–1; filed March 3, 2000, at 9:56 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 411 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

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

"SECTION 1. IC 12-19-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. As used in this chapter, "child

services" means **the following:**

(1) Child welfare services specifically provided for children who are:

~~(1)~~ **(A)** adjudicated to be:

~~(A)~~ **(i)** children in need of services; or

~~(B)~~ **(ii)** delinquent children; or

~~(2)~~ **(B)** recipients of or are eligible for:

~~(A)~~ **(i)** informal adjustments;

~~(B)~~ **(ii)** service referral agreements; and

~~(C)~~ **(iii)** adoption assistance;

including the costs of using an institution or facility in Indiana for providing educational services as described in either IC 20-8.1-3-36 (if applicable) or IC 20-8.1-6.1-8 (if applicable), all services required to be paid by a county under IC 31-40-1-2, and all costs required to be paid by a county under IC 20-8.1-6.1-7.

(2) Assistance awarded by a county to a destitute child under IC 12-17-1.

(3) Child welfare services as described in IC 12-17-3.

SECTION 2. IC 12-19-7-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 1.5. (a) The division of family and children may transfer any of the following to a county family and children's fund:**

(1) Money transferred under P.L.273-1999, SECTION 126, to the division from a county welfare fund on or after July 1, 2000, without regard to the county from which the money was transferred.

(2) Money appropriated to the division for any of the following:

(A) Assistance awarded by a county to a destitute child under IC 12-17-1.

(B) Child welfare services as described in IC 12-17-3.

(C) Any other services for which the expenses were paid from a county welfare fund before January 1, 2000.

(b) Money transferred under subsection (a)(1) or (a)(2) must be used for purposes described in subsection (a)(2).".

Page 1, line 17, delete "if the parties have requested or are" and insert "**.**".

Page 2, delete lines 1 through 27.

Renumber all SECTIONS consecutively.

(Reference is to ESB 411 as reprinted February 24, 2000.)

KENLEY	DVORAK
BLADE	D. YOUNG
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

EHB 1008–1; filed March 3, 2000, at 9:57 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1008 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 7, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 7. IC 8-17-1-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 45. (a) Each county is responsible for the construction, reconstruction, maintenance, and operation of the roads**, including the ditches and signs for those roads,** making up its southern and eastern boundaries.

(b) The county executives of two (2) adjoining counties may enter into an agreement under IC 36-1-7 for the construction, reconstruction, maintenance, or operation of any road or part of a road that makes up the boundary between the two (2) counties. In addition to the requirements of IC 36-1-7-3, an agreement under this section must provide for the following:

(1) The division of costs between the counties.

(2) The schedule for the work.

(3) The method of resolving disputes concerning the agreement if any arise.

(4) Any other terms the counties consider necessary.

SECTION 8. IC 20-14-1-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 8. A township trustee of a township that is:**

(1) located in a county having a population of more than thirty-one thousand (31,000) but less than thirty-one thousand five hundred (31,500); and

(2) not served by a public library;

may pay the cost of a library card at the nearest library for a resident of the township upon request of the resident.".

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

"SECTION 12. IC 34-28-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. **However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.**

(b) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(c) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(d) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(e) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

(f) The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-19-5-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay court costs of twenty-five dollars ($25) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110); and

(5) the agreement is filed in the court in which the action is brought.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled.".

Page 10, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 16. IC 35-32-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) Criminal actions shall be tried in the county where the offense was committed, except as otherwise provided by law.

(b) If a person committing an offense upon the person of another is located in one (1) county and his victim is located in another county at the time of the commission of the offense, the trial may be in either of the counties.

(c) If the offense involves killing or causing the death of another human being, the trial may be in the county in which the:

(1) cause of death is inflicted;

(2) death occurs; or

(3) victim's body is found.

(d) If an offense is committed in Indiana and it cannot readily be determined in which county the offense was committed, trial may be in any county in which an act was committed in furtherance of the offense.

(e) If an offense is commenced outside Indiana and completed within Indiana, the offender may be tried in any county where any act in furtherance of the offense occurred.

(f) If an offense commenced inside Indiana is completed outside Indiana, the offender shall be tried in any county where an act in furtherance of the offense occurred.

(g) If an offense is committed on the portions of the Ohio or Wabash Rivers where they form a part of the boundaries of this state, trial may be had in the county that is adjacent to the river and whose boundaries, if projected across the river, would include the place where the offense was committed.

(h) If an offense is committed at a place which is on or near a common boundary which is shared by two (2) or more counties and it cannot be readily determined where the offense was committed, then the trial may be had in any county sharing the common boundary.

(i) If an offense is committed on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more counties, the trial may be held in any county sharing the common boundary.".

Page 10, line 35, delete "(a)".

Page 11, line 28, reset in roman "name of and".

Page 11, line 29, reset in roman "each".

Page 11, line 29, delete "all".

Page 11, line 29, reset in roman "officer, deputy, and".

Page 11, line 30, reset in roman "employee.".

Page 11, line 30 delete "officers, deputies, and employees.".

Page 12, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 23. IC 36-6-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. The legislative body shall keep a permanent record of its proceedings in a book furnished by the executive. The secretary of the legislative body shall, under the direction of the legislative body, record the **minutes of the** proceedings of each meeting in full and ~~sign the record before the adjournment of each meeting.~~ **shall provide copies of the minutes to each member of the legislative body before the next meeting is convened. After the minutes are approved by the legislative body, the secretary of the legislative body shall place the minutes in the permanent record book.** The chairman of the legislative body shall retain the record in his custody.

SECTION 24. IC 36-6-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12. **(a)** The legislative body may appropriate money for membership of the township in county, state, or national associations that:

(1) are of a civic, educational, or governmental nature; and

(2) have as a purpose the improvement of township governmental operations.

The township representatives may participate in the activities of these associations, and the legislative body may appropriate money to defray the expenses of township representatives in connection with these activities.

(b) Each representative of the township attending any meeting, conference, seminar, or convention approved by the township trustee shall be allowed reimbursement for all necessary and legitimate expenses incurred while representing the township. Expenses shall be paid to each representative in accordance with the township's reimbursement policy, which may include an established per diem rate, as recommended by the township trustee and adopted by the township legislative body.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1008 as reprinted February 15, 2000.)

SKILLMAN	STEVENSON
WOLF	AYRES
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

The House recessed until the fall of the gavel.

RECESS

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

Representatives Bauer, C. Brown, Goeglein, Liggett, Murphy, Robertson, Stilwell, and D. Young were excused. Representative Kruzan, who had been excused, was present.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 209–1; filed March 3, 2000, at 11:53 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 209 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 6.

Page 3, delete lines 11 through 42, begin a new paragraph and insert:

"**Sec. 1. As used in this chapter, "consumer" means an actual or a prospective purchaser, lessee, or recipient of consumer goods or services.**

Sec. 2. As used in this chapter, "consumer goods or services" means real property or tangible or intangible personal property that is normally used for personal, family, or household purposes, including the following:

(1) Property intended to be attached to or installed in real property without regard to whether it is attached or installed.

(2) Cemetery lots.

(3) Timeshare estates.

(4) Services related to the property.

(5) Credit cards.

Sec. 3. As used in this chapter, "division" refers to the consumer protection division of the office of the attorney general.

Sec. 4. As used in this chapter, "doing business in Indiana" refers to a business that conducts telephone sales calls from a location in Indiana or from other states or nations to consumers located in Indiana.

Sec. 5. As used in this chapter, "listing" refers to the no sales solicitation listing published by the division that lists the names of persons who do not wish to receive telephone sales calls.

Sec. 6. As used in this chapter, "telephone solicitor" means an individual, a firm, an organization, a partnership, an association, or a corporation, including affiliates and subsidiaries, doing business in Indiana, except those subject to 47 CFR parts 64 and 68, that makes or causes to be made a telephone sales call.

Sec. 7. (a) As used in this chapter, "telephone sales call" means a call made by a telephone solicitor to a consumer for the purpose of:

(1) soliciting a sale of consumer goods or services;

(2) soliciting an extension of credit for consumer goods or services; or

(3) obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes.

(b) The term does not include any of the following:

(1) A telephone call made in response to an express request of

the person called.

(2) A telephone call made primarily in connection with an existing debt or contract for which payment or performance has not been completed at the time of the call.

(3) A telephone call made to a person with whom the telephone solicitor has had a business relationship within the past eighteen (18) months.

(4) A telephone call made on behalf of a business that makes calls:

(A) not otherwise described in this subsection; and

(B) to persons located not more than ten (10) miles from the primary business location of the business.

The telephone solicitor must provide the address of the primary business location of the business at the time the call is made.

(5) A telephone call by a newspaper publisher or the publisher's agent or employee in connection with that business.

(6) A telephone call made on behalf of a charitable organization (as defined in Section 501 of the Internal Revenue Code).

(7) A telephone call made on behalf of a political candidate or political party.

(8) A telephone call made by a person licensed under IC 25-34.1 who calls an actual or prospective seller, lessor, or purchaser of real property.

(9) A telephone call made by a person licensed under IC 27-1-15.5 who offers to sell insurance products regulated under IC 27.

Sec. 8. (a) The division shall publish a quarterly listing of telephone numbers of persons who request not to be solicited by telephone.

(b) The division shall place the telephone number of a residential, mobile, or telephonic paging device telephone subscriber on the listing if:

(1) the subscriber notifies the division according to a procedure established by the division; and

(2) the division receives a two dollar ($2) initial listing charge for each telephone number listed.

The listing for each telephone number must be renewed annually by the division upon receipt of a renewal notice and payment of a two dollar ($2) renewal fee for each telephone number.

(c) The division shall update the listing upon receipt of initial consumer subscriptions or renewals.

(d) The division shall adopt rules under IC 4-22-2 to establish a fee for providing the listing to telephone solicitors upon the telephone solicitor's request. The fee established under this subsection may not exceed the amount necessary to reimburse the division for the costs of providing the listing to telephone solicitors.

(e) The division shall furnish the listing free of charge to an organization whose purpose is to create a list of names of people who do not want calls from telephone solicitors. The organization may disseminate the listing to its members instead of a member purchasing the listing from the division. However, before receiving the list, the organization must provide notice to the division of the name, address, and phone number of the organization's members to whom the list will be disseminated.

Sec. 9. (a) The consumer protection division solicitation fund is established for the purpose of the administration of this chapter and shall be used exclusively for this purpose.

(b) The fund shall be administered by the office.

(c) The division shall deposit all fees received under this chapter in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 10. (a) A telephone solicitor may not make or cause to be made a telephone sales call to a:

(1) residential;

(2) mobile; or

(3) telephonic paging device;

telephone number, if that telephone number appears in the most current quarterly listing published by the division.

(b) A telephone solicitor who makes a telephone sales call to a residential, mobile, or telephonic paging device telephone number shall immediately disclose the following information upon making contact with the person who is the subject of the telephone solicitation:

(1) The solicitor's true first and last name.

(2) The name of the business on whose behalf the telephone solicitor is soliciting.

(c) This subsection does not apply to a person obtaining consumer information for inclusion in directory assistance and telephone directories sold by telephone companies and organizations exempt under section 501(c)(3) or section 501(c)(6) of the Internal Revenue Code. A telephone solicitor or person who obtains consumer information that includes:

(1) residential;

(2) mobile; or

(3) telephonic paging device;

telephone numbers shall exclude the telephone numbers that appear on the division's most current listing.

Sec. 11. The division shall investigate complaints received concerning violations of this chapter.

Sec. 12. The division shall notify Indiana residents of the rights and duties created by this chapter.

Sec. 13. A telephone solicitor who fails to comply with any provision of this chapter commits a deceptive act that is actionable by the attorney general under IC 24-5-0.5-4(c) and is subject to the penalties set forth in IC 24-5-0.5. An action by the attorney general for a violation of this chapter may be brought in the circuit or superior court of Marion County.

Sec. 14. A telephone solicitor who knowingly or intentionally fails to comply with section 10 of this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if the telephone solicitor has a prior unrelated conviction under this section.

Sec. 15. This chapter does not relieve a person from complying with any other statute or ordinance.

Sec. 16. (a) The division shall, after June 30 and before October 1 of each year, report to the regulatory flexibility committee established under IC 8-1-2.6-4 on the following:

(1) For the state fiscal year ending June 30, 2000, the expenses incurred by the division in establishing the listing.

(2) The total amount of fees deposited in the fund during the most recent state fiscal year.

(3) The expenses incurred by the division in maintaining and promoting the listing during the most recent state fiscal year.

(4) The projected budget required by the division to comply with this chapter during the current fiscal year.

(5) Any other expenses incurred by the division in complying with this chapter during the most recent state fiscal year.

(6) The total number of subscribers to the listing at the end of the most recent state fiscal year.

(7) The number of new subscribers added to the listing during the most recent state fiscal year.

(8) The number of subscribers removed from the listing for any reason during the most recent state fiscal year.

(b) The regulatory flexibility committee shall, before November 1 of each year, issue a report and recommendations to the legislative council concerning the information received under subsection (a).

Sec. 17. The division may adopt rules under IC 4-22-2 to implement this chapter.".

Delete pages 4 through 8.

Page 9, delete lines 1 through 26.

Page 9, after line 32, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 24-5-12.5, as added by this act, apply throughout this SECTION.

(b) The division shall place a subscriber's telephone number on the listing as provided in IC 24-5-12.5-8, as added by this act, if the subscriber has requested to be placed on the listing before July 1, 2000.

(c) Notwithstanding IC 24-5-12.5-8, as added by this act, a subscriber who has requested the subscriber's telephone number to

be placed on the listing before July 1, 2000, is not required to pay the initial listing charge described in IC 24-5-12.5-8.

(d) This SECTION expires January 1, 2001.

SECTION 4. [EFFECTIVE JULY 1, 2000] **(a) The definitions in IC 24-5-12.5, as added by this act, apply throughout this SECTION.**

(b) Not later than January 15, 2001, the division shall update the report required by IC 24-5-12.5-16, as added by this act, to cover the period from July 1, 2000, through December 31, 2000.

(c) The division shall provide not less than twenty-five (25) copies of the updated report to the legislative services agency. The legislative services agency shall distribute a copy of the updated report to each member of the regulatory flexibility committee not later than February 1, 2001.

(d) This SECTION expires July 1, 2001.

SECTION 5. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 209 as reprinted February 22, 2000.)

LONG	STURTZ
LANANE	BECKER
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 455–1; filed March 3, 2000, at 12:08 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 455 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, line 26, delete "may enter into an agreement with the".

Page 2, line 27, delete "office's managed care contractor on procedures for" and insert "**shall comply with**".

Page 2, line 28, after "programs" enter "**negotiated under the hospital's most recent contract or agreement with the office's managed care contractor**".

Page 2, line 28, delete "If an agreement".

Page 2, delete lines 29 through 30.

Page 2, line 40, delete "previous" and insert "**most recent**".

Page 3, line 3, after "." insert "**This subsection expires December 31, 2000.**".

Page 3, line 4, delete "2000" and insert "**2001**".

Page 3, line 11, after "." insert "**This subsection expires July 1, 2001.**".

Page 3, delete line 12.

(Reference is to ESB 455 as reprinted February 22, 2000.)

MILLER	C. BROWN
S. SMITH	BUELL
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1024–1; filed March 3, 2000, at 12:12 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1024 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 13, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 21. IC 3-13-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A candidate vacancy for a legislative office shall be filled by a caucus comprised by the precinct committeemen ~~and vice committeemen~~ of the political party whose precincts are within the senate or house district.

SECTION 22. IC 3-13-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Except as provided in subsection (b), a candidate vacancy for a local office shall be filled by:

(1) a caucus comprised of the precinct committeemen ~~and vice committeemen~~ who are eligible to participate under section 10 of this chapter; or

(2) the county chairman of the political party or a caucus comprised of the chairman, vice chairman, secretary, and treasurer of the county committee of the party, if:

(A) authorized to fill vacancies under this chapter by majority vote of the county committee; and

(B) the election district for the local office is entirely within one (1) county.

(b) A candidate vacancy for the office of circuit court judge or prosecuting attorney in a circuit having more than one (1) county shall be filled by a caucus comprised of the precinct committeemen ~~and vice committeemen~~ who constitute the county committees of the political party for all of the circuit.

SECTION 23. IC 3-13-1-10, AS AMENDED BY P.L.176-1999, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) To be eligible to participate in a caucus called under section 7 of this chapter, an elected precinct committeeman ~~or vice committeeman~~ must be entitled to vote for the office for which a candidate is to be selected. An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the ballot vacancy occurred. ~~The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the ballot vacancy occurred.~~

(b) An appointed precinct committeeman is eligible to participate in a caucus called under section 7 of this chapter if the precinct committeeman was a committeeman thirty (30) days before the vacancy occurred. ~~The vice committeeman of an appointed precinct committeeman is eligible to participate in a caucus called under section 7 of this chapter if the vice committeeman was a vice committeeman thirty (30) days before the vacancy occurred.~~

SECTION 24. IC 3-13-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) At a meeting called under section 7 of this chapter, the eligible participants shall:

(1) establish the caucus rules of procedure, except as otherwise provided in this chapter; and

(2) select, by a majority vote of those casting a vote for a candidate, a person to fill the candidate vacancy described in the call for the meeting.

(b) ~~Voting by proxy is not allowed.~~ If more than one (1) person seeks to fill the vacancy, the selection shall be conducted by secret ballot.

SECTION 25. IC 3-13-1-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) Except as provided in this section, voting by proxy is not permitted in a caucus called under section 7 of this chapter.**

(b) A precinct vice committeeman is entitled to participate in a caucus called under section 7 of this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter.

(2) The vice committeeman's precinct committeeman is not present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus called under section 7 of this chapter and vote the precinct committeeman's proxy, regardless of when the ballot vacancy occurred, if the vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(d) If a vice committeeman is not eligible under subsection (c), the vice committeeman is eligible to participate in a caucus called under section 7 of this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the ballot vacancy occurred.

SECTION 26. IC 3-13-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A vacancy in a legislative office shall be filled by a caucus comprised of the precinct committeemen from the senate or house district where the vacancy exists who represent the same political party that elected or selected the person who held the vacated seat.

(b) Not later than thirty (30) days after the vacancy occurs (or as provided in subsection (c)), the caucus shall meet and select a person to fill the vacancy by a majority vote of those casting a vote for a candidate, including vice committeemen eligible ~~under proxies filed~~ **to vote as a proxy** under section 5 of this chapter.

(c) A state chairman may give notice of a caucus before the time specified under subsection (b) if a vacancy will exist because the official has:

(1) submitted a written resignation under IC 5-8-3.5 that has not yet taken effect; or

(2) been elected to another office.

(d) Notwithstanding IC 5-8-4, a person may not withdraw the person's resignation after the resignation has been accepted by the person authorized to accept the resignation less than seventy-two (72) hours before the announced starting time of the caucus under this chapter.

(e) The person selected must reside in the district where the vacancy occurred.

