



Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Seventeenth Meeting Day

Thursday Morning

February 8, 2001

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

The invocation was offered by Representative Sheila A. Klinker.

The Pledge of Allegiance to the Flag was led by Representative Gloria J. Goeglein.

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

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

Roll Call 35: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 12, 2001, at 1:00 p.m.

CROSBY

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 4, 46, 77, 97, 122, 131, 152, 166, 170, 175, 188, 206, 255, 270, 281, 317, 321, 371, and 418 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 137, 268, and 368 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1047, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1084, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 4.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1095, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 41 and 42, begin a new paragraph and insert: "SECTION 2. IC 9-18-25-1, AS AMENDED BY P.L.222-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. **Except as provided in section 18 of this chapter**, this chapter does not apply to the following:

- (1) Antique motor vehicle license plates (IC 9-18-12).
- (2) Recovery vehicle license plates (IC 9-18-13).
- (3) Personalized license plates (IC 9-18-15).

- (4) Prisoner of war license plates (IC 9-18-17).
- (5) Disabled veteran license plates (IC 9-18-18).
- (6) Purple Heart license plates (IC 9-18-19).
- (7) Indiana National Guard license plates (IC 9-18-20).
- (8) Person with a disability license plates (IC 9-18-22).
- (9) Amateur radio operator license plates (IC 9-18-23).
- (10) Pearl Harbor survivor license plates (IC 9-18-45.8)."

Page 3, line 11, delete "2000" and insert "2002".

Page 3, between lines 20 and 21, begin a new paragraph and insert:
"SECTION 3. IC 9-18-25-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 15.5. (a) This section applies only to a special group license plate issued for a college or university.**

(b) The bureau may not terminate the college's or university's qualification for the special group recognition license plate program unless fewer than five hundred (500) of the college's or university's special group recognition license plates are sold or renewed in each of two (2) consecutive years.

(c) The bureau shall reevaluate each college's or university's qualification for the special group license plate program under this section before January 1 of 2004 and each year thereafter."

Page 3, line 23, delete "chapter" and insert "section".

Page 3, line 26, delete "special group".

Page 3, line 27, delete "recognition" and insert "of the".

Page 4, line 12, delete "or".

Page 4, line 22, after "when" insert "the license plates listed in subsection (b) or".

Page 4, line 26, after "for" insert "a license plate listed in subsection (b) or".

Page 4, between lines 27 and 28, begin a new paragraph and insert:
"**(e) In addition to the display required under this section, each license branch shall post a list of the license plates described in subsection (b) in a location visible to the public.**"

Re-number all SECTIONS consecutively.

(Reference is to HB 1095 as printed February 1, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 25, nays 1.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1135, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning education finance.

Page 1, line 1, delete "[EFFECTIVE JULY 1, 2001]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 1, line 1, delete "There is" and insert "As used in this SECTION, "school corporation" refers to the Jay County School Corporation.

(b) Notwithstanding any agreement entered into by the school corporation and the department of education concerning the repayment of money advanced to the school corporation to replace money deducted by the treasurer of state under IC 20-5-4-10 in 2000, the school corporation is not required after the effective date of this act to make any repayments to the department until three (3) years after the date the money was advanced.

(c) Notwithstanding any agreement described in subsection (b),

beginning on the date that is three (3) years after the date the money was advanced, the outstanding balance of the money advanced by the department of education to the school corporation shall be deducted in equal amounts over the following twenty-four (24) months from the state tuition support distributions that the school corporation would otherwise be entitled to receive.

(d) Notwithstanding any provision of this SECTION, if the school corporation successfully recovers money, through litigation or otherwise, from Southern School Buildings, Inc., or from any other party that transacted business with Southern School Buildings, Inc., the school corporation shall, not more than thirty (30) days after recovering the money, use the money recovered to repay the money advanced by the department.

(e) This SECTION expires July 1, 2008.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "school corporation" refers to North Miami Community Schools.

(b) If money is deducted by the treasurer of state under IC 20-5-4-10 from amounts that were to be distributed to the school corporation and if the department of education advances money to the school corporation to replace the money deducted by the treasurer of state, then notwithstanding any agreement entered into by the school corporation and the department of education concerning the repayment of the money advanced to the school corporation, the school corporation is not required after the effective date of this act to make any repayments to the department until three (3) years after the date the money is advanced.