SECTION 27. IC 3-13-5-4, AS AMENDED BY P.L.176-1999, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To be eligible to participate in a caucus called under this chapter, an elected precinct committeeman must be entitled to vote for the legislative office for which a successor is to be selected. An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the vacancy in the legislative office occurred. ~~The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the vacancy in the legislative office occurred.~~

(b) An appointed precinct committeeman is eligible to participate in a caucus called under this chapter if the precinct committeeman was a committeeman thirty (30) days before the vacancy occurred. ~~The vice committeeman of an appointed precinct committeeman is eligible to participate in a caucus called under this chapter if the vice committeeman was a vice committeeman thirty (30) days before the vacancy occurred.~~

(c) An individual eligible to participate in a caucus held under this chapter has one (1) vote.

SECTION 28. IC 3-13-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~Subject to subsection (b),~~ **Except as provided in this section,** voting by proxy is not allowed in a caucus ~~meeting~~ held under this chapter.

~~(b) A precinct committeeman may designate a precinct vice committeeman who:~~

~~(1) is a member of the same political party that elected or selected the person who vacated the office to be filled;~~

~~(2) is the vice committeeman for the committeeman's precinct; and~~

~~(3) has been a vice committeeman continuously for a period beginning thirty (30) days before the date the vacancy occurred;~~

~~as the committeeman's proxy in a caucus meeting. A precinct committeeman who is not eligible to participate in the caucus may designate a precinct vice-committeeman who is eligible to participate under this subsection as the representative of the precinct. To be effective, the designation must be filed with the chairman of the caucus meeting at least seventy-two (72) hours before the meeting. The chairman of the caucus meeting shall read the list of the persons eligible to vote under a proxy in the caucus meeting before any voting occurs. A proxy may not be revoked after it is filed with the chairman of the caucus meeting.~~

~~(c) If the vacancy to be filled under this chapter resulted from the death of a person holding a legislative office who also served as a precinct committeeman, the vice committeeman for that precinct is eligible to participate in the caucus.~~

(b) A precinct vice committeeman is entitled to participate in a caucus held under this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter. This subdivision is satisfied if the vacancy to be filled under this chapter resulted from the death of an individual holding a legislative office who also served as a precinct committeeman.

(2) The vice committeeman's precinct committeeman is not present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy, regardless of when the ballot vacancy occurred, if the vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(d) If a vice committeeman is not eligible under subsection (c), the vice committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the ballot vacancy occurred.

~~(d)~~ **(e)** Voting shall be conducted by secret ballot, and IC 5-14-1.5-3(b) does not apply to this chapter.

SECTION 29. IC 3-13-11-5, AS AMENDED BY P.L.176-1999, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) To be eligible to be a member of a caucus under this chapter, a precinct committeeman ~~or vice committeeman~~ must satisfy the following:

(1) Be a member of the same political party that elected or selected the person who vacated the office to be filled.

(2) Be the precinct committeeman ~~or vice committeeman~~ of a precinct in which voters were eligible to vote for the person who vacated the office to be filled at the last election conducted or permitted for the office.

(3) Satisfy the other requirements of this section.

An elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the vacancy in the office occurred. ~~The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus called under this chapter, regardless of when the vacancy in the office occurred.~~

(b) An appointed precinct committeeman is eligible to participate in a caucus called under this chapter if the precinct committeeman was a precinct committeeman thirty (30) days before the vacancy occurred. ~~The vice committeeman of an appointed precinct committeeman is eligible to participate in a caucus called under this chapter if the vice committeeman was a vice committeeman thirty (30) days before the vacancy occurred.~~

(c) If fewer than two (2) persons are eligible to be members of a caucus under this section, the county chairman entitled to give notice of a caucus under section 3 of this chapter shall fill the vacancy, no later than thirty (30) days after the vacancy occurs. A chairman acting under this subsection is not required to conduct a caucus.

~~(d) If the vacancy to be filled under this chapter resulted from the death of a person holding a local office who also served as a precinct committeeman, the vice committeeman for that precinct is eligible to participate in the caucus.~~

SECTION 30. IC 3-13-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) ~~Subject to subsection (b),~~ **Except as provided in this section,** ~~a member of a caucus under this chapter may not vote~~ **voting** by proxy **is not permitted in a caucus held under this chapter.**

~~(b) A precinct committeeman may designate a precinct vice committeeman who:~~

~~(1) is a member of the same political party that elected or selected the person who vacated the office to be filled;~~

~~(2) is the vice committeeman for the committeeman's precinct; and~~

~~(3) has been a vice committeeman continuously for a period beginning thirty (30) days before the date the vacancy occurred;~~

~~as the committeeman's proxy in a caucus meeting. A precinct committeeman who is not eligible to participate in the caucus may designate a precinct vice committeeman who is eligible to participate under this subsection as the representative of the precinct.~~

~~(c) To be effective, the designation must be filed with the chairman of the caucus meeting at least seventy-two (72) hours before the meeting. The chairman of the caucus meeting shall read the list of persons eligible to vote under a proxy in the caucus meeting before any voting occurs. A proxy may not be revoked after it is filed with the chairman of the caucus meeting.~~

(b) A precinct vice committeeman is entitled to participate in a caucus held under this chapter and vote as a proxy for the vice committeeman's precinct committeeman if all of the following apply:

(1) The vice committeeman's precinct committeeman is otherwise eligible to participate in the caucus under this chapter. This subdivision is satisfied if the vacancy to be filled under this chapter resulted from the death of an individual holding a local office who also served as a precinct committeeman.

(2) The vice committeeman's precinct committeeman is not present at the caucus.

(3) The vice committeeman is eligible under this section.

(c) The vice committeeman of an elected precinct committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy, regardless of when the ballot vacancy occurred, if the vice committeeman was the vice committeeman five (5) days before the date of the caucus.

(d) If a vice committeeman is not eligible under subsection (c), the vice committeeman is eligible to participate in a caucus held under this chapter and vote the precinct committeeman's proxy only if the vice committeeman was the vice committeeman thirty (30) days before the ballot vacancy occurred.".

Page 14, delete lines 1 through 16.

Page 16, after line 42, begin a new paragraph and insert:

"SECTION 35. IC 20-3-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **IC 20-4-10.1 does not apply to a school corporation or the governing body of a school corporation covered by** this chapter. ~~applies to a school corporation for which a referendum has been held:~~

~~(1) as required by statute; and~~

~~(2) in which a majority of the votes cast approve electing the members of the governing body.~~

SECTION 36. IC 20-3-21-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. Before August 1 of each year, the school corporation shall file with the state superintendent of public instruction a list of the:**

(1) names and addresses of members of the school corporation's governing body;

(2) names and addresses of the school corporation's officers; and

(3) expiration dates of the terms of the school corporation's members and officers.

The school corporation shall file any changes in the list within thirty (30) days after the changes occur.".

Page 26, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 40. IC 20-4-10.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, the following terms shall have the following meanings:

(a) "School corporation" shall mean any local public school corporation established under the laws of ~~the state of~~ Indiana. ~~excluding, however,~~ **The term does not include a** school ~~townships~~ **township or a school corporation covered by IC 20-3-21.**

(b) "Governing body" shall mean the board or commission charged by law with the responsibility of administering the affairs of a school corporation.

~~(d)~~ **(c)** "Plan" shall mean the manner in which the governing body of a school corporation is constituted, including, but not limited to, the number, qualifications, length of terms, manner, and time of selection (whether by appointment or by election) of the members of the governing body.

~~(e)~~ **(d)** "Clerk of the circuit court" or "clerk" shall mean the clerk of the circuit court of the county in which a school corporation is located. Where the school corporation is located in more than one (1) county, such term shall refer to the clerks in each of the several counties in which the school corporation is located.

~~(f)~~ **(e)** "County election board" shall mean the county election board in the county in which the school corporation is located. Where the school corporation is located in more than one (1) county, it shall mean the county election boards of the counties in which the school corporation is located, acting jointly.

~~(g)~~ **(f)** "Judge of the circuit court" and the "circuit court" shall mean the judge of the circuit court and the circuit court of the county, respectively, in which the school corporation is located. Where it is located in more than one (1) county, such terms shall refer to the judge of the circuit court and the circuit court of the county in which the largest number of registered voters of the school corporation are residents.

~~(h)~~ **(g)** "Voter", with respect to any petition, shall mean a registered voter in the school corporation as determined in this chapter.".

Page 28, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 48. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "school corporation" refers to a school corporation covered by IC 20-3-21, as amended by this act.**

(b) Notwithstanding any other law, three (3) members of the school corporation shall be elected at the primary election held on May 2, 2000, under IC 20-3-21, as amended by this act.

(c) Notwithstanding IC 20-3-21-3, the member of the governing body appointed by the mayor of the largest city contained within the school corporation under IC 20-3-21-3(b)(2) shall first be appointed by the mayor after May 2, 2000, and before July 1, 2000.

(d) This SECTION expires July 1, 2002.".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1024 as reprinted February 29, 2000.)

LANDSKE	KROMKOWSKI
BREAUX	RICHARDSON
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

EHB 1328–1; filed March 3, 2000, at 12:17 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1328 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-31-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. (a) The commission is composed of eleven (11) members. The governor shall appoint the members for four (4) year terms as follows:

(1) One (1) must be appointed from a volunteer fire department that provides ~~ambulance~~ **emergency medical** service.

(2) One (1) must be appointed from a full-time municipal fire or police department that provides ~~ambulance~~ **emergency medical** service.

(3) One (1) must be a nonprofit provider of emergency ambulance services organized on a volunteer basis other than a volunteer fire department.

(4) One (1) must be a provider of private ambulance services.

(5) One (1) must be a state certified paramedic.

(6) One (1) must be a licensed physician who:

(A) has a primary interest, training, and experience in emergency medical services; and

(B) is currently practicing in an emergency medical services facility.

(7) One (1) must be a chief executive officer of a hospital that provides emergency ambulance services.

(8) One (1) must be a registered nurse who has supervisory or administrative responsibility in a hospital emergency department.

(9) One (1) must be a licensed physician who:

(A) has a primary interest, training, and experience in trauma care; and

(B) is practicing in a trauma facility.

(10) One (1) must be a state certified emergency medical service technician.

(11) One (1) must be an individual who:

(A) represents the public at large; and

(B) is not in any way related to providing emergency medical services.

(b) The chief executive officer of a hospital appointed under subsection (a)(7) may designate another administrator of the hospital to serve for the chief executive officer on the commission.

(c) Not more than six (6) members may be from the same political party.

(Reference is to EHB 1328 as reprinted February 29, 2000.)

MERRITT	KRUZAN
SIMPSON	MANNWEILER
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

EHB 1130–1; filed March 3, 2000, at 12:33 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1130 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 12-15-12-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 13. (a) Except as provided in subsection (b), this section applies to emergency services provided to an individual enrolled in the Medicaid Risk-Based Managed Care program.**

(b) This section does not apply to the following:

(1) Services provided to an individual enrolled in the Medicaid Risk-Based Managed Care program by a provider who has contracted with a Medicaid Risk-Based Managed Care organization to provide emergency services to the individual.

(2) Services provided to an individual after the individual is stabilized.

(c) Payment for emergency services (as defined in 42 U.S.C. 1396u-2(b)(2)(B)) provided for the evaluation or stabilization of an emergency medical condition (as defined in 42 U.S.C. 1396u-2(b)(2)(C)) in the emergency department of a hospital licensed under IC 16-21 must be in an amount equal to one hundred percent (100%) of the current Medicaid fee for service reimbursement rates for emergency services.

(d) Payment under subsection (c) is the responsibility of the applicable Medicaid Risk-Based Managed Care organization under 42 U.S.C. 1396u-2(b)(2)(A)(i). This subsection does not prohibit the organization described in this subsection from entering into a subcontract with another Medicaid Risk-Based Managed Care organization providing for the latter organization to assume financial responsibility for making the payments due under subsection (c).

(e) This section does not prohibit a managed care organization's ability to:

(1) review; and

(2) make a determination of;

the medical appropriateness of the services provided in a hospital's emergency department.

SECTION 2. IC 12-15-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as provided in IC 12-15-14 and IC 12-15-15, payments to Medicaid providers must be:

(1) consistent with efficiency, economy, and quality of care; and

(2) sufficient to enlist enough providers so that care and services are available under Medicaid, at least to the extent that such care and services are available to the general population in the geographic area.

(b) If federal law or regulations specify reimbursement criteria, payment shall be made in compliance with those criteria.

(c) In addition to the requirements under subsection (a), the office shall establish payments to providers listed under 405 IAC 1-11.5-1 (except for oral surgeons and dentists) that are reimbursed through the resource based relative value scale as provided in 405 IAC 1-11.5 under a fee for service program or the Medicaid primary care case management program as follows:

(1) Not less than the most current relative value unit, as established by the federal Health Care Financing Administration, factoring in:

(A) the existing geographic practice cost indices; and

(B) the conversion factor established by 405 IAC 1-11.5-2.

(2) If relative value units are not applicable, the office shall review and adjust the payments as appropriate.

(3) For anesthesia services, the office shall use:

(A) the most current American Society of Anesthesiologists relative value guide's base and modifier units; and

(B) the time unit and the conversion factor established by 405 IAC 1-11.5-2.

(d) The office shall update payment rates at least one (1) time every two (2) years in compliance with this section.".

Page 1, line 2, after "If" insert "**upon a showing by the facility that**".

Page 1, line 8, delete ", if the facility demonstrates that diligent efforts to".

Page 1, delete line 9.

Page 1, line 10, delete "(3) have been unsuccessful,".

Page 1, between lines 16 and 17, begin a new paragraph and insert:

"**(c) Subsection (b) is subject to the terms of any written agreement between a county and a facility regarding the comfort and care of an individual.**

SECTION 4. [EFFECTIVE JULY 1, 2000] **(a) Notwithstanding IC 12-15-13-2, as amended by this act, the office of Medicaid policy and planning shall adjust payments to providers listed under 405 IAC 1-11.5-1 (except for oral surgeons and dentists) that are reimbursed through the resource based relative value scale as provided in 405 IAC 1-11.5 under a fee for service program or the Medicaid primary care case management program. The adjustment described in this SECTION shall increase state general fund expenditures by not less than two million dollars ($2,000,000) annually.**

(b) This SECTION expires June 30, 2001.".

Page 2, line 25, delete "study, investigate, and oversee" and insert "**do**".

Page 2, line 27, delete "Whether" and insert "**Determine whether**".

Page 2, line 27, delete "of" and insert "**for**".

Page 2, line 32, delete "Legislative" and insert "**Study and propose legislative**".

Page 2, line 32, delete "are needed" and insert "**could help**".

Page 2, line 33, delete "eliminate" and insert "**reduce the amount of time needed to process**".

Page 2, line 33, after "claims" delete "," and insert "**and eliminate**".

Page 2, line 35, delete "The" and insert "**Oversee the**".

Page 2, line 38, delete "Any" and insert "**Study and investigate any**".

Page 3, delete lines 2 through 9.
Page 3, line 10, delete "(l)" and insert "**(j)**".
Page 3, line 10, after "contractor" delete "of" and insert "**for**".
Page 3, line 10, delete "of Medicaid policy and planning".
Page 3, line 20, delete "(m)" and insert "**(k)**".
Page 3, line 24, delete "(n)" and insert "**(l)**".
Page 3, between lines 24 and 25, begin a new paragraph and insert:
"SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) The office of the secretary of family and social services shall submit proposals developed by the office:**

(1) to fund adult foster care and assisted living services through the Medicaid waiver program; and

(2) to expand adult day care services available through the aged and disabled Medicaid waiver;

to the select joint committee on Medicaid oversight established by this act for review by the committee before the submitting the proposals to the federal Health Care Financing Administration.

(b) This SECTION expires December 31, 2001.".
Renumber all SECTIONS consecutively.
(Reference is to EHB 1130 as printed February 16, 2000.)

MILLER	CRAWFORD
SERVER	BECKER
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 118–1; filed March 3, 2000, at 1:18 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 118 respectfully reports that said two committee have conferred and agreed as follows to wit:
that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:
Delete the title and insert the following:
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
Page 1, delete lines 1 through 17.
Page 2, delete lines 1 through 25.
Page 4, delete lines 15 through 42.
Page 5, delete lines 1 through 34.
Renumber all SECTIONS consecutively.
(Reference is to ESB 118 as reprinted February 22, 2000.)

LANDSKE	KROMKOWSKI
BREAUX	WHETSTONE
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 114–1; filed March 3, 2000, at 1:19 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 114 respectfully reports that said two committee have conferred and agreed as follows to wit:
that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:
Page 1, delete lines 5 through 11.
Page 6, delete lines 12 through 42.
Delete pages 7 through 11.
Page 12, delete lines 1 through 18.
Page 12, delete lines 39 through 42.
Page 13, delete lines 1 through 4.
Page 13, delete lines 14 through 26.
Page 14, delete lines 18 through 42.
Page 15, delete lines 1 through 9.
Page 18, delete lines 24 through 34.
Renumber all SECTIONS consecutively.
(Reference is to ESB 114 as reprinted February 24, 2000.)

LANDSKE	KROMKOWSKI
CRAYCRAFT	RICHARDSON
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 351–1; filed March 3, 2000, at 1:20 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 351 respectfully reports that said two committee have conferred and agreed as follows to wit:
that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:
Delete pages 3 through 4.
Renumber all SECTIONS consecutively.
(Reference is to ESB 351 as reprinted February 22, 2000.)

CLARK	BODIKER
LEWIS	YOUNT
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 108

Representative Turner introduced House Concurrent Resolution 108:

A CONCURRENT RESOLUTION honoring the life of Megan Hicks of Alexandria.

Whereas, Megan Hicks was born on April 4, 1983, the daughter of David Hicks and Pam (Johnson) Pierce;

Whereas, Megan passed away on September 11, 1999, as a result of injuries sustained from a truck/train accident;

Whereas, Sixteen year old Megan was a loving, warm and unusually caring teenager, devoting time every night to call her grandmother and spending many hours playing checkers with her grandfather;

Whereas, Megan was an expressive young woman, sharing her hugs, love and joyous laughter with her loved ones, especially her sisters Kelly, Michelle and Tiffany of Alexandria, niece Haley Johnson of Elwood, and her mother Pam Pierce and step-father Chris Pierce of Alexandria;

Whereas, Megan, a junior at Alexandria-Monroe High School, was also well-loved and respected by her friends at school, where Megan was a member of Spanish Club;

Whereas, Community service was important to Megan, being active in the Madison County 4-H and serving as a nursery assistant every week for AWANA children's program of the Alexandria Christian Congregation Church;

Whereas, Megan is also survived by her father David Hicks and step-mother Tina Hicks of Alexandria, brother Shaun Smith of Lapel, maternal grandparents Neta and Bruce Johnson of Alexandria, paternal grandparents Bob and Blanche (Tiny) Pierce, maternal great-grandmother Mabel Johnson, and several aunts and uncles;

Whereas, As a loving tribute to Megan, her friends and family are striving to place a dusk-to-dawn light, "Megan's Light", at the site of her accident–an unlit, dangerous railroad crossing–to prevent others from losing their lives;

Whereas, Megan's positive impact on the lives of people in her school and community during her short life is evident in the persistent efforts of people in her school and community to establish a memorial honoring Megan's life;

Whereas, The memory of the loving, compassionate, beautiful and thoughtful Megan Hicks will endure in the hearts of all those who knew and loved her: 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 life of Megan Hicks of Alexandria is honored by the members of the Indiana House of Representatives and the Indiana Senate.

SECTION 2. That the Indiana House of Representatives and the Indiana Senate will continue to strive to implement safety improvements at railroad crossings throughout Indiana, in an effort to prevent future tragedies.

SECTION 3. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to Pam and Chris Pierce, David and Tina Hicks, Michelle and Kelly Pierce, Tiffany Pierce, Haley Johnson, Neta and Bruce Johnson, Bob and Blanche Pierce, Mabel Johnson and Alexandria-Monroe High School.

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

House Resolution 116

Representative Ripley introduced House Resolution 116:

A RESOLUTION urging the Indiana department of transportation to name the bridge over the St. Mary's River on U.S. Highway 27 north of Decatur, Indiana, in honor of Samuel J. Yost.

Whereas, The Indiana House of Representatives urges the Indiana department of transportation to name the bridge over the St. Mary's River on U.S. Highway 27 north of Decatur, Indiana, in honor of Samuel J. Yost;

Whereas, Mr. Yost owned a company that built pre-stress beams and culverts that are used in the construction of Indiana bridges;

Whereas, Mr. Yost's products improved the safety and wearability of the bridges over Indiana rivers, making the roads and bridges safer for the citizens of Indiana; and

Whereas, It is fitting and proper that Samuel J. Yost should be so honored: 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 urges the Indiana department of transportation to name the bridge over the St. Mary's River on U.S. Highway 27 north of Decatur, Indiana, in honor of Samuel J. Yost.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family of Samuel J. Yost and the commissioner of the Indiana department of transportation.

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

Senate Concurrent Resolution 54

The Speaker handed down Senate Concurrent Resolution 54, sponsored by Representative Crawford:

A CONCURRENT RESOLUTION honoring Rev. Henry Samson Jones on the 100th year anniversary of his birth.

Whereas, Rev. Henry Samson Jones was born on March 12, 1900;

Whereas, Rev. Henry Jones is still very active in the church. He is a teacher and Superintendent Emeritus of the Sunday School at the Mount Helm Missionary Baptist Church;

Whereas, Many in the community are blessed to have Rev. Henry Samson Jones as their adopted grandfather;

Whereas, Rev. Henry Samson Jones is a kind and gentle man who took in foster children as his own;

Whereas, On Sunday, March 12, 2000, the Mount Helm Missionary Baptist Church will be celebrating Rev. Henry Samson Jones's achievement with a banquet and reception in his honor: Therefore,

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

SECTION 1. That the Indiana General Assembly honors Rev. Henry Samson Jones on the 100th anniversary of his birth.

SECTION 2. That the Secretary of the Senate shall transmit a copy of this resolution to Rev. Henry Samson Jones and the Mount Helm Missionary Baptist Church.

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.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1372 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BAUER

Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1372 Conferees: Kruzan and Whetstone

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its action whereby it dissented from the Senate amendments to Engrossed House Bill 1239 and that the House now concur in the Senate amendments to said bill.

DVORAK

Roll Call 381: yeas 87, nays 0. Motion prevailed.

Representatives Murphy and Robertson were present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1215.

WHETSTONE

Roll Call 382: yeas 60, nays 30. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1387.

KLINKER

Roll Call 383: yeas 87, nays 0. Motion prevailed.

Representative C. Brown was present.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its action whereby it dissented from the Senate amendments to Engrossed House Bill 1354 and that the House now concur in the Senate amendments to said bill.

COCHRAN

Roll Call 384: yeas 84, nays 1. Motion prevailed.

Representative Turner was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1197.

BECKER

Roll Call 385: yeas 85, nays 2. Motion prevailed.

Representative Whetstone was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1352.

CRAWFORD

Roll Call 386: yeas 85, nays 0. Motion prevailed.

Representative Turner was present.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its action whereby it dissented from the Senate amendments to Engrossed House Bill 1013 and that the House now concur in the Senate amendments to said bill.

V. SMITH

Roll Call 387: yeas 86, nays 1. Motion prevailed.

Representative Torr was excused.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its action whereby it dissented from the Senate amendments to Engrossed House Bill 1311 and that the House now concur in the Senate amendments to said bill.

MOSES

Roll Call 388: yeas 90, nays 0. Motion prevailed.

Representatives Liggett, Stilwell, Torr, Whetstone, and D. Young were present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1180.

DENBO

Roll Call 389: yeas 90, nays 6. Motion prevailed.

Representatives Liggett, Stilwell, Torr, and D. Young were excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1316.

L. LAWSON

Roll Call 390: yeas 88, nays 3. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1184.

LYTLE

Roll Call 391: yeas 89, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1247.

LYTLE

Roll Call 392: yeas 89, nays 1. Motion prevailed.

Representative Dobis was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1334.

BARDON

Roll Call 393: yeas 90, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1293.

RUPPEL

Representative Murphy was excused from voting. Roll Call 394: yeas 62, nays 27. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1397.

BOTTORFF

Roll Call 395: yeas 89, nays 0. Motion prevailed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:25 p.m. with the Speaker in the Chair.

Representatives Dobis, Liggett, Stilwell, Torr, and D. Young were present.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1372:

Conferees: Mills and Simpson

CAROLYN J. TINKLE
Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferee appointments to Engrossed House Bill 1374:

Conferees: Simpson replacing Skillman
Advisors: Skillman replacing Simpson

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 Resolutions 13 and 44 and the same are herewith returned to the House.

CAROLYN J. TINKLE
Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 86, 104, 105, and 106 and the same are herewith returned to the House.

CAROLYN J. TINKLE
Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 61 and the same is herewith transmitted to the House for further action.

CAROLYN J. TINKLE
Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 66 and the same is herewith transmitted to the House for further action.

CAROLYN J. TINKLE
Secretary of the Senate

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
ESB 187–1; filed March 3, 2000, at 1:55 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 187 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

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

"SECTION 1. IC 4-4-3-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 22. The department shall establish a public information page on its current Internet site on the world wide web. The page must do the following:**

(1) Provide, by program, cumulative information on the total amount of incentives awarded, the total number of companies that received the incentives and were assisted in a year, and the names and addresses of those companies.

(2) Provide a mechanism on the page whereby the public may request further information on-line about specific programs or incentives awarded.

(3) Provide a mechanism for the public receive an electronic response.

SECTION 2. IC 4-4-4.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. The department shall do the following:

(1) Establish policies to carry out a training assistance program, the purpose of which is to provide assistance to the following:

(A) New or expanding businesses for the training, retraining, and upgrading of the skills of potential employees.

(B) Businesses in Indiana for the retraining and upgrading of employees' skills required to support new capital investment.

(C) Businesses in Indiana for the development of basic workforce skills of employees, including the following:

(i) Literacy.

(ii) Communication skills.

(iii) Computational skills.

(iv) Other transferable workforce skills approved by the department.

(2) Provide promotional materials regarding the training program.

(3) Determine the eligibility of an industry for the training program.

(4) Require a commitment by a business receiving training assistance under this chapter to continue operations at any site where the training assistance is used for at least five (5) years after the date the training assistance expires. If a business fails to comply with this commitment, the department shall require the business to repay the training assistance provided to it under this chapter.".

Delete pages 2 through 11.

Page 12, delete line 1.

Page 12, line 14, delete "three" and insert "**four**".

Page 12, line 14, delete "(300,000)" and insert "**(400,000)**".

Page 19, line 14, reset in roman "or".

Page 19, line 15, delete "; or" and insert ".".

Page 19, delete lines 16 through 19.

Page 19, between lines 26 and 27, begin a new paragraph and insert:

"**(f) This subsection applies only to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). Notwithstanding subsection (e)(11), in a county subject to this subsection a designating body may, before September 1, 2000, approve a deduction under this chapter for the redevelopment or rehabilitation of real property consisting of residential facilities that are located in unincorporated areas of the county if the designating body makes a finding that the facilities are needed to serve any combination of the following:**

(1) Elderly persons who are predominately low-income or moderate-income persons.

(2) Disabled persons.

A designating body may adopt an ordinance approving a deduction under this subsection only one (1) time. This subsection expires January 1, 2011.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 187 as reprinted February 24, 2000.)

C. MEEKS	BAUER
BLADE	ESPICH
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 408–1; filed March 3, 2000, at 1:56 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 408 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 12, line 9, delete ", including the borrowing of money or" and insert "**.**".

Page 12, delete lines 10 through 12.

(Reference is to ESB 408 as printed February 17, 2000.)

MILLS	BAUER
SIMPSON	BUELL
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1248–1; filed March 3, 2000, at 3:25 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1248 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 40 through 42.

Page 3, delete lines 1 through 34.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1248 as reprinted February 29, 2000.)

NUGENT	LYTLE
LEWIS	SCHOLER
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 61

The Speaker handed down Senate Concurrent Resolution 61, sponsored by Representatives Kruzan and Welch:

A CONCURRENT RESOLUTION honoring Indiana University's Men's Soccer Team for winning the 1999 National Collegiate Athletic Association's Men's Soccer Championship.

Whereas, Through its perennial successful campaigns, Indiana University Men's Soccer Program has established a tradition of excellence;

Whereas, On December 12, 1999, the Indiana University Men's Soccer Team defeated Santa Clara University 1-0, to win their fifth NCAA Soccer Championship;

Whereas, Indiana University Men's Soccer Team has amassed the most wins of any team in NCAA history and garnered a 21-3 season record in 1999;

Whereas, Coach Jerry Yeagley's record of success was recognized by his peers as he was named 1999 NSCAA\Adidas National Coach of the Year for the fifth time, having being honored with this award in 1976, 1980, 1994, and 1998 and as an inductee into the United States Soccer Federation Hall of Fame;

Whereas, Coach Jerry Yeagley has led the Hoosiers to five NCAA titles and 13 Final Four appearances, including ten championship game appearances in the last 23 years;

Whereas, Coach Jerry Yeagley has skillfully and carefully guided the team since its beginning as a varsity sport, providing inspiration and encouragement throughout his tenure;

Whereas, Four outstanding Hoosier soccer players received special honors: Seniors Alekoey Korol, Yuri Lavrinenko and Junior Nick Garcia were named to the Soccer America Collegiate MVP team and Pat Noonan was named to the publication's All-Freshman Team;

Whereas, Indiana University Men's Soccer team's success is the result of a total team effort, and each member of the team, Coach Yeagley, the managers, and the staff should be congratulated and honored for superior performance and high achievement: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Indiana University's Men's Soccer Team for winning the 1999 NCAA National Championship and maintaining its deserved reputation as a premier program that brings pride to the citizens of the State of Indiana.

SECTION 2. That the Secretary of the Senate shall transmit a copy of this Resolution to members of the Indiana University Soccer Team: Dennis Fadeski, Aleksey Korol, Yuri Lavrinenko, Eric Ripley, Nick Garcia, T.J. Hannig, Tyler Hawley, Ryan Hammer, Austin Ripmaster, Colin Rogers, Matt Fundenberger, Justin Tauber, Brandon Tauber, Ryan Mack, Micheal Bock, Marcus Chorvat, Nick Donaldson, Nick McDevitt, Patt Noonan, David Prall, Phil Presser, Drew Shinabarger, Justin Spirk, John Swann, Cal Thomas, Doug Warren, Coach Jerry Yeagley; and the President of Indiana University, Myles Brandt.

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

Senate Concurrent Resolution 66

The Speaker handed down Senate Concurrent Resolution 66, sponsored by Representative Murphy:

A CONCURRENT RESOLUTION to congratulate Indianapolis Roncalli High School as the IHSAA Class 3A state football champions.

Whereas, On November 27, 1999, Indianapolis Roncalli High School provided a thrilling come-from-behind victory by defeating Norwell High School 24-14 to capture the 1999 IHSAA Class 3A state football championship;

Whereas, Roncalli's championship victory capped a perfect 15-0 season, which broke a school record for single-season victories;

Whereas, Since 1988, Roncalli's football program has captured four state championships;

Whereas, Since 1992, this thriving program has compiled the best record in the state with 72 victories and nine losses;

Whereas, On their road to the state title, Roncalli traveled to Ohio on September 10th to defeat Cincinnati Moeller High School, which school at the time was ranked #1 in Ohio, #1 in the Midwest, and #10 in the nation;

Whereas, Roncalli later defeated city rival and two-time defending state champion Bishop Chatard High School in the sectional playoffs;

Whereas, Throughout the season, Coach Bruce Scifres inspired his team with an expectation of perfection and an insatiable desire to win; and

Whereas, The Roncalli football program has provided a strong example of the commitment to excellence in IHSAA athletics that other programs will seek to emulate: Therefore,

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

SECTION 1. That the people of Indiana are exceptionally proud of the accomplishments of the Roncalli High School football program, and we are particularly proud of its 1999 IHSAA Class 3A state football championship.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Roncalli High School Head Coach Bruce Scifres, President Joe Hollowell, Principal Chuck Weisenbach, Athletic Director Frank Sergi, and the various team members.

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

The Speaker yielded the gavel to Representative Bailey.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its action whereby it dissented from the Senate amendments to Engrossed House Bill 1221 and that the House now concur in the Senate amendments to said bill.

RIPLEY

Roll Call 396: yeas 84, nays 3. Motion prevailed.

RULES SUSPENSIONS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rules 160.2 and 162.2 and recommends that Rule 160.2 be suspended so that the following conference committee reports are eligible for consideration after March 1 and that Rule 162.2 be suspended so that the following conference committee report be laid over on the members' desk for 12 hours, all so that the following conference committee reports may be eligible to be placed before the House for action: Engrossed House Bills 1143–1, 1393–1, 1398–1, 1202–1, and 1051–1, and Engrossed Senate Bills 353–1, 73–1, 317–1, 262–1, 278–1, 227–1, 372–1, 64–1, 433–1, 511–1, and 233–1.

MOSES, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that House Rule 160.2 be suspended so that

the following conference committee reports are eligible for consideration after March 1 and that Rule 162.2 be suspended so that the following conference committee reports be laid over on the members' desks for 12 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bills 1143–1, 1393–1, 1398–1, 1202–1, and 1051–1, and Engrossed Senate Bills 353–1, 73–1, 317–1, 262–1, 278–1, 227–1, 372–1, 64–1, 433–1, 511–1, and 233–1.

MOSES

Motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rules 160.2 and 162.2 and recommends that Rule 160.2 be suspended so that the following conference committee reports are eligible for consideration after March 1 and that Rule 162.2 be suspended so that the following conference committee report be laid over on the members' desk for 6 hours, all so that the following conference committee reports may be eligible to be placed before the House for action: Engrossed House Bills 1008–1, 1043–1, 1328–1, and 1343–1 and Engrossed Senate Bills 186–1, 315–1, 411–1, 431–1, 455–1, and 79–1.

MOSES, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that House Rule 160.2 be suspended so that the following conference committee reports are eligible for consideration after March 1 and that Rule 162.2 be suspended so that the following conference committee reports be laid over on the members' desks for 6 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bills 1008–1, 1043–1, 1328–1, and 1343–1 and Engrossed Senate Bills 186–1, 315–1, 411–1, 431–1, 455–1, and 79–1.

MOSES

Motion prevailed.

CONFERENCE COMMITTEE REPORTS

Engrossed Senate Bill 511–1

The conference committee report was reread. Roll Call 397: yeas 87, nays 0. Report adopted.

Engrossed Senate Bill 353–1

The conference committee report was reread. Roll Call 398: yeas 76, nays 12. Report adopted.

Engrossed Senate Bill 73–1

The conference committee report was reread. Roll Call 399: yeas 89, nays 0. Report adopted.

Representative Bailey yielded the gavel to the Speaker.

Engrossed Senate Bill 227–1

The conference committee report was reread. Roll Call 400: yeas 93, nays 0. Report adopted.

Engrossed Senate Bill 233–1

The conference committee report was reread. Roll Call 401: yeas 91, nays 0. Report adopted.

The Speaker yielded the gavel to Representative Linder.

Engrossed Senate Bill 64–1

The conference committee report was reread. Roll Call 402: yeas 91, nays 0. Report adopted.

Engrossed Senate Bill 433–1

The conference committee report was reread. Roll Call 403: yeas 93, nays 0. Report adopted.

Engrossed Senate Bill 431–1

The conference committee report was reread. Roll Call 404: yeas 86, nays 6. Report adopted.

Representative Linder yielded the gavel to the Speaker.

Engrossed Senate Bill 262–1

The conference committee report was reread. Roll Call 405: yeas 87, nays 0. Report adopted.

Engrossed House Bill 1051–1

The conference committee report was reread. Roll Call 406: yeas 90, nays 0. Report adopted.

Engrossed House Bill 1398–1

The conference committee report was reread. Roll Call 407: yeas 90, nays 0. Report adopted.

Engrossed House Bill 1202–1

The conference committee report was reread. Roll Call 408: yeas 89, nays 0. Report adopted.

Engrossed House Bill 1393–1

The conference committee report was reread. Roll Call 409: yeas 92, nays 0. Report adopted.

Engrossed Senate Bill 372–1

The conference committee report was reread. Roll Call 410: yeas 90, nays 0. Report adopted.

Engrossed House Bill 1343–1

The conference committee report was reread. Roll Call 411: yeas 93, nays 0. Report adopted.

Engrossed Senate Bill 79–1

The conference committee report was reread. Roll Call 412: yeas 92, nays 0. Report adopted.

Engrossed House Bill 1043–1

The conference committee report was reread. Roll Call 413: yeas 93, nays 0. Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:30 p.m. with the Speaker in the Chair.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
ESB 62–1; filed March 3, 2000, at 5:30 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 62 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:
Page 3, delete lines 7 through 42.
Delete pages 4 through 8.
Page 9, delete lines 1 through 21.
Page 12, delete lines 10 through 42.
Delete pages 13 through 16.

Page 17, delete lines 1 through 29.
Page 17, line 34, reset in roman "two (2) equal installments on or before".
Page 17, line 34, reset in roman "30 and on or before".
Page 17, line 35, reset in roman "October 1,".
Page 17, line 35, delete "of each year,".
Page 64, delete lines 25 through 42.
Page 65, delete lines 1 through 2.
Renumber all SECTIONS consecutively.
(Reference is to ESB 62 as reprinted February 22, 2000.)

HARRISON	KROMKOWSKI
L. LUTZ	ESPICH
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 108–1; filed March 3, 2000, at 6:05 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 108 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 17.
Delete page 2.
Page 3, delete lines 1 through 6.
Page 3, line 9, delete "(a) As used in this section,".
Page 3, delete lines 10 through 11.
Page 3, line 12, delete "(b)" and insert "**(a)**".
Page 3, delete lines 14 through 42, begin a new paragraph and insert:

"**(b)** There is hereby created the **Indiana** tobacco **master** settlement **agreement** fund for the purpose of depositing **and distributing money received under the master settlement agreement. The fund consists of:**

(1) all money received by the state ~~from~~ **under** the master settlement agreement; ~~with the United States' tobacco product manufacturers.~~

(2) appropriations made to the fund by the general assembly; and

(3) grants, gifts, and donations intended for deposit in the fund.

(c) Money may be expended, transferred, or distributed from the fund during a state fiscal year only in amounts permitted by subsections (d) through (e), and only if the expenditures, transfers, or distributions are specifically authorized by another statute.

(d) The maximum amount of expenditures, transfers, or distributions that may be made from the fund during the state fiscal year beginning July 1, 2000, is determined under STEP THREE of the following formula:

STEP ONE: Determine the sum of money received or to be received by the state under the master settlement agreement before July 1, 2001.

STEP TWO: Subtract from the STEP ONE sum the amount appropriated by P.L.273-1999, SECTION 8, to the children's health insurance program from funds accruing to the state from the tobacco settlement for the state fiscal years beginning July 1, 1999, and July 1, 2000.

STEP THREE: Multiply the STEP TWO remainder by fifty percent (50%).

(e) The maximum amount of expenditures, transfers, or distributions that may be made from the fund during the state fiscal year beginning July 1, 2001, and each state fiscal year after that is equal to sixty percent (60%) of the amount of money received or to be received by the state under the master settlement agreement during that state fiscal year.

(f) The following amounts shall be retained in the fund and may not be expended, transferred, or otherwise distributed from the fund:

(1) All of the money that is received by the state under the master settlement agreement and remains in the fund after the expenditures, transfers, or distributions permitted under subsections (c) through (e).

(2) All interest that accrues from investment of money in the fund, unless specifically appropriated by the general assembly.

(g) The fund shall be administered by the budget agency. **Notwithstanding IC 5-13,** the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as ~~other public~~ money is invested **by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts from the fund.** Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(h) The state general fund is not liable for payment of a shortfall in expenditures, transfers, or distributions from the Indiana tobacco master settlement agreement fund or any other fund due to a delay, reduction, or cancellation of payments scheduled to be received by the state under the master settlement agreement. If such a shortfall occurs in any state fiscal year, all expenditures, transfers, and distributions affected by the shortfall shall be reduced proportionately.

SECTION 2. IC 4-12-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2000]:

Chapter 4. Indiana Tobacco Use Prevention and Cessation Trust Fund

Sec. 1. As used in this chapter, "executive board" refers to the Indiana tobacco use prevention and cessation executive board created by section 4 of this chapter.

Sec. 2. As used in this chapter, "fund" refers to the Indiana tobacco use prevention and cessation trust fund created by this chapter.

Sec. 3. As used in this chapter, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

Sec. 4. (a) The Indiana tobacco use prevention and cessation executive board is created.

(b) The executive board is an agency of the state.

(c) The executive board consists of the following:

(1) The following five (5) ex officio members:

(A) The executive director employed under section 6 of this chapter.

(B) The state superintendent of public instruction, or the state superintendent's designee.

(C) The attorney general, or the attorney general's designee.

(D) The commissioner of the state department of health, or the commissioner's designee.

(E) The secretary of the family and social services administration, or the secretary's designee.

(2) Eleven (11) members who are appointed by the governor and have knowledge, skill, and experience in smoking reduction and cessation programs, health care services, or preventive health care measures.

(3) Six (6) members who are appointed by the governor who represent the following organizations:

(A) The American Cancer Society.

(B) The American Heart Association, Indiana Affiliate.

(C) The American Lung Association of Indiana.

(D) The Indiana Hospital and Health Association.

(E) The Indiana State Medical Association.

(F) The Indiana Council of Community Mental Health Centers.

The executive director serves as a nonvoting member and all other members serve as voting members.

(d) During a member's term of service on the executive board, an appointed member of the executive board may not be an official or employee of the state.

(e) Not more than six (6) members of the executive board appointed under subsection (c)(2) may belong to the same political party.

(f) A member appointed under subsection (c)(2) serves a four (4) year term and shall hold over after the expiration of the member's term until the member's successor is appointed and qualified. A member appointed under subsection (c)(3) serves until the member resigns or is removed from the executive board by the governor.

(g) The governor may reappoint an appointed member of the executive board.

(h) A vacancy with respect to a member appointed under subsection (c)(2) shall be filled for the balance of an unexpired term in the same manner as the original appointment. A vacancy with respect to a member appointed under subsection (c)(3) shall be filled in the same manner as the original appointment.

(i) The governor shall designate a member to serve as chairperson of the executive board. The executive board shall annually elect one (1) of its ex officio members as vice chairperson and may elect any other officer that the executive board desires.

(j) The governor may remove a member appointed under subsection (c)(2) for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing, unless the member expressly waives the notice and hearing in writing.

Sec. 5. (a) An appointed member of the executive board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each appointed member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

(b) An ex officio member of the executive board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

Sec. 6. (a) The executive board may:

(1) employ an executive director; and

(2) delegate necessary and appropriate functions and authority to the executive director.

(b) Subject to the approval of the executive board, the executive director may do the following:

(1) Employ staff necessary to advise and assist the executive board as required by this chapter.

(2) Fix compensation of staff according to the policies currently enforced by the budget agency and the state personnel department.

(3) Engage experts and consultants to assist the executive board.

(4) Expend funds made available to the staff according to the policies established by the budget agency.

(5) Establish policies, procedures, standards, and criteria necessary to carry out the duties of the staff of the executive board.

Sec. 7. (a) Eleven (11) voting members of the executive board constitute a quorum for:

(1) the transaction of business at a meeting of the executive board; or

(2) the exercise of a power or function of the executive board.

(b) The affirmative vote of a majority of all the voting members of the executive board is necessary for the executive board to take action. A vacancy in the membership of the executive board does not impair the right of a quorum to exercise all the rights and perform all the duties of the executive board.

(c) The executive board shall meet at least quarterly and at the call of the chairperson.

Sec. 8. (a) The executive board is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3.

(b) The executive board is a governing body for purposes of IC 5-14-1.5.

Sec. 9. In addition to any other power granted by this chapter, the executive board may:

(1) adopt an official seal and alter the seal at its pleasure;

(2) adopt rules, under IC 4-22-2, for the regulation of its affairs and the conduct of its business and prescribe policies in connection with the performance of its functions and duties;

(3) accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source and agree to and comply with conditions attached to that aid;

(4) make, execute, and effectuate any and all contracts, agreements, or other documents with any governmental agency or any person, corporation, limited liability company, association, partnership, or other organization or entity necessary or convenient to accomplish the purposes of this chapter, including contracts for the provision of all or any portion of the services the executive board considers necessary for the management and operations of the executive board;

(5) recommend legislation to the governor and general assembly; and

(6) do any and all acts and things necessary, proper, or convenient to carry out this article.

Sec. 10. (a) The Indiana tobacco use prevention and cessation trust fund is established. The executive board may expend money from the fund and make grants from the fund to implement the long range state plan established under this chapter. General operating and administrative expenses of the executive board are also payable from the fund.

(b) The fund consists of:

(1) amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master settlement agreement fund;

(2) appropriations to the fund from other sources;

(3) grants, gifts, and donations intended for deposit in the fund; and

(4) interest that accrues from money in the fund.

(c) The fund shall be administered by the executive board. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) All income and assets of the executive board deposited in the fund are for the use of the executive board without appropriation.

Sec. 11. (a) The executive board shall develop:

(1) a mission statement concerning prevention and reduction of the usage of tobacco and tobacco products in Indiana, including:

(A) emphasis on prevention and reduction of tobacco use by minorities, pregnant women, children, and youth, including seriously and emotionally disturbed youth;

(B) encouragement of smoking cessation;

(C) production and distribution of information concerning the dangers of tobacco use and tobacco related diseases;

(D) providing research on issues related to reduction of tobacco use;

(E) enforcement of laws concerning sales of tobacco to youth and use of tobacco by youth; and

(F) other activities that the executive board considers necessary and appropriate for inclusion in the mission statement; and

(2) a long range state plan, based on Best Practices for Tobacco Control Programs as published by the Centers for Disease Control and Prevention, for:

(A) the provision of services by the executive board, public or private entities, and individuals to implement the executive board's mission statement; and

(B) the coordination of state efforts to reduce usage of tobacco and tobacco products.

The executive board shall update the mission statement and long range state plan as necessary to carry out the purposes of this chapter.

(b) The long range state plan described in subsection (a) must:

(1) cover a period of at least five (5) years;

(2) include base line data concerning tobacco usage;

(3) set forth specific goals for prevention and reduction of

tobacco usage in Indiana; and

(4) be made available to the governor, the general assembly, and any other appropriate state or federal agency.

Sec. 12. A public or private entity or an individual may submit an application to the executive board for a grant from the fund. Each application must be in writing and contain the following information:

(1) A clear objective to be achieved with the grant.

(2) A plan for implementation of the specific program.

(3) A statement of the manner in which the proposed program will further the goals of the executive board's mission statement and long range state plan.

(4) The amount of the grant requested.

(5) An evaluation and assessment component to determine the program's performance.

(6) Any other information required by the executive board.

The executive board may adopt written guidelines to establish procedures, forms, additional evaluation criteria, and application deadlines.

Sec. 13. The expenditure of state funds (other than a grant awarded under this chapter) for a program concerning prevention or reduction of tobacco usage that is operated by a state agency or a public or private entity is subject to the approval of the executive board. The state agency or public or private entity shall submit a description of the proposed expenditure to the executive board for the executive board's review and approval. The description submitted under this section must include the following:

(1) The objective to be achieved through the expenditure.

(2) The plan for implementation of the expenditure.

(3) The extent to which the expenditure will supplement or duplicate existing expenditures of other state agencies, public or private entities, or the executive board.

Sec. 14. The executive board shall prepare an annual financial report and an annual report concerning the executive board's activities under this chapter and promptly transmit the annual reports to the governor and the legislative council. The executive board shall make the annual reports available to the public upon request.

Sec. 15. The funds, accounts, management, and operations of the executive board are subject to annual audit by the state board of accounts.

Sec. 16. (a) The Indiana tobacco use prevention and cessation advisory board is established. The board consists of:

(1) the executive director employed under section 6 of this chapter, who shall serve as the chairperson of the advisory board; and

(2) other members appointed by the governor who have knowledge, skill, and experience in smoking reduction and cessation programs, health care services, or preventive health care measures.

(b) The advisory committee shall meet at least quarterly and at the call of the chairperson.

(c) The advisory committee shall, as considered necessary by the advisory committee or as requested by the executive board, make recommendations to the executive committee concerning:

(1) the development and implementation of the mission statement and long range state plan under section 11 of this chapter;

(2) the criteria to be used for the evaluation of grant applications under this chapter;

(3) the coordination of public and private efforts concerning reduction and prevention of tobacco usage; and

(4) any other matters for which the executive board requests recommendations from the advisory committee.

(d) Members of the advisory committee are not entitled to a salary per diem or reimbursement of expenses for service on the advisory committee.

(e) The advisory committee may establish subcommittees as necessary to carry out its duties under this section.

SECTION 3. IC 4-12-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2000]:

Chapter 5. Indiana Health Care Trust Fund

Sec. 1. As used in this chapter, "fund" refers to the Indiana health care trust fund established by section 3 of this chapter.

Sec. 2. As used in this chapter, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

Sec. 3. (a) The Indiana health care trust fund is established for the purpose of promoting the health of the citizens of Indiana. The fund consists of:

(1) amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master settlement agreement fund;

(2) appropriations to the fund from other sources;

(3) grants, gifts, and donations intended for deposit in the fund; and

(4) interest that accrues from money in the fund.

(b) The fund shall be administered by the budget agency. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

Sec. 4. Subject to appropriation by the general assembly, review by the budget committee, and approval by the budget agency, the treasurer of state shall distribute money from the fund to public or private entities or individuals for the implementation of programs concerning one (1) or more of the following purposes:

(1) The children's health insurance program established under IC 12-17.6.

(2) Cancer detection tests and cancer education programs.

(3) Heart disease and stroke education programs.

(4) Assisting community health centers in providing:

(A) vaccinations against communicable diseases, with an emphasis on service to youth and senior citizens;

(B) health care services and preventive measures that address the special health care needs of minorities (as defined in IC 16-46-6-2); and

(C) health care services and preventive measures in rural areas.

(5) Promoting health and wellness activities.

(6) Encouraging the prevention of disease, particularly tobacco related diseases.

(7) Addressing the special health care needs of those who suffer most from tobacco related diseases, including end of life and long term care alternatives.

(8) Addressing minority health disparities.

(9) Addressing the impact of tobacco related diseases, particularly on minorities and females.

(10) Promoting community based health care, particularly in areas with a high percentage of underserved citizens, including individuals with disabilities, or with a shortage of health care professionals.

(11) Enhancing local health department services.

(12) Expanding community based minority health infrastructure.

(13) Other purposes recommended by the Indiana health care trust fund advisory board established by section 5 of this chapter.

Sec. 5. (a) The Indiana health care trust fund advisory board is established. The advisory board shall meet at least quarterly and at the call of the chairperson to make recommendations to the governor, the budget agency, and the general assembly concerning the priorities for appropriation and distribution of money from the fund.

(b) The advisory board consists of the following:

(1) The following three (3) ex officio members:

(A) The director of the budget agency or the director's designee.

(B) The commissioner of the state department of health or the commissioner's designee.

(C) The secretary of family and social services or the secretary's designee.

(2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate.

(3) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house.

(4) The following appointees by the governor who represent the following organizations or interests:

(A) The Indiana Dental Association.

(B) The Indiana Hospital and Health Association.

(C) The Indiana Minority Health Coalition.

(D) The Indiana Chapter of the American Academy of Pediatrics.

(E) The Indiana State Medical Association.

(F) The Indiana State Nurses Association.

(G) The Indiana Health Care Association.

(H) A local health officer or a rural health organization.

(I) A primary health care organization.

(J) A senior citizens organization.

(K) The Indiana Chapter of the National Medical Association.

(L) A consumer or representative of an end of life care organization, an alternative to long term care services, or a disability organization.

(M) A psychiatrist licensed under IC 25-22.5 or a psychologist licensed under IC 25-33.

(c) The term of office of a legislative member of the advisory board is four (4) years. However, a legislative member of the advisory board ceases to be a member of the advisory board if the member:

(1) is no longer a member of the chamber from which the member was appointed; or

(2) is removed from the advisory board under subsection (d).

(d) A legislative member of the advisory board may be removed at any time by the appointing authority who appointed the legislative member.

(e) The term of office of a member of the advisory board appointed under subsection (b)(4) is four (4) years. However, these members serve at the pleasure of the governor and may be removed for any reason.

(f) If a vacancy exists on the advisory board with respect to a legislative member or the members appointed under subsection (b)(4), the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy for the balance of the unexpired term.

(g) The governor shall appoint a member of the advisory committee to serve as chairperson.

(h) Eleven (11) members of the advisory board constitute a quorum for the transaction of business at a meeting of the advisory board. The affirmative vote of at least eleven (11) members of the advisory board is necessary for the advisory board to take action.

(i) Each member of the advisory board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the advisory board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) Each member of the advisory board who is a member of the general assembly 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. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(l) Payments authorized for members of the advisory board under subsections (i) through (k) are payable from the Indiana tobacco master settlement agreement fund.

(m) The budget agency shall serve as the staff to the advisory committee.

Sec. 6. A public or private entity or an individual may submit an application to the board for a grant from the fund. Each application must be in writing and contain the following information:

(1) A clear objective to be achieved with the grant.

(2) A plan for implementation of the specific program.

(3) A statement of the manner in which the proposed program will further the goals of the Indiana tobacco use prevention and cessation board's mission statement and long range state plan under IC 4-12-4.

(4) The amount of the grant requested.

(5) An evaluation and assessment component to determine the program's performance.

(6) Any other information required by the advisory board.

The advisory board may adopt written guidelines to establish procedures, forms, additional evaluation criteria, and application deadlines.

Sec. 7. Appropriations and distributions from the fund under this chapter are in addition to and not in place of other appropriations or distributions made for the same purpose.

SECTION 4. IC 4-12-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 6. Biomedical Technology and Basic Research Trust Fund

Sec. 1. As used in this chapter, "fund" refers to the biomedical technology and basic research trust fund established by section 3 of this chapter.

Sec. 2. As used in this chapter, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

Sec. 3. (a) The biomedical technology and basic research trust fund is established for the purpose of making distributions to the Indiana twenty-first century research and technology fund established by IC 4-4-5.1. The fund consists of:

(1) amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master settlement agreement fund;

(2) grants, gifts, and donations intended for deposit in the fund; and

(3) interest that accrues from money in the fund.

(b) The fund shall be administered by the budget agency. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

Sec. 4. Subject to appropriation by the general assembly, review by the budget committee, and approval by the budget agency, the treasurer of state shall distribute money from the fund to public and private entities to support biomedical technology and basic research initiatives, giving priority to initiatives that address tobacco related illnesses and that leverage matching dollars from federal or private sources.

Sec. 5. Appropriations and distributions from the fund under this chapter are in addition to and not in place of other appropriations or distributions made for the same purpose.

SECTION 5. IC 4-12-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1,

2001]:

Chapter 7. Indiana Local Health Department Trust Fund

Sec. 1. As used in this chapter, "fund" refers to the Indiana local health department trust fund established by section 4 of this chapter.

Sec. 2. As used in this chapter, "local board of health" means the board of a:

(1) county health department established under IC 16-20-2;

(2) multiple county health department established under IC 16-20-3;

(3) city health department established under IC 16-20-4; or

(4) health and hospital corporation established under IC 16-22-8.

Sec. 3. As used in this chapter, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

Sec. 4. (a) The Indiana local health department trust fund is established for the purpose of making distributions to each county to provide funding for services provided by local boards of health in that county. The fund consists of:

(1) money required to be distributed to the fund under subsection (b);

(2) additional amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master settlement agreement fund;

(3) appropriations to the fund from other sources;

(4) grants, gifts, and donations intended for deposit in the fund; and

(5) interest that accrues from money in the fund.

(b) Three million dollars ($3,000,000) of the money received by the state under the master settlement agreement during each calendar year beginning on or after January 1, 2001, shall be distributed to the fund from the Indiana tobacco master settlement agreement fund.

(c) The fund shall be administered by the budget agency. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

Sec. 5. (a) Subject to subsection (b) and subject to review by the budget committee and approval by the budget agency, on July 1 of each year the treasurer of state shall distribute money from the fund to each county in the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the amount of money, if any, available for distribution from the fund.

STEP TWO: Subtract nine hundred twenty thousand dollars ($920,000) from the amount determined under STEP ONE.

STEP THREE: Multiply the STEP TWO remainder by a fraction. The numerator of the fraction is the population of the county. The denominator of the fraction is the population of the state.

STEP FOUR: Add ten thousand dollars ($10,000) to the STEP THREE product.

(b) If less than nine hundred twenty thousand dollars ($920,000) is available for distribution from the fund on July 1 of any year, the amount of the distribution from the fund to each county is determined under STEP TWO of the following formula.

STEP ONE: Determine the amount of money, if any, available for distribution from the fund.

STEP TWO: Multiply the STEP ONE amount by a fraction. The numerator of the fraction is the population of the county. The denominator of the fraction is the population of the state.

Sec. 6. If only one (1) local board of health exists in a county, the county fiscal body shall appropriate all distributions received by the county under this chapter to that local board of health. If more than one (1) local board of health exists in a county, the county fiscal body shall appropriate all distributions received by the county under this chapter to those local boards of health in amounts determined by the county fiscal body.

Sec. 7. In using money distributed under this chapter, a local board of health shall give priority to:

(1) programs that share common goals with the mission statement and long range state plan established by the Indiana tobacco use prevention and cessation board;

(2) preventive health measures; and

(3) support for community health centers that treat low income persons and senior citizens.

Sec. 8. Appropriations and distributions from the fund under this chapter are in addition to and not in place of other appropriations or distributions made for the same purpose.

Sec. 9. Money in the fund is annually appropriated for the purposes described in this chapter.

SECTION 6. IC 4-12-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8. Indiana Prescription Drug Fund

Sec. 1. As used in this chapter, "fund" refers to the Indiana prescription drug fund established by section 2 of this chapter.

Sec. 2. (a) The Indiana prescription drug fund is established for the purpose of providing access to needed prescription drugs to ensure the health and welfare of Indiana's low-income senior citizens. The fund consists of:

(1) amounts to be distributed to the fund from the Indiana tobacco master settlement agreement fund;

(2) appropriations to the fund from other sources;

(3) grants, gifts, and donations intended for deposit in the fund; and

(4) interest that accrues from money in the fund.

(b) The fund shall be administered by the budget agency. Expenses for administration and benefits under the Indiana prescription drug program established under IC 12-10-16 shall be paid from the fund. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

Sec. 3. Appropriations and distributions from the fund under this chapter are in addition to and not in place of other appropriations or distributions made for the same purpose.

SECTION 7. IC 4-12-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 9. Tobacco Farmers and Rural Community Impact Fund

Sec. 1. As used in this chapter, "fund" refers to the tobacco farmers and rural community impact fund established by section 2 of this chapter.

Sec. 2. (a) The tobacco farmers and rural community impact fund is established. The fund shall be administered by the commissioner of agriculture and the department of commerce. The fund consists of:

(1) amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master settlement agreement fund;

(2) appropriations to the fund from other sources;

(3) grants, gifts, and donations intended for deposit in the fund; and

(4) interest that accrues from money in the fund.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment

advisors, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts.

(d) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

Sec. 3. (a) Subject to subsection (b), money in the fund shall be used for the following purposes:

(1) To assist farmers who produced tobacco to successfully transition to alternative, economically viable commodities.

(2) To preserve and sustain Indiana family farms and farmland.

(3) To develop new agricultural enterprises in areas that were used for tobacco production, including facilities for research and development, new market opportunities, educational programs, and leadership developmental programs.

(4) Assistance to rural communities that suffer a negative economic impact from the loss of tobacco production, including assistance to the Indiana Rural Development Council.

(b) Expenditures from the fund are subject to appropriation by the general assembly, review by the budget committee, and approval by the budget agency. In addition, the commissioner of agriculture shall approve expenditures for projects under subsection (a)(1) through (a)(3), and the department of commerce shall approve expenditures for projects under subsection (a)(4).

SECTION 8. IC 12-10-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2000]:

Chapter 16. Indiana Prescription Drug Program

Sec. 1. "Fund" refers to the Indiana prescription drug fund established under IC 4-12-8.

Sec. 2. "Program" refers to the Indiana prescription drug program established under section 3 of this chapter.

Sec. 3. The office of the secretary shall administer a program implementing the recommendations of the prescription drug advisory committee to provide access to needed pharmaceuticals to ensure the health and welfare of Indiana's low-income senior citizens.

Sec. 4. The office of the secretary shall report to the budget committee on the recommendations made by the prescription drug advisory committee.

Sec. 5. (a) The office may adopt rules under IC 4-22-2 to implement the program.

(b) The office may adopt emergency rules under IC 4-22-2-37.1 to implement the program on an emergency basis.

Sec. 6. The administrative expenses and benefit costs of the program shall be paid from the fund.

SECTION 9. IC 24-3-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a)** In establishing the cost of cigarettes to the retailer or distributor, the invoice cost of said cigarettes purchased at a forced, bankrupt, or close-out sale, or other sale outside of the ordinary channels of trade, may not be used as a basis for justifying a price lower than one based upon the replacement cost of the cigarettes to the retailer or distributor, within thirty (30) days prior to the date of sale, in the quantity last purchased, through the ordinary channels of trade.

(b) Any cigarettes that are imported or reimported into the United States for sale or distribution under a trade name, trade dress, or trademark that is the same as or confusingly similar to a trade name, trade dress, or trademark used for cigarettes manufactured in the United States for sale or distribution in the United States are presumed to be purchased outside the ordinary channels of trade.

SECTION 10. IC 24-3-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4. Cigarettes Produced for Export; Imported Cigarettes

Sec. 1. This chapter does not apply to cigarettes sold or intended to be sold as duty free merchandise by a duty free sales enterprise that complies with federal requirements, including the requirements under 19 U.S.C. 1555(b). However, this chapter applies to cigarettes that are brought back into the United States that have not been assessed a federal tax or federal duty.

Sec. 2. As used in this chapter, "cigarette" has the meaning set forth in IC 24-3-2-2(a).

Sec. 3. As used in this chapter, "department" refers to the department of state revenue.

Sec. 4. As used in this chapter, "importer" means any of the following:

(1) A person in the United States to whom nontaxpaid tobacco products, cigarette papers, or cigarette tubes manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(2) A person who removes cigars or cigarettes for sale or consumption in the United States from a customs bonded manufacturing warehouse.

(3) A person who smuggles or unlawfully brings tobacco products, cigarette papers, or cigarette tubes into the United States.

Sec. 5. As used in this chapter, "law enforcement officer" has the meaning set forth in IC 35-41-1-17.

Sec. 6. As used in this chapter, "manufacturer" means a person who manufactures a product made from tobacco that is made for smoking or chewing, including snuff. However, the term does not include the following:

(1) A person who produces a product made from tobacco that is made for smoking or chewing, including snuff, solely for the person's own personal consumption or use.

(2) A proprietor of a customs bonded manufacturing warehouse with respect to the operation of the warehouse.

Sec. 7. As used in this chapter, "person" has the meaning set forth in IC 24-3-2-2(b).

Sec. 8. As of October 1, 2000, a person may not sell, distribute, or transport into Indiana any of the following cigarettes:

(1) Cigarettes that have been marked for sale, distribution, or use outside the United States, including labels stating "For Export Only", "U.S. Tax-Exempt", and "For Use Outside U.S.".

(2) Cigarettes that do not comply with the federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) or with other federal requirements regarding health warnings and other information on cigarette packages manufactured, packaged, or imported for sale, distribution, or use in the United States.

(3) Cigarettes that do not comply with federal trademark and copyright laws.

(4) Cigarettes that violate federal requirements on importation of previously exported tobacco products, including 26 U.S.C. 5754.

(5) Cigarettes that the person knows or has reason to know that the manufacturer did not intend to be sold, distributed, or used in the United States.

(6) Cigarettes that have not had the list of the cigarette's added ingredients submitted to the Secretary of the Department of Health and Human Services under 15 U.S.C. 1335a.

(7) Cigarettes that have had the package altered before the cigarettes are sold or distributed to the consumer that remove, conceal, or obscure any of the following:

(A) A marking that indicates the cigarettes are intended to be sold, distributed, or used outside the United States.

(B) A health warning or other information required under 15 U.S.C. 1333.

Sec. 9. A person may not affix a stamp (as defined by IC 6-7-1-9) on a package of cigarettes described in section 8 of this chapter.

Sec. 10. (a) A person who, for the purpose of selling or distributing the cigarettes in Indiana, imports cigarettes into Indiana that were manufactured outside the United States, shall file a monthly report with the department and keep and maintain the records required under IC 6-7-1-19 and IC 6-7-1-19.5.

(b) The report required under subsection (a) must be signed by the person who imports the cigarettes, under penalties of perjury, and must contain the following information concerning cigarettes that the person imported during the preceding month:

(1) A copy of each of the following:

(A) The permit issued under 26 U.S.C. 5713 that allows the person to import the cigarettes into the United States.

(B) The United States Customs Service form concerning the cigarettes that contains the internal revenue tax

information required by the federal Bureau of Alcohol, Tobacco, and Firearms.

(2) A statement that includes the following information:

(A) The brand and brand styles of the cigarettes imported.

(B) The quantity of each brand style of the cigarettes imported.

(C) The name and address of each person to whom the cigarettes have been shipped.

(3) A statement signed by an officer of the manufacturer or importer, under the penalties for perjury, that states whether the manufacturer is a participant in the escrow fund under IC 24-3-3-12 and certifies that the manufacturer or importer has complied with the following:

(A) The federal cigarette package health warning requirements (15 U.S.C. 1333) and the federal ingredient reporting requirements (15 U.S.C. 1335a).

(B) The qualified escrow fund for tobacco product manufacturers requirements under IC 24-3-3.

Sec. 11. The department may do the following:

(1) Adopt rules under IC 4-22-2 to implement this chapter.

(2) Assess tax due, penalties, and interest on cigarettes in violation of this chapter.

(3) Revoke or suspend the registration certificate issued under IC 6-7-1-16 of a person who violates this chapter.

Sec. 12. (a) If the department or a law enforcement officer discovers cigarettes that are in violation of section 8 or 9 of this chapter, the department or a law enforcement officer may seize and take possession of the cigarettes together with any vending machine or receptacle in which the cigarettes are held for sale. The seized cigarettes, vending machine, or receptacle, not including money contained in the vending machine or receptacle, shall be forfeited to the state. The department or law enforcement agency shall, within a reasonable time after the seizure, destroy the confiscated cigarettes and vending machine or receptacle.

(b) The confiscation, destruction, sale, or redemption of cigarettes does not relieve a person of any penalties imposed for violation of this chapter.

(c) When the department has reason to believe that any cigarettes are being kept, sold, offered for sale, or given away in violation of this chapter, an officer of the department or a law enforcement officer may make an affidavit for a search warrant under IC 35-33-5. If the judge issues a search warrant under IC 35-33-1, a law enforcement officer or an authorized agent of the department may search any place or vehicle designated in the affidavit and search warrant and seize any cigarettes.

Sec. 13. (a) This chapter may be enforced by the department or a law enforcement officer.

(b) Upon referral of a violation of this chapter by the department or a law enforcement officer, the prosecuting attorney or the attorney general shall prosecute the person who violates this chapter.

Sec. 14. In addition to any other remedy, any person may bring an action for appropriate injunctive or equitable relief for a violation of this chapter that caused actual damages to the person. The person who brings the action may recover actual damages, interest on the damages from the date the complaint was filed, costs, and reasonable attorney's fees. If the court finds that the violation was flagrant, the court may increase the recovery to an amount not exceeding three (3) times the amount of actual damages.

Sec. 15. A person who knowingly or intentionally sells, distributes, or transports into Indiana cigarettes in violation of section 8 of this chapter commits a Class A misdemeanor.

Sec. 16. A person who knowingly or intentionally sells, or distributes cigarettes that bear Indiana tax stamps affixed in violation of this chapter commits a Class A misdemeanor.

Sec. 17. A person who:

(1) knowingly sells, distributes, or transports more than twelve thousand (12,000) cigarettes in violation of section 8 or 9 of this chapter; and

(2) has previously been convicted of an offense under section 8 or 9 of this chapter;

commits a Class D felony.

SECTION 11. IC 24-5-0.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The following acts or representations as to the subject matter of a consumer transaction, made either orally or in writing by a supplier, are deceptive acts:

(1) That such subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the supplier knows or should reasonably know it does not have.

(2) That such subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not and if the supplier knows or should reasonably know that it is not.

(3) That such subject of a consumer transaction is new or unused, if it is not and if the supplier knows or should reasonably know that it is not.

(4) That such subject of a consumer transaction will be supplied to the public in greater quantity than the supplier intends or reasonably expects.

(5) That replacement or repair constituting the subject of a consumer transaction is needed, if it is not and if the supplier knows or should reasonably know that it is not.

(6) That a specific price advantage exists as to such subject of a consumer transaction, if it does not and if the supplier knows or should reasonably know that it does not.

(7) That the supplier has a sponsorship, approval, or affiliation in such consumer transaction he does not have, and which the supplier knows or should reasonably know that he does not have.

(8) That such consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and if the supplier knows or should reasonably know that the representation is false.

(9) That the consumer will receive a rebate, discount, or other benefit as an inducement for entering into a sale or lease in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if earning the benefit, rebate, or discount is contingent upon the occurrence of an event subsequent to the time the consumer agrees to the purchase or lease.

(10) That the supplier is able to deliver or complete the subject of the consumer transaction within a stated period of time, when the supplier knows or should reasonably know he could not. If no time period has been stated by the supplier, there is a presumption that the supplier has represented that he will deliver or complete the subject of the consumer transaction within a reasonable time, according to the course of dealing or the usage of the trade.

(11) That the consumer will be able to purchase the subject of the consumer transaction as advertised by the supplier, if the supplier does not intend to sell it.

(12) That the replacement or repair constituting the subject of a consumer transaction can be made by the supplier for the estimate the supplier gives a customer for the replacement or repair, if the specified work is completed and:

(A) the cost exceeds the estimate by an amount equal to or greater than ten percent (10%) of the estimate;

(B) the supplier did not obtain written permission from the customer to authorize the supplier to complete the work even if the cost would exceed the amounts specified in clause (A);

(C) the total cost for services and parts for a single transaction is more than seven hundred fifty dollars ($750); and

(D) the supplier knew or reasonably should have known that the cost would exceed the estimate in the amounts specified in clause (A).

(13) That the replacement or repair constituting the subject of a consumer transaction is needed, and that the supplier disposes

of the part repaired or replaced earlier than seventy-two (72) hours after both:

(A) the customer has been notified that the work has been completed; and

(B) the part repaired or replaced has been made available for examination upon the request of the customer.

(14) Engaging in the replacement or repair of the subject of a consumer transaction if the consumer has not authorized the replacement or repair, and if the supplier knows or should reasonably know that it is not authorized.

(15) The act of misrepresenting the geographic location of the supplier by listing a fictitious business name or an assumed business name (as described in IC 23-15-1) in a local telephone directory if:

(A) the name misrepresents the supplier's geographic location;

(B) the listing fails to identify the locality and state of the supplier's business;

(C) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the calling area covered by the local telephone directory; and

(D) the supplier's business location is located in a county that is not contiguous to a county in the calling area covered by the local telephone directory.

(16) The act of listing a fictitious business name or assumed business name (as described in IC 23-15-1) in a directory assistance database if:

(A) the name misrepresents the supplier's geographic location;

(B) calls to the local telephone number are routinely forwarded or otherwise transferred to a supplier's business location that is outside the local calling area; and

(C) the supplier's business location is located in a county that is not contiguous to a county in the local calling area.

(17) That the supplier violated IC 24-3-4 concerning cigarettes for import or export.

(b) Any representations on or within a product or its packaging or in advertising or promotional materials which would constitute a deceptive act shall be the deceptive act both of the supplier who places such representation thereon or therein, or who authored such materials, and such other suppliers who shall state orally or in writing that such representation is true if such other supplier shall know or have reason to know that such representation was false.

(c) If a supplier shows by a preponderance of the evidence that an act resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, such act shall not be deceptive within the meaning of this chapter.

(d) It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in reliance upon the oral or written representations of the manufacturer, the person from whom the supplier acquired the product, any testing organization, or any other person provided that the source thereof is disclosed to the consumer.

(e) For purposes of subsection (a)(12), a supplier that provides estimates before performing repair or replacement work for a customer shall give the customer a written estimate itemizing as closely as possible the price for labor and parts necessary for the specific job before commencing the work.

(f) For purposes of subsection (a)(15), a telephone company or other provider of a telephone directory or directory assistance service or its officer or agent is immune from liability for publishing the listing of a fictitious business name or assumed business name of a supplier in its directory or directory assistance database unless the telephone company or other provider of a telephone directory or directory assistance service is the same person as the supplier who has committed the deceptive act.

SECTION 12. [EFFECTIVE JULY 1, 2000] **(a) All money remaining in the tobacco settlement fund on June 30, 2000, shall be transferred to the Indiana tobacco master settlement agreement fund established by IC 4-12-1-14.3, as amended by this act, on July 1, 2000.**

(b) Notwithstanding P.L.273-1999 or IC 4-12-1-14.3, as amended by this act, the appropriations made by P.L.273-1999, SECTION 8, for the state fiscal year beginning July 1, 2000, for CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP) ASSISTANCE and CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP) ADMINISTRATION:

(1) are payable from the Indiana tobacco master settlement agreement fund established by IC 4-12-1-14.3, as amended by this act; and

(2) are not subject to the limitation on expenditures from the fund under IC 4-12-1-14.3(d), as amended by this act.

(c) The following amounts are appropriated from the Indiana tobacco master settlement agreement fund established by IC 4-12-1-14.3, as amended by this act, for the period beginning July 1, 2000, and ending June 30, 2001:

(1) Thirty-five million dollars ($35,000,000) to be transferred to the Indiana tobacco use prevention and cessation fund for tobacco education, prevention, and use control. However, two million five hundred thousand dollars ($2,500,000) of this amount must be used to fund minority organizations, agencies, and businesses to implement minority prevention and intervention programs.

(2) Twenty million dollars ($20,000,000) to be transferred to the Indiana prescription drug fund for pharmaceutical assistance for low income senior citizens.

(3) Fifteen million dollars ($15,000,000) to the state department of health for total operating expenses for either or both of the following purposes:

(A) Community health centers.

(B) Primary health care centers for children.

(d) Ten million dollars ($10,000,000) is appropriated from the Indiana tobacco master settlement agreement fund established by IC 4-12-1-14.3, as amended by this act, to the state department of health to cover capital costs for the period beginning July 1, 2000, and ending June 30, 2002, for community health centers.

(e) In addition to the money appropriated under IC 6-7-1-30.5 and under P.L.273-1999, SECTION 8, one million five hundred thousand dollars ($1,500,000) shall be transferred from the Indiana tobacco master settlement agreement fund established by IC 4-12-1-14.3, as amended by this act, to the local health maintenance fund established by IC 16-46-10-1 and is appropriated for total operating expenses of the local health maintenance fund beginning July 1, 2000, and ending June 30, 2001. The appropriation made under this subsection shall be used to make supplemental grants, in addition to the grants provided under IC 16-46-10-2, under the following schedule to each local board of health whose application for funding is approved by the state board of health:

COUNTY POPULATION	AMOUNT OF GRANT
over - 499,999	$ 36,000
100,000 - 499,999	24,000
50,000 - 99,999	20,000
under - 50,000	14,000

SECTION 13. [EFFECTIVE JULY 1, 2000] **(a) The Indiana University School of Medicine shall submit proposed criteria and cost estimates to the Indiana health care trust fund advisory board concerning the establishment and funding of a research project to determine the causes and tendencies of nicotine addiction and withdrawal from nicotine addiction.**

(b) The Indiana minority health coalition and Martin University shall submit proposed criteria and cost estimates to the Indiana health care trust fund advisory board concerning the establishment and funding of a minority epidemiology resource center.

(c) This SECTION expires July 1, 2003.

SECTION 14. [EFFECTIVE APRIL 1, 2000] **(a) Notwithstanding IC 4-12-4-7, as added by this act, the initial terms of office of the eleven (11) members appointed by the governor to the board of directors of the Indiana tobacco use prevention and cessation board under IC 4-12-4-4(c)(2), as added by this act, are as follows:**

(1) Three (3) members for a term of two (2) years.

(2) Four (4) members for a term of three (3) years.

(3) Four (4) members for a term of four (4) years.

(b) The initial terms begin April 1, 2000.

(c) This SECTION expires July 1, 2005.

SECTION 15. [EFFECTIVE UPON PASSAGE] **(a) The Indiana prescription drug advisory committee is established to:**

(1) study pharmacy benefit programs and proposals, including programs and proposals in other states; and

(2) make initial and ongoing recommendations to the governor for programs that address the pharmaceutical costs of low-income senior citizens.

(b) The committee consists of eleven (11) members appointed by the governor and four (4) legislative members. The term of each member expires December 31, 2001. The members of the committee appointed by the governor are as follows:

(1) A physician with a specialty in geriatrics.

(2) A pharmacist.

(3) A person with expertise in health plan administration.

(4) A representative of an area agency on aging.

(5) A consumer representative from a senior citizen advocacy organization.

(6) A person with expertise in and knowledge of the federal Medicare program.

(7) A health care economist.

(8) A person representing a pharmaceutical research and manufacturing association.

(9) Three (3) other members as appointed by the governor.

The four (4) legislative members shall serve as nonvoting members. The speaker of the house of representatives and the president pro tempore of the senate shall each appoint two (2) legislative members, who may not be from the same political party, to serve on the committee.

(c) The governor shall designate a member to serve as chairperson. A vacancy with respect to a member shall be filled in the same manner as the original appointment. Each member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties. The expenses of the committee shall be paid from the Indiana pharmaceutical assistance fund created by IC 4-12-8, as added by this act. The office of the secretary of family and social services shall provide staff for the committee. The committee is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3. The advisory council is a governing body for purposes of IC 5-14-1.5.

(d) Not later than September 1, 2000, the board shall make program design recommendations to the governor and the family and social services administration concerning the following:

(1) Eligibility criteria, including the desirability of incorporating an income factor based on the federal poverty level.

(2) Benefit structure.

(3) Cost-sharing requirements, including whether the program should include a requirement for copayments or premium payments.

(4) Marketing and outreach strategies.

(5) Administrative structure and delivery systems.

(6) Evaluation.

(e) The recommendations shall address the following:

(1) Cost-effectiveness of program design.

(2) Coordination with existing pharmaceutical assistance programs.

(3) Strategies to minimize crowd-out of private insurance.

(4) Reasonable balance between maximum eligibility levels and maximum benefit levels.

(5) Feasibility of a health care subsidy program where the amount of the subsidy is based on income.

(6) Advisability of entering into contracts with health insurance companies to administer the program.

(f) The committee may not recommend the use of funds from the Indiana pharmaceutical assistance fund for a state prescription drug benefit for low-income senior citizens if there is a federal statute or program providing a similar prescription drug benefit for the benefit of low-income senior citizens.

(g) This SECTION expires December 31, 2001.

SECTION 16. **An emergency is declared for this act.**".

Delete pages 4 through 22.

Renumber all SECTIONS consecutively.

(Reference is to ESB 108 as reprinted February 22, 2000.)

BORST	C. BROWN
SIMPSON	MURPHY
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:45 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 108 and the same is herewith returned to the House.

CAROLYN J. TINKLE
Secretary of the Senate

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
ESB 489–1; filed March 3, 2000, at 6:48 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 489 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Replace the effective date in SECTION 4 with "[EFFECTIVE JULY 1, 2000]".

Replace the effective date in SECTION 6 with "[EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]".

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 41.

Page 8, delete lines 32 through 42, begin a new paragraph and insert:

"**(b) A pupil described in subsection (a) may be considered in a school corporation's ADM count on a full-time equivalency basis as determined under subsection (c).**

(c) For purposes of this section, full-time equivalency is calculated as follows:

STEP ONE: Determine the result of:

(A) the number of days instructional services will be provided to the pupil, not to exceed one hundred eighty (180); divided by

(B) one hundred eighty (180).

STEP TWO: Determine the result of:

(A) the pupil's public school instructional time (as defined in IC 20-10.1-2-1(b)), rounded to the nearest one-hundredth (0.01); divided by

(B) the actual public school regular instructional day (as defined in IC 20-10.1-2-1(b)), rounded to the nearest one-hundredth (0.01).

STEP THREE: Determine the result of:

(A) the STEP ONE result; multiplied by

(B) the STEP TWO result.

STEP FOUR: Determine the lesser of one (1) or the result of:

(A) the STEP THREE result; multiplied by

(B) one and five hundredths (1.05).

(d) If the computation for a pupil under subsection (c) results in a fraction, the fraction must be rounded to the nearest one-hundredth (0.01).".

Page 9, delete lines 1 through 8.

Page 10, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)] **(a) Not later than May 1, 2000, each school corporation shall do the following:**

(1) Adjust its September 1999 ADM count to take into consideration the provisions of IC 21-3-1.6-1.2, as added by this act, regardless of the effective date of IC 21-2-1.6-1.2.

(2) Report the adjusted ADM count to the department of education.

(b) The provisions of IC 21-3-1.6-1.2, as added by this act, do not apply to:

(1) the 2000 calculation of tuition support for school corporations under IC 21-3-1.7-8;

(2) ADM for 2000 when determining at risk distributions under IC 21-3-1.7-9.7;

(3) the 2000 calculation of primetime under IC 21-1-30; or

(4) ADM for 2000 when determining adjusted ADM under IC 21-3-1.7-6.6.

(c) This SECTION expires July 1, 2002.

SECTION 6. [EFFECTIVE JANUARY 1, 2001] **(a) Notwithstanding IC 21-3-1.6-1.2, as added by this act, and IC 21-3-1.7, the tuition support determined under IC 21-3-1.7-8 for a school corporation shall be reduced as follows:**

(1) For 2001, the previous year's revenue determined without regard to IC 21-3-1.6-1.2, as added by this act, shall be reduced by an amount determined under the following STEPS:

STEP ONE: Determine the difference between:

(A) the school corporation's average daily membership count for 2000, without regard to IC 21-3-1.6-1.2, as added by this act; minus

(B) the school corporation's average daily membership count for 2000, as adjusted by the school corporation under this act after applying IC 21-3-1.6-1.2, as added by this act.

STEP TWO: Determine the result of:

(A) the school corporation's previous year's revenue under IC 21-3-1.7-3.1, without regard to IC 21-3-1.6-1.2, as added by this act; divided by

(B) the school corporation's average daily membership for 2000, without regard to IC 21-3-1.6-1.2, as added by this act.

STEP THREE: Multiply the STEP ONE result by the STEP TWO result.

STEP FOUR: Multiply the STEP THREE result by one-third (1/3).

(2) For 2002, the previous year revenue determined without regard to IC 21-3-1.6-1.2, as added by this act, shall be reduced by an amount equal to the result under STEP FOUR of subdivision (1) multiplied by one and three-hundredths (1.03).

(3) For 2003, the previous year revenue determined without regard to IC 21-3-1.6-1.2, as added by this act, shall be reduced by an amount equal to the reduction amount under subdivision (2) multiplied by one and three-hundredths (1.03).

(b) This SECTION expires January 1, 2004.

SECTION 7. [EFFECTIVE JANUARY 1, 2001] **(a) Notwithstanding IC 21-3-1.6-1.2, as added by this act, and IC 21-3-1.7-6.6, for 2001, a school corporation's "adjusted ADM", for purposes of IC 21-3-1.7, is determined under the following STEPS:**

STEP ONE: Determine the school corporation's adjusted ADM under IC 21-3-1.7-6.6 for 2001. For purposes of determining adjusted ADM for 2001, 2000 ADM is without regard to IC 21-3-1.6-1.2.

STEP TWO: Determine the difference between:

(A) the school corporation's average daily membership count for 2000, without regard to IC 21-3-1.6-1.2, as added by this act; minus

(B) the school corporation's average daily membership count for 2000, as adjusted by the school corporation under this act after applying IC 21-3-1.6-1.2, as added by this act.

STEP THREE: Multiply the STEP TWO result by twenty-seven percent (27%).

STEP FOUR: Determine the greater of zero (0) or the result of:

(A) the school corporation's average daily membership count for 2001; minus

(B) the school corporation's average daily membership count for 2000, as adjusted by the school corporation under this act after applying IC 21-3-1.6-1.2, as added by this act, regardless of the effective date of IC 21-3-1.6-1.2.

STEP FIVE: Multiply the STEP FOUR result by twenty-seven percent (27%).

STEP SIX: Determine the greater of zero (0) or the result of:

(A) the STEP THREE result; minus

(B) the STEP FIVE result.

STEP SEVEN: Determine the result of:

(A) the STEP ONE result; minus

(B) the STEP SIX result.

(b) This SECTION expires January 1, 2004.

SECTION 8. [EFFECTIVE JANUARY 1, 2001] **(a) Notwithstanding IC 21-3-1.6-1.2, as added by this act, and IC 21-1-30, the primetime distribution determined under IC 21-1-30 for a school corporation shall be reduced as follows:**

(1) For 2001, the primetime amount under IC 21-1-30 the school corporation received for the previous year without regard to IC 21-3-1.6-1.2, as added by this act, shall be reduced by an amount determined under the following STEPS:

STEP ONE: Determine the difference between:

(A) the school corporation's primetime distribution for 2000, without regard to IC 21-3-1.6-1.2, as added by this act; minus

(B) the school corporation's primetime distribution for 2000, after applying IC 21-3-1.6-1.2, as added by this act.

STEP TWO: Multiply the STEP ONE result by one-third (1/3).

(2) For 2002 through 2003, the primetime amount under IC 21-1-30 that the school corporation received for the previous year without regard to IC 21-3-1.6-1.2, as added by this act, shall be reduced by an amount equal to the result under STEP TWO of subdivision (1).

(b) This SECTION expires January 1, 2004.".

Page 11, delete lines 1 through 22.

Renumber all SECTIONS consecutively.

(Reference is to ESB 489 as reprinted February 22, 2000.)

MILLS	BAUER
SIMPSON	ESPICH
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

EHB 1050–1; filed March 3, 2000, at 6:56 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1050 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

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

"SECTION 1. IC 22-3-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 13. Whenever an injury or death, for which compensation is payable under chapters 2 through 6 of this article shall have been sustained under circumstances creating in some other person than the employer and not in the same employ a legal liability to pay damages in respect thereto, the injured employee, or his dependents, in case of death, may commence legal proceedings against the other person to recover damages notwithstanding the employer's or the employer's compensation insurance carrier's payment of or liability to pay compensation under chapters 2 through

6 of this article. In that case, however, if the action against the other person is brought by the injured employee or his dependents and judgment is obtained and paid, and accepted or settlement is made with the other person, either with or without suit, then from the amount received by the employee or dependents there shall be paid to the employer or the employer's compensation insurance carrier, subject to its paying its pro-rata share of the reasonable and necessary costs and expenses of asserting the third party claim, the amount of compensation paid to the employee or dependents, plus the medical, surgical, hospital and nurses' services and supplies and burial expenses paid by the employer or the employer's compensation insurance carrier and the liability of the employer or the employer's compensation insurance carrier to pay further compensation or other expenses shall thereupon terminate, whether or not one (1) or all of the dependents are entitled to share in the proceeds of the settlement or recovery and whether or not one (1) or all of the dependents could have maintained the action or claim for wrongful death.

In the event the injured employee or his dependents, not having received compensation or medical, surgical, hospital or nurses' services and supplies or death benefits from the employer or the employer's compensation insurance carrier, shall procure a judgment against the other party for injury or death, which judgment is paid, or if settlement is made with the other person either with or without suit, then the employer or the employer's compensation insurance carrier shall have no liability for payment of compensation or for payment of medical, surgical, hospital or nurses' services and supplies or death benefits whatsoever, whether or not one (1) or all of the dependents are entitled to share in the proceeds of settlement or recovery and whether or not one (1) or all of the dependents could have maintained the action or claim for wrongful death.

In the event any injured employee, or in the event of his death, his dependents, shall procure a final judgment against the other person other than by agreement, and the judgment is for a lesser sum than the amount for which the employer or the employer's compensation insurance carrier is liable for compensation and for medical, surgical, hospital and nurses' services and supplies, as of the date the judgment becomes final, then the employee, or in the event of his death, his dependents, shall have the option of either collecting the judgment and repaying the employer or the employer's compensation insurance carrier for compensation previously drawn, if any, and repaying the employer or the employer's compensation insurance carrier for medical, surgical, hospital and nurses' services and supplies previously paid, if any, and of repaying the employer or the employer's compensation insurance carrier the burial benefits paid, if any, or of assigning all rights under the judgment to the employer or the employer's compensation insurance carrier and thereafter receiving all compensation and medical, surgical, hospital and nurses' services and supplies, to which the employee or in the event of his death, which his dependents would be entitled if there had been no action brought against the other party.

If the injured employee or his dependents shall agree to receive compensation from the employer or the employer's compensation insurance carrier or to accept from the employer or the employer's compensation insurance carrier, by loan or otherwise, any payment on account of the compensation, or institute proceedings to recover the same, the employer or the employer's compensation insurance carrier shall have a lien upon any settlement award, judgment or fund out of which the employee might be compensated from the third party.

The employee, or in the event of his death, his dependents, shall institute legal proceedings against the other person for damages, within two (2) years after the cause of action accrues. If, after the proceeding is commenced, it is dismissed, the employer or the employer's compensation insurance carrier, having paid compensation or having become liable therefor, may collect in their own name, or in the name of the injured employee, or, in case of death, in the name of his dependents, from the other person in whom legal liability for damages exists, the compensation paid or payable to the injured employee, or his dependents, plus medical, surgical, hospital and nurses' services and supplies, and burial expenses paid by the employer or the employer's compensation insurance carrier or for which they have become liable. The employer or the employer's compensation insurance carrier may commence an action at law for collection against the other person in whom legal liability for damages exists, not later than one (1) year from the date the action so commenced has been dismissed, notwithstanding the provisions of any statute of limitations to the contrary.

If the employee, or, in the event of his death, his dependents, shall fail to institute legal proceedings against the other person for damages within two (2) years after the cause of action accrues, the employer or the employer's compensation insurance carrier, having paid compensation, or having been liable therefor, may collect in their own name or in the name of the injured employee, or in the case of his death, in the name of his dependents, from the other person in whom legal liability for damage exists, the compensation paid or payable to the injured employee, or to his dependents, plus the medical, surgical, hospital and nurses' services and supplies, and burial expenses, paid by them, or for which they have become liable, and the employer or the employer's compensation insurance carrier may commence an action at law for collection against the other person in whom legal liability exists, at any time within one (1) year from the date of the expiration of the two (2) years when the action accrued to the injured employee, or, in the event of his death, to his dependents, notwithstanding the provisions of any statute of limitations to the contrary.

In actions brought by the employee or his dependents, he or they shall, within thirty (30) days after the action is filed, notify the employer or the employer's compensation insurance carrier by personal service or registered mail, of the action and the name of the court in which such suit is brought, filing proof thereof in the action.

The employer or the employer's compensation insurance carrier shall pay its pro rata share of all costs and reasonably necessary expenses in connection with asserting the third party claim, action or suit, including but not limited to cost of depositions and witness fees, and to the attorney at law selected by the employee or his dependents, a fee of twenty-five per cent (25%), if collected without suit, of the amount of benefits ~~which benefits shall consist of the amount of reimbursements,~~ **actually repaid** after the expenses and costs in connection with the third party claim have been deducted therefrom, and a fee of thirty-three and one-third per cent (33 1/3%), if collected with suit, of the amount of benefits **actually repaid** after deduction of costs and reasonably necessary expenses in connection with the third party claim action or suit. The employer may, within ninety (90) days after receipt of notice of suit from the employee or his dependents, join in the action upon his motion so that all orders of court after hearing and judgment shall be made for his protection. An employer or his compensation insurance carrier may waive its right to reimbursement under this section and, as a result of the waiver, not have to pay the pro-rata share of costs and expenses.

No release or settlement of claim for damages by reason of injury or death, and no satisfaction of judgment in the proceedings, shall be valid without the written consent of both employer or the employer's compensation insurance carrier and employee or his dependents, except in the case of the employer or the employer's compensation insurance carrier, consent shall not be required where the employer or the employer's compensation insurance carrier has been fully indemnified or protected by court order.

SECTION 2. IC 22-3-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) After an injury and prior to an adjudication of permanent impairment, the employer shall furnish or cause to be furnished, free of charge to the employee, an attending physician for the treatment of his injuries, and in addition thereto such surgical, hospital and nursing services and supplies as the attending physician or the worker's compensation board may deem necessary. If the employee is requested or required by the employer to submit to treatment outside the county of employment, the employer shall also pay the reasonable expense of travel, food, and lodging necessary during the travel, but not to exceed the amount paid at the time of the travel by the state to its employees under the state travel policies and procedures established by the department of administration and approved by the state budget agency. **If the treatment or travel to or from the place of treatment causes a loss of**

working time to the employee, the employer shall reimburse the employee for the loss of wages using the basis of the employee's average daily wage.

(b) During the period of temporary total disability resulting from the injury, the employer shall furnish the physician services, and supplies, and the worker's compensation board may, on proper application of either party, require that treatment by the physician and services and supplies be furnished by or on behalf of the employer as the worker's compensation board may deem reasonably necessary.

(c) After an employee's injury has been adjudicated by agreement or award on the basis of permanent partial impairment and within the statutory period for review in such case as provided in section 27 of this chapter, the employer may continue to furnish a physician or surgeon and other medical services and supplies, and the worker's compensation board may within the statutory period for review as provided in section 27 of this chapter, on a proper application of either party, require that treatment by that physician and other medical services and supplies be furnished by and on behalf of the employer as the worker's compensation board may deem necessary to limit or reduce the amount and extent of the employee's impairment. The refusal of the employee to accept such services and supplies, when provided by or on behalf of the employer, shall bar the employee from all compensation otherwise payable during the period of the refusal, and his right to prosecute any proceeding under IC 22-3-2 through IC 22-3-6 shall be suspended and abated until the employee's refusal ceases. The employee must be served with a notice setting forth the consequences of the refusal under this section. The notice must be in a form prescribed by the worker's compensation board. No compensation for permanent total impairment, permanent partial impairment, permanent disfigurement, or death shall be paid or payable for that part or portion of the impairment, disfigurement, or death which is the result of the failure of the employee to accept the treatment, services, and supplies required under this section. However, an employer may at any time permit an employee to have treatment for his injuries by spiritual means or prayer in lieu of the physician or surgeon and other medical services and supplies required under this section.

(d) If, because of an emergency, or because of the employer's failure to provide an attending physician or surgical, hospital, or nursing services and supplies, or treatment by spiritual means or prayer, as required by this section, or because of any other good reason, a physician other than that provided by the employer treats the injured employee during the period of the employee's temporary total disability, or necessary and proper surgical, hospital, or nursing services and supplies are procured within the period, the reasonable cost of those services and supplies shall, subject to the approval of the worker's compensation board, be paid by the employer.

(e) Regardless of when it occurs, where a compensable injury results in the amputation of a body part, the enucleation of an eye, or the loss of natural teeth, the employer shall furnish an appropriate artificial member, braces, and prosthodontics. The cost of repairs to or replacements for the artificial members, braces, or prosthodontics that result from a compensable injury pursuant to a prior award and are required due to either medical necessity or normal wear and tear, determined according to the employee's individual use, but not abuse, of the artificial member, braces, or prosthodontics, shall be paid from the second injury fund upon order or award of the worker's compensation board. The employee is not required to meet any other requirement for admission to the second injury fund.

(f) If an accident arising out of and in the course of employment after June 30, 1997, results in the loss of or damage to an artificial member, a brace, an implant, eyeglasses, prosthodontics, or other medically prescribed device, the employer shall repair the artificial member, brace, implant, eyeglasses, prosthodontics, or other medically prescribed device or furnish an identical or a reasonably equivalent replacement.

(g) This section may not be construed to prohibit an agreement between an employer and the employer's employees that has the approval of the board and that binds the parties to:

(1) medical care furnished by health care providers selected by agreement before or after injury; or

(2) the findings of a health care provider who was chosen by agreement."

Page 9, line 34, delete "2002" and insert "**2001**".
Page 9, line 35, after "thousand" insert "**one hundred**".
Page 9, line 36, delete "($1,000)" and insert "**($1,100)**".
Page 9, line 38, delete "two" and insert "**three**".
Page 9, line 38, delete "($1, 200)" and insert "**($1,300)**".
Page 9, line 39, delete "one" and insert "**two**".
Page 9, line 40, delete "eight hundred".
Page 9, line 40, delete "($1,800)" and insert "**($2,000)**".
Page 9, line 42, delete "two" and insert "**five**".
Page 9, line 42, delete "($2,250)" and insert "**($2,500)**".
Page 10, line 2, delete "2002" and insert "**2001**".
Page 10, line 3, delete "two" and insert "**three**".
Page 10, line 3, delete "($1, 200)" and insert "**($1,300)**".
Page 10, line 5, delete "four" and insert "**five**".
Page 10, line 6, delete "($1,400)" and insert "**($1,500)**".
Page 10, line 7, after "thousand" insert "**four hundred**".
Page 10, line 8, delete "($2,000)" and insert "**($2,400)**".
Page 10, line 9, delete "two" and insert "**three**".
Page 10, line 9, delete "five hundred".
Page 10, line 10, delete "($2,500)" and insert "**($3,000)**".
Page 10, line 34, delete "and before July 1, 2003".
Page 10, delete lines 36 through 40.
Page 14, line 41, after ";" insert "**and**".
Page 15, line 1, delete ", and before July 1, 2003".
Page 15, line 4, delete ";" and insert "**.**".
Page 15, delete lines 5 through 13.
Page 18, line 20, delete "and before July 1, 2003".
Page 18, delete lines 22 through 26.

Page 18, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 5. IC 22-3-4-12.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12.1. (a) The worker's compensation board, upon hearing a claim for benefits, has the exclusive jurisdiction to determine whether the employer, the employer's worker's compensation administrator, or the worker's compensation insurance carrier has acted with a lack of diligence, in bad faith, or has committed an independent tort in adjusting or settling the claim for compensation.

(b) If lack of diligence, bad faith, or an independent tort is proven under subsection (a), the award to the claimant shall be at least five hundred dollars ($500), but not more than twenty thousand dollars ($20,000), depending upon the degree of culpability and the actual damages sustained.

(c) An award under this section shall be paid by the employer, worker's compensation administrator, or worker's compensation insurance carrier responsible to the claimant for the lack of diligence, bad faith, or independent tort.

(d) The worker's compensation board shall fix in addition to any award under this section the amount of attorney's fees payable with respect to an award made under this section. The attorney's fees may not exceed thirty-three and one-third percent (33 1/3%) of the amount of the award.

(e) If the worker's compensation board makes an award under this section, it shall reduce the award to writing and forward a copy to the department of insurance for review under IC 27-4-1-4.5.

(f) An award or awards to a claimant pursuant to subsection (b) shall not total more than twenty thousand dollars ($20,000) during the life of the claim for benefits arising from an accidental injury.

SECTION 6. IC 22-3-6-1, AS AMENDED BY P.L.235-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the context otherwise requires:

(a) "Employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, or corporation or the receiver or trustee of the same, using the services of another for pay. **A parent or a subsidiary of a corporation or a lessor of employees shall be considered to be the employer of the corporation's, the lessee's, or the lessor's employees**

for purposes of IC 22-3-2-6. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5.

(b) "Employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship, written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer.

(1) An executive officer elected or appointed and empowered in accordance with the charter and bylaws of a corporation, other than a municipal corporation or governmental subdivision or a charitable, religious, educational, or other nonprofit corporation, is an employee of the corporation under IC 22-3-2 through IC 22-3-6.

(2) An executive officer of a municipal corporation or other governmental subdivision or of a charitable, religious, educational, or other nonprofit corporation may, notwithstanding any other provision of IC 22-3-2 through IC 22-3-6, be brought within the coverage of its insurance contract by the corporation by specifically including the executive officer in the contract of insurance. The election to bring the executive officer within the coverage shall continue for the period the contract of insurance is in effect, and during this period, the executive officers thus brought within the coverage of the insurance contract are employees of the corporation under IC 22-3-2 through IC 22-3-6.

(3) Any reference to an employee who has been injured, when the employee is dead, also includes the employee's legal representatives, dependents, and other persons to whom compensation may be payable.

(4) An owner of a sole proprietorship may elect to include the owner as an employee under IC 22-3-2 through IC 22-3-6 if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If the owner of a sole proprietorship is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain an affidavit of exemption under IC 22-3-2-14.5.

(5) A partner in a partnership may elect to include the partner as an employee under IC 22-3-2 through IC 22-3-6 if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If a partner in a partnership is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain an affidavit of exemption under IC 22-3-2-14.5.

(6) Real estate professionals are not employees under IC 22-3-2 through IC 22-3-6 if:

(A) they are licensed real estate agents;

(B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and

(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(7) A person is an independent contractor in the construction trades and not an employee under IC 22-3-2 through IC 22-3-6 if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(8) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 1057, to a motor carrier is not an employee of the motor carrier for purposes of IC 22-3-2 through IC 22-3-6. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(9) A member or manager in a limited liability company may elect to include the member or manager as an employee under IC 22-3-2 through IC 22-3-6 if the member or manager is actually engaged in the limited liability company business. If a member or manager makes this election, the member or manager must serve upon the member's or manager's insurance carrier and upon the board written notice of the election. A member or manager may not be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received.

(10) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth in IC 22-3-2-2.5.

(c) "Minor" means an individual who has not reached seventeen (17) years of age.

(1) Unless otherwise provided in this subsection, a minor employee shall be considered as being of full age for all purposes of IC 22-3-2 through IC 22-3-6.

(2) If the employee is a minor who, at the time of the accident, is employed, required, suffered, or permitted to work in violation of IC 20-8.1-4-25, the amount of compensation and death benefits, as provided in IC 22-3-2 through IC 22-3-6, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the injury or death of the minor, and the employer shall be liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age and who at the time of the accident is employed, suffered, or permitted to work at any occupation which is not prohibited by law, this subdivision does not apply.

(3) A minor employee who, at the time of the accident, is a student performing services for an employer as part of an approved program under IC 20-10.1-6-7 shall be considered a full-time employee for the purpose of computing compensation for permanent impairment under IC 22-3-3-10. The average weekly wages for such a student shall be calculated as provided in subsection (d)(4).

(4) The rights and remedies granted in this subsection to a minor under IC 22-3-2 through IC 22-3-6 on account of personal injury or death by accident shall exclude all rights and remedies of the minor, the minor's parents, or the minor's personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of the injury or death. This subsection does not apply to minors who have reached seventeen (17) years of age.

(d) "Average weekly wages" means the earnings of the injured employee in the employment in which the employee was working at the time of the injury during the period of fifty-two (52) weeks immediately preceding the date of injury, divided by fifty-two (52), except as follows:

(1) If the injured employee lost seven (7) or more calendar days during this period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted.

(2) Where the employment prior to the injury extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be

followed, if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employee's employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages, as defined in this subsection, regard shall be had to the average weekly amount which during the fifty-two (52) weeks previous to the injury was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in the same class of employment in the same district.

(3) Wherever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of his earnings.

(4) In computing the average weekly wages to be used in calculating an award for permanent impairment under IC 22-3-3-10 for a student employee in an approved training program under IC 20-10.1-6-7, the following formula shall be used. Calculate the product of:

(A) the student employee's hourly wage rate; multiplied by

(B) forty (40) hours.

The result obtained is the amount of the average weekly wages for the student employee.

(e) "Injury" and "personal injury" mean only injury by accident arising out of and in the course of the employment and do not include a disease in any form except as it results from the injury.

(f) "Billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(g) "Billing review standard" means the data used by a billing review service to determine pecuniary liability.

(h) "Community" means a geographic service area based on zip code districts defined by the United States Postal Service according to the following groupings:

(1) The geographic service area served by zip codes with the first three (3) digits 463 and 464.

(2) The geographic service area served by zip codes with the first three (3) digits 465 and 466.

(3) The geographic service area served by zip codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by zip codes with the first three (3) digits 469 and 479.

(5) The geographic service area served by zip codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 zip code and zip codes with the first three (3) digits 462.

(7) The geographic service area served by zip codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by zip codes with the first three (3) digits 475, 476, and 477.

(i) "Medical service provider" refers to a person or an entity that provides medical services, treatment, or supplies to an employee under IC 22-3-2 through IC 22-3-6.

(j) "Pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under IC 22-3-2 through IC 22-3-6 in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products.

SECTION 7. IC 22-3-7-9, AS AMENDED BY P.L.235-1999, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. (a) As used in this chapter, "employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, or corporation or the receiver or trustee of the same, using the services of another for pay. **A parent or a subsidiary of a corporation or a lessor of employees shall be considered to be the employer of the corporation's, the lessee's, or the lessor's employees for purposes of section 6 of this chapter.** The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this chapter. If the employer is insured, the term includes his insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer.

(b) As used in this chapter, "employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer. For purposes of this chapter the following apply:

(1) Any reference to an employee who has suffered disablement, when the employee is dead, also includes his legal representative, dependents, and other persons to whom compensation may be payable.

(2) An owner of a sole proprietorship may elect to include himself as an employee under this chapter if he is actually engaged in the proprietorship business. If the owner makes this election, he must serve upon his insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under this chapter unless the notice has been received. If the owner of a sole proprietorship is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain an affidavit of exemption under IC 22-3-7-34.5.

(3) A partner in a partnership may elect to include himself as an employee under this chapter if he is actually engaged in the partnership business. If a partner makes this election, he must serve upon his insurance carrier and upon the board written notice of the election. No partner may be considered an employee under this chapter until the notice has been received. If a partner in a partnership is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain an affidavit of exemption under IC 22-3-7-34.5.

(4) Real estate professionals are not employees under this chapter if:

(A) they are licensed real estate agents;

(B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and

(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(5) A person is an independent contractor in the construction trades and not an employee under this chapter if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(6) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 1057, to a motor carrier is not an employee of the motor carrier for purposes of this chapter. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(7) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth under section 2.5 of this chapter.

(c) As used in this chapter, "minor" means an individual who has not reached seventeen (17) years of age. A minor employee shall be considered as being of full age for all purposes of this chapter. However, if the employee is a minor who, at the time of the last

exposure, is employed, required, suffered, or permitted to work in violation of the child labor laws of this state, the amount of compensation and death benefits, as provided in this chapter, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the disability or death of the minor, and the employer shall be wholly liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age, and who at the time of the last exposure is employed, suffered, or permitted to work at any occupation which is not prohibited by law, the provisions of this subsection prescribing double the amount otherwise recoverable do not apply. The rights and remedies granted to a minor under this chapter on account of disease shall exclude all rights and remedies of the minor, his parents, his personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of any disease.

(d) This chapter does not apply to casual laborers as defined in subsection (b), nor to farm or agricultural employees, nor to household employees, nor to railroad employees engaged in train service as engineers, firemen, conductors, brakemen, flagmen, baggagemen, or foremen in charge of yard engines and helpers assigned thereto, nor to their employers with respect to these employees. Also, this chapter does not apply to employees or their employers with respect to employments in which the laws of the United States provide for compensation or liability for injury to the health, disability, or death by reason of diseases suffered by these employees.

(e) As used in this chapter, "disablement" means the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the hazards of the occupational disease by the employer from whom he claims compensation or equal wages in other suitable employment, and "disability" means the state of being so incapacitated.

(f) For the purposes of this chapter, no compensation shall be payable for or on account of any occupational diseases unless disablement, as defined in subsection (e), occurs within two (2) years after the last day of the last exposure to the hazards of the disease except for the following:

(1) In all cases of occupational diseases caused by the inhalation of silica dust or coal dust, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within three (3) years after the last day of the last exposure to the hazards of the disease.

(2) In all cases of occupational disease caused by the exposure to radiation, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within two (2) years from the date on which the employee had knowledge of the nature of his occupational disease or, by exercise of reasonable diligence, should have known of the existence of such disease and its causal relationship to his employment.

(3) In all cases of occupational diseases caused by the inhalation of asbestos dust, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within three (3) years after the last day of the last exposure to the hazards of the disease if the last day of the last exposure was before July 1, 1985.

(4) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1985, and before July 1, 1988, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within twenty (20) years after the last day of the last exposure.

(5) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1988, no compensation shall be payable unless disablement (as defined in subsection (e)) occurs within thirty-five (35) years after the last day of the last exposure.

(g) For the purposes of this chapter, no compensation shall be payable for or on account of death resulting from any occupational disease unless death occurs within two (2) years after the date of disablement. However, this subsection does not bar compensation for death:

(1) where death occurs during the pendency of a claim filed by an employee within two (2) years after the date of disablement and which claim has not resulted in a decision or has resulted in a decision which is in process of review or appeal; or

(2) where, by agreement filed or decision rendered, a compensable period of disability has been fixed and death occurs within two (2) years after the end of such fixed period, but in no event later than three hundred (300) weeks after the date of disablement.

(h) As used in this chapter, "billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(i) As used in this chapter, "billing review standard" means the data used by a billing review service to determine pecuniary liability.

(j) As used in this chapter, "community" means a geographic service area based on zip code districts defined by the United States Postal Service according to the following groupings:

(1) The geographic service area served by zip codes with the first three (3) digits 463 and 464.

(2) The geographic service area served by zip codes with the first three (3) digits 465 and 466.

(3) The geographic service area served by zip codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by zip codes with the first three (3) digits 469 and 479.

(5) The geographic service area served by zip codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 zip code and zip codes with the first three (3) digits 462.

(7) The geographic service area served by zip codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by zip codes with the first three (3) digits 475, 476, and 477.

(k) As used in this chapter, "medical service provider" refers to a person or an entity that provides medical services, treatment, or supplies to an employee under this chapter.

(l) As used in this chapter, "pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under this chapter in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products."

Page 28, line 41, delete "injuries" and insert "**disablements**".
Page 28, line 42, delete "2002" and insert "**2001**".
Page 29, line 1, after "thousand" insert "**one hundred**".
Page 29, line 2, delete "($1,000) and insert "**($1,100)**".
Page 29, line4, delete "two" and insert "**three**".
Page 29, line 4, delete "($1,200)" and insert "**($1,300)**".
Page 29, line 5, delete "one" and insert "**two**".
Page 29, line 6, delete "eight hundred".
Page 29, line 6, delete "($1,800) and insert "**($2,000)**".
Page 29, line 8, delete "two" and insert "**five**".
Page 29, line 8, delete "($2,250)" and insert "**($2,500)**".
Page 29, line 9, delete "injuries" and insert "**disablements**".
Page 29, line 10, delete "2002" and insert "**2001**".
Page 29, line 11, delete "two" and insert "**three**".
Page 29, line11, delete "($1,200)" and insert "**($1,300)**".
Page 29, line 13, delete "four" and insert "**five**".
Page 29, line 14, delete "($1,400)" and insert "**($1,500)**".
Page 29, line 15, after "thousand" insert "**four hundred**".
Page 29, line 16, delete "($2,000)" and insert "**($2,400)**".
Page 29, line17, delete "two" and insert "**three**".
Page 29, line 17, delete "five hundred".
Page 29, line 18, delete "($2,500)" and insert "**($3,000)**".

Page 30, line 6, delete "and before July 1, 2003".

Page 30, delete lines 8 through 12.

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

"SECTION 9. IC 22-3-7-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 17. (a) During the period of disablement, the employer shall furnish or cause to be furnished, free of charge to the employee, an attending physician for the treatment of his occupational disease, and in addition thereto such surgical, hospital, and nursing services and supplies as the attending physician or the worker's compensation board may deem necessary. If the employee is requested or required by the employer to submit to treatment outside the county of employment, ~~said~~ **the** employer shall also pay the reasonable expense of travel, food, and lodging necessary during the travel, but not to exceed the amount paid at the time of ~~said~~ **the** travel by the state of Indiana to its employees. **If the treatment or travel to or from the place of treatment causes a loss of working time to the employee, the employer shall reimburse the employee for the loss of wages using the basis of the employee's average daily wage.**

(b) During the period of disablement resulting from the occupational disease, the employer shall furnish such physician, services, and supplies, and the worker's compensation board may, on proper application of either party, require that treatment by such physician and such services and supplies be furnished by or on behalf of the employer as the board may deem reasonably necessary. After an employee's occupational disease has been adjudicated by agreement or award on the basis of permanent partial impairment and within the statutory period for review in such case as provided in section 27(i) of this chapter, the employer may continue to furnish a physician or a surgeon and other medical services and supplies, and the board may, within such statutory period for review as provided in section 27(i) of this chapter, on a proper application of either party, require that treatment by such physician or surgeon and such services and supplies be furnished by and on behalf of the employer as the board may deem necessary to limit or reduce the amount and extent of such impairment. The refusal of the employee to accept such services and supplies when so provided by or on behalf of the employer, shall bar the employee from all compensation otherwise payable during the period of such refusal and his right to prosecute any proceeding under this chapter shall be suspended and abated until such refusal ceases. The employee must be served with a notice setting forth the consequences of the refusal under this section. The notice must be in a form prescribed by the worker's compensation board. No compensation for permanent total impairment, permanent partial impairment, permanent disfigurement, or death shall be paid or payable for that part or portion of such impairment, disfigurement, or death which is the result of the failure of such employee to accept such treatment, services, and supplies, provided that an employer may at any time permit an employee to have treatment for his disease or injury by spiritual means or prayer in lieu of such physician, services, and supplies.

(c) Regardless of when it occurs, where a compensable occupational disease results in the amputation of a body part, the enucleation of an eye, or the loss of natural teeth, the employer shall furnish an appropriate artificial member, braces, and prosthodontics. The cost of repairs to or replacements for the artificial members, braces, or prosthodontics that result from a compensable occupational disease pursuant to a prior award and are required due to either medical necessity or normal wear and tear, determined according to the employee's individual use, but not abuse, of the artificial member, braces, or prosthodontics, shall be paid from the second injury fund upon order or award of the worker's compensation board. The employee is not required to meet any other requirement for admission to the second injury fund.

(d) If an emergency or because of the employer's failure to provide such attending physician or such surgical, hospital, or nurse's services and supplies or such treatment by spiritual means or prayer as specified in this section, or for other good reason, a physician other than that provided by the employer treats the diseased employee within the period of disability, or necessary and proper surgical, hospital, or nurse's services and supplies are procured within ~~said~~ **the** period, the reasonable cost of such services and supplies shall, subject to approval of the worker's compensation board, be paid by the employer.

(e) This section may not be construed to prohibit an agreement between an employer and employees that has the approval of the board and that:

(1) binds the parties to medical care furnished by providers selected by agreement before or after disablement; or

(2) makes the findings of a provider chosen in this manner binding upon the parties.

(f) The employee and the employee's estate do not have liability to a health care provider for payment for services obtained under this section. The right to order payment for all services provided under this chapter is solely with the board. All claims by a health care provider for payment for services are against the employer and the employer's insurance carrier, if any, and must be made with the board under this chapter."

Page 35, line 14, delete "injuries" and insert "**disablements**".

Page 35, line 18, after ";" insert "**and**".

Page 35, line 19, delete "injuries" and insert "**disablements**".

Page 35, line 20, delete ", and before July 1, 2003".

Page 35, line 23, delete ";" and insert "**.**".

Page 35, delete lines 24 through 32.

Page 37, line 30, delete "an injury" and insert "**disability or death**".

Page 37, line 33, delete "an injury" and insert "**disability or death**".

Page 37, line 34, delete "and before July 1, 2003".

Page 37 delete lines 36 through 40.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1050 as printed February 18, 2000.)

HARRISON	LIGGETT
ALEXA	TORR
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

RULES SUSPENSIONS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration Houses Rule 160.2 and 162.2 and recommends that Rule 160.2 be suspended so that the following conference committee reports are eligible for consideration after March 1 and that Rule 162.2 be suspended so that the following conference committee report be laid over on the members' desk for 1 hour, all so that the following conference committee reports may be eligible to be placed before the House for action: Engrossed House Bills 1024–1, 1130–1, and 1248–1 and Engrossed Senate Bills 187–1, 118–1, 114–1, 62–1, 351–1, and 108–1.

MOSES, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that House Rule 160.2 be suspended so that the following conference committee reports are eligible for consideration after March 1 and that Rule 162.2 be suspended so that the following conference committee reports be laid over on the members' desks for 1 hour, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bills 1024–1, 1130–1, and 1248–1 and Engrossed Senate Bills 187–1, 118–1, 114–1, 62–1, 351–1, and 108–1.

MOSES

Motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rules 160.2 and 162.2 and recommends that Rule 160.2 be suspended so that the following conference committee reports are eligible for consideration after

March 1 and that Rule 162.2 be suspended so that the following conference committee report be laid over on the members' desk for 1 hour, all so that the following conference committee reports may be eligible to be placed before the House for action: Engrossed House Bill 1050–1 and Engrossed Senate Bills 408–1 and 489–1.

MOSES, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that House Rule 160.2 be suspended so that the following conference committee reports are eligible for consideration after March 1 and that Rule 162.2 be suspended so that the following conference committee reports be laid over on the members' desks for 1 hour, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1050–1 and Engrossed Senate Bills 408–1 and 489–1.

MOSES

Motion prevailed.

CONFERENCE COMMITTEE REPORTS

Engrossed House Bill 1328–1

The conference committee report was reread. Roll Call 414: yeas 89, nays 1. Report adopted.

Engrossed House Bill 1050–1

The conference committee report was reread. Roll Call 415: yeas 92, nays 0. Report adopted.

Engrossed Senate Bill 278–1

The conference committee report was reread. Roll Call 416: yeas 89, nays 0. Report adopted.

Representative Bauer was present.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its action whereby it dissented from the Senate amendments to Engrossed House Bill 1102 and that the House now concur in the Senate amendments to said bill.

MOSES

Roll Call 417: yeas 93, nays 0. Motion prevailed.

CONFERENCE COMMITTEE REPORTS

Engrossed Senate Bill 408–1

The conference committee report was reread. Roll Call 418: yeas 89, nays 0. Report adopted.

Representatives Alderman, Mock, Porter, and Summers were excused.

Engrossed Senate Bill 489–1

The conference committee report was reread. Roll Call 419: yeas 86, nays 4. Report adopted.

Representatives Alderman, Mock, and Summers were present.

Engrossed Senate Bill 186–1

The conference committee report was reread. Roll Call 420: yeas 94, nays 0. Report adopted.

Engrossed Senate Bill 108–1

The conference committee report was reread. Roll Call 421: yeas 87, nays 6. Report adopted.

Engrossed Senate Bill 187–1

The conference committee report was reread. Roll Call 422: yeas 92, nays 0. Report adopted.

Engrossed Senate Bill 317–1

The conference committee report was reread. Roll Call 423: yeas 95, nays 0. Report adopted.

Engrossed Senate Bill 315–1

The conference committee report was reread. Roll Call 424: yeas 95, nays 0. Report adopted.

Engrossed Senate Bill 411–1

The conference committee report was reread. Roll Call 425: yeas 94, nays 0. Report adopted.

Engrossed House Bill 1008–1

The conference committee report was reread. Roll Call 426: yeas 96, nays 0. Report adopted.

Engrossed Senate Bill 351–1

The conference committee report was reread. Roll Call 427: yeas 95, nays 0. Report adopted.

The Speaker yielded the gavel to Representative M. Young.

Engrossed Senate Bill 455–1

The conference committee report was reread. Roll Call 428: yeas 96, nays 0. Report adopted.

Engrossed House Bill 1130–1

The conference committee report was reread. Representatives T. Brown and Dillon were excused from voting. Roll Call 429: yeas 94, nays 0. Report adopted.

Representative M. Young yielded the gavel to the Speaker.

Engrossed House Bill 1248–1

The conference committee report was reread. Roll Call 430: yeas 94, nays 2. Report adopted.

Engrossed House Bill 1024–1

The conference committee report was reread. Roll Call 431: yeas 95, nays 1. Report adopted.

Engrossed Senate Bill 114–1

The conference committee report was reread. Roll Call 432: yeas 94, nays 0. Report adopted.

Engrossed Senate Bill 118–1

The conference committee report was reread. Roll Call 433: yeas 94, nays 0. Report adopted.

Engrossed Senate Bill 62–1

The conference committee report was reread. Roll Call 434: yeas 93, nays 0. Report adopted.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1221 because it conflicts with HEA 1008 without properly recognizing the existence of HEA 1008, has had Engrossed House Bill

1221 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1221 be corrected as follows:

Page 3, line 26, strike "in".
Page 3, line 27, strike "January following the".
Page 3, line 28, delete "adoption of the enabling ordinance by the".
Page 3, line 29, delete "legislative body of the town." and insert " **as specified in the ordinance creating the board.**".
(Reference is to EHB 1221 as reprinted February 29, 2000.)

MOSES, Chair
MURPHY, Ranking Minority Member
RIPLEY, Author

Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 117

Representatives Gregg and Mannweiler introduced House Resolution 117:

A HOUSE RESOLUTION to express the House's sincere appreciation to the staff of the Indiana Legislative Services Agency.

Whereas, The staff of the Indiana Legislative Services Agency has extended full cooperation and devoted much time and effort to assure the viability and function of the legislative process and also to help members of the House with the legislative problem solving;

Whereas, Special mention and appreciation should be given to the In-House Printing Section of the Indiana Legislative Services Agency for their tireless efforts on behalf of the General Assembly, providing accurate copies in a timely fashion. Most impressively, the Legislative Services Agency this year saved Hoosier taxpayers many thousands of dollars by providing printing services in-house;

Whereas, The technical and data processing assistance provided by Legislative Services Agency to the House members and staff is constant and invaluable; and

Whereas, The staff of the Indiana Legislative Services Agency has served the Indiana House of Representatives loyally and capably: Therefore,

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

SECTION 1. The members of the Indiana House of Representatives express their full appreciation and sincere commendation to the entire staff of the Indiana Legislative Services Agency for their loyal and capable services.

SECTION 2. The Principal Clerk of the House is directed to transmit a copy of this resolution to Mr. Phillip Sachtblen.

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

House Resolution 118

Representatives Denbo, Grubb, Kruzan, Kuzman, Dvorak, Weinzapfel, Stevenson, Dobis, Dumezich, V. Smith, Harris, C. Brown, and L. Lawson introduced House Resolution 118:

A RESOLUTION honoring Representative Jesse Villalpando, Griffith, Indiana, on the occasion of his retirement from the Indiana House of Representatives.

Whereas, Representative Jesse Villalpando will be leaving the Indiana House of Representatives at the end of this legislative session after eight years of service;

Whereas, Representative Jesse Villalpando, a Democrat from Griffith, Indiana, has faithfully and loyally represented House District 12 in Lake County in Northwest Indiana;

Whereas, Representative Villalpando has played a major role in the workings of the Indiana House of Representatives, chairing the Judiciary Committee and serving as a member of the Courts and Criminal Code and Human Affairs committees;

Whereas, Representative Villalpando has come to be regarded as an expert in court issues;

Whereas, This knowledge will be a tremendous help to him in his new career as a judge;

Whereas, The members of the Indiana House of Representatives realize that their loss will be the judicial branch's great gain;

Whereas, It is widely known in the House of Representatives that Representative Villalpando's popularity crosses state lines, particularly to Hawaii, where he is a known celebrity; and

Whereas, The Indiana General Assembly will greatly miss Representative Jesse Villalpando: 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 thank Representative Jesse Villalpando for all his hard work and dedication to the citizens of Indiana and to wish him well in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Representative Jesse Villalpando and his family.

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

House Resolution 119

Representatives Denbo and Grubb introduced House Resolution 119:

A RESOLUTION honoring Representative Jeffrey Linder, Waldron, Indiana, on the occasion of his retirement from the Indiana House of Representatives.

Whereas, Representative Jeffrey Linder will be leaving the Indiana House of Representatives at the end of this legislative session after 10 years of service;

Whereas, Representative Jeffrey Linder, a Republican from Waldron, Indiana, has faithfully and loyally represented House District 57, which is composed of parts of Bartholomew, Rush, and Shelby counties in central Indiana;

Whereas, Representative Linder will be remembered by his colleagues for his strong leadership, his wry sense of humor, and his ability to get along with everyone;

Whereas, Representative Linder has played a major role in the workings of the Indiana House of Representatives, serving as the Republican caucus chairman and the chairman of the House Rules Committee;

Whereas, The members of the Indiana House of Representatives realize that they are losing a valued member and will miss his presence in the chamber;

Whereas, The Indiana General Assembly will greatly miss Representative Jeffrey Linder: 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 thank Representative Jeffrey Linder for his hard work and dedication to the citizens of Indiana and to wish him well in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Representative Jeffrey Linder and his family.

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

House Resolution 120

Representatives Denbo, Grubb, Robertson, and Moses introduced House Resolution 120:

A RESOLUTION honoring Representative William Bailey, Seymour, Indiana, on the occasion of his retirement from the Indiana House of Representatives.

Whereas, Representative William Bailey will be leaving the Indiana House of Representatives at the end of this legislative session after 10 years of service;

Whereas, Representative William Bailey has faithfully and zealously represented House District 66, which includes parts of Clark, Jackson, Jennings, and Scott counties in southeastern Indiana;

Whereas, Representative Bailey has played an integral part in the workings of the Indiana House of Representatives as chairman of the Cities and Towns and Public Policy, Ethics and Veterans Affairs standing committees and serving on the Ethics, Insurance, Corporations and Small Business, and Ways and Means committees;

Whereas, The departure of Representative Bailey will be a great loss to the Indiana General Assembly, but the business world will be gaining a valuable asset; and

Whereas, The Indiana House of Representatives will miss the sound wisdom and even disposition of Representative William Bailey: 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 thank Representative William Bailey for his hard work and dedication and to wish him well in all future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Representative William Bailey and his family.

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

House Resolution 121

Representatives Denbo, Grubb, Gregg, T. Adams, Avery, Bailey, Bardon, Bauer, Bischoff, Bodiker, Bottorff, C. Brown, Cheney, Cochran, Cook, Crawford, Crooks, Crosby, Day, Dickinson, Dobis, Dvorak, Frenz, Fry, GiaQuinta, Harris, Hasler, Herrell, Kersey, Klinker, Kromkowski, Kruzan, Kuzman, L. Lawson, Leuck, Liggett, Lytle, Mahern, Mellinger, Moses, Oxley, Pelath, Porter, Robertson, V. Smith, Stevenson, Stilwell, Sturtz, Summers, Tincher, Villalpando, Weinzapfel, and Welch introduced House Resolution 121:

A RESOLUTION honoring Representative R. Michael Young of Indianapolis, Indiana, on the occasion of his departure from the Indiana House of Representatives.

Whereas, Representative R. Michael Young will be leaving the Indiana House of Representatives at the end of this legislative session after 14 years of service;

Whereas, Representative R. Michael Young, a Republican from Indianapolis, Indiana, has faithfully and loyally represented House District 92, which is composed of part of Marion County in central Indiana;

Whereas, Representative Young has played a major role in the workings of the Indiana House of Representatives, serving as the chairman of the Labor and Employment Committee and as a member of the Ways and Means Committee;

Whereas, The members of the House of Representatives will miss Representative R. Michael Young for more reasons than can be listed here;

Whereas, The members of the Indiana House of Representatives realize that they are losing a valued member and will miss his presence in the chamber;

Whereas, The Indiana General Assembly will greatly miss Representative R. Michael Young: 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 thank Representative R. Michael Young for his hard work and dedication to the citizens of Indiana and to wish him well in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Representative R. Michael Young and his family.

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

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on Engrossed House Bills 1008–1, 1024–1, 1043–1, 1050–1, 1051–1, 1130–1, 1202–1, 1248–1, 1328–1, 1343–1, 1393–1, and 1398–1.

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 adopted the Conference Committee Report on Engrossed Senate Bills 62–1, 64–1, 79–1, 108–1, 114–1, 118–1, 186–1, 187–1, 209–1, 233–1, 315–1, 351–1, 408–1, 411–1, 433–1, 455–1, 489–1, and 511–1.

CAROLYN J. TINKLE
Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 12, 117, 147, 175, 178, 204, 205, 218, 222, 224, 442, 470, 490, and 504 for signature.

CAROLYN J. TINKLE
Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that all requests for interim studies, including those made by concurrent resolutions, bills which failed to pass both Houses of the General Assembly, or written or oral requests to the Speaker of the House, are hereby referred to the Legislative Council for further consideration as it deems necessary or appropriate.

BAILEY

Motion prevailed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1010, 1011, 1030, 1034, 1068, 1073, 1074, 1075, 1097, 1106, 1124, 1125, 1141, 1150, 1182, 1192, 1214, 1222, 1228, 1241, 1267, 1271, 1278, 1283, 1295, 1297, 1326, 1376, and 1419 and Senate Enrolled Acts 12, 117, 147, 175, 178, 204, 205, 218, 222, 224, 442, 470, 490, and 504 on March 3.

ADJOURNMENT OF SECOND REGULAR SESSION

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Senate for the purpose of ascertaining if the Senate has any further legislative business to transact with the House of Representatives.

WEINZAPFEL

Motion prevailed. The Speaker appointed Representatives L. Lawson, Welch, Linder, and M. Young.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Governor for the purpose of ascertaining if the Governor has any further communication to make to the House of Representatives.

DVORAK

Motion prevailed. The Speaker appointed Representatives Crooks, Frenz, Mangus, and Mock.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that its committee of two members, Senators Long and Washington, have conferred with the House of Representatives and hereby reports back to the Senate that the House of Representatives has no further legislative business to transact with the Senate.

CAROLYN J. TINKLE
Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that its committee of Senators Mills and Wolf has conferred with the Governor to ascertain whether or not he has any further communications to make to the Senate and hereby reports that the Governor has no further communication to make to the Senate.

CAROLYN J. TINKLE
Secretary of the Senate

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed to ascertain whether the Senate has any further legislative business to transact hereby reports that your committee has waited upon the Senate and that the Senate has no further business to transact with the House of Representatives.

CROOKS MANGUS
FRENZ MOCK

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed to confer with the Governor to ascertain whether or not he has any further communications to make to the House of Representatives hereby reports that your committee has waited upon the Governor and that the Governor has no further communications to make to the House of Representatives.

L. LAWSON LINDER
WELCH M. YOUNG

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to notify the senate that the House of Representatives has completed its business and is ready to adjourn.

HASLER

Motion prevailed. The Speaker appointed Representatives Cheney, Herrell, Pond, and Ripley.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to notify the Governor that the House of Representatives has completed its business and is ready to adjourn.

DICKINSON

Motion prevailed. The Speaker appointed Representatives Kuzman, Day, Budak, and Thompson.

COMMITTEE REPORT

Mr. Speaker: Your Committee appointed to notify the Senate that the House of Representatives has completed its business and is ready to adjourn reports that it has notified the Senate of the message of the House of Representatives.

CHENEY POND
HERRELL RIPLEY

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee appointed to notify the Governor that the House of Representatives has completed its business and is ready to adjourn hereby reports that it has notified the Governor of the message of the House of Representatives.

KUZMAN BUDAK
DAY THOMPSON

Report adopted.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that the Senate has adjourned *sine die* at 10:36 p.m. on the third day of March, 2000.

CAROLYN J. TINKLE
Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that the House of Representatives of the Second Regular Session of the 111th General Assembly do now adjourn *sine die* at 11:10 p.m., this third day of March, 2000.

VILLALPANDO

Motion prevailed. The House adjourned *sine die*.

JOHN R. GREGG
Speaker of the House of Representatives

LEE SMITH
Principal Clerk of the House of Representatives