(c) Notwithstanding any agreement described in subsection (b), beginning on the date that is three (3) years after the date any money is advanced, the outstanding balance of the money advanced by the department of education to the school corporation shall be deducted in equal amounts over the following twenty-four (24) months from the state tuition support distributions that the school corporation would otherwise be entitled to receive.

(d) Notwithstanding any provision of this SECTION, if the school corporation successfully recovers money, through litigation or otherwise, from Southern School Buildings, Inc., or from any other party that transacted business with Southern School Buildings, Inc., the school corporation shall, not more than thirty (30) days after recovering the money, use the money recovered to repay any money advanced by the department.

(e) This SECTION expires July 1, 2008.

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

Page 1, delete lines 2 through 17.

Delete page 2.

(Reference is to HB 1140 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1186, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 24, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1190, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 24, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1235, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1267, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1361, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1382, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1389, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 31, delete "The" and insert "**To the extent allowed by any trust indenture for bonds or other obligations issued before July 1, 2001, that are payable from the authority's revenue, the**".

Page 2, after line 38, begin a new paragraph and insert:

"SECTION 2. IC 9-21-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **Except as provided in section 1.5 of this chapter**, each traffic control signal on a street or highway within Indiana must conform with the standards, specifications, and warrants set forth in the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways.

SECTION 3. IC 9-21-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. (a) **This section applies only to U.S. Highway 31 from the point where U.S. Highway 31 intersects with Interstate Highway 465 in Hamilton County to the point where U.S. Highway 31 enters the city limits of a city having a population of more than ninety thousand (90,000) but less than one hundred ten thousand (110,000).**

(b) **Notwithstanding paragraph 4C-2 of the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways, a traffic control signal should not be installed on the highway described in subsection (a) unless at least two (2) of the three (3) warrants set forth in subsection (c) are met.**

(c) **An investigation of the need for a traffic control signal on the highway described in subsection (a) should include at least an analysis of the factors contained in the following warrants:**

(1) **Warrant 1 (minimum vehicular volume).**

(2) **Warrant 2 (interruption of continuous traffic).**

(3) **Warrant 3 (minimum pedestrian volume).**

(d) **Warrant 1 is intended for application where the volume of the intersecting traffic is the principal reason for consideration of signal installation. The warrant is satisfied when, for each of any eight (8) hours of an average day, the traffic volumes set forth in the following table exist on the major street and on the higher-volume minor street approach to the intersection:**

Number of lanes for moving traffic on each approach (total of both approaches)		Vehicles per hour on major street	Vehicles per hour on higher-volume minor street approach (one direction only)
Major Street	Minor Street		
1	1	1,000 (700)	300 (210)
2 or more	1	1,200 (840)	300 (210)
2 or more	2 or more	1,200 (840)	400 (280)
1	2 or more	1,000 (700)	400 (280)

Additionally, if traffic is moving more than forty (40) miles per hour, the amount expressed in parentheses in this table must be used.

(e) **Warrant 2 applies to operating conditions where the traffic volume on a major street is so heavy that traffic on a minor, intersecting street suffers excessive delay in entering or crossing the major street. The warrant is satisfied when, for each of any eight (8) hours of an average day, the traffic volumes set forth in the following table exist on the major street and on the higher-volume minor street approach to the intersection and the signal installation will not seriously disrupt progressive traffic flow:**

Number of lanes for moving traffic on each approach (total of both approaches)		Vehicles per hour on major street	Vehicles per hour on higher-volume minor street approach (one direction only)
Major Street	Minor Street		
1	1	1,500 (1,050)	150 (106)
2 or more	1	1,800 (1,260)	150 (106)
2 or more	2 or more	1,800 (1,260)	200 (140)
1	2 or more	1,500 (1,050)	200 (140)

Additionally, if traffic is moving more than forty (40) miles per hour, the amount expressed in parentheses in this table must be used.

(f) **Warrant 3 is satisfied when, for each of any eight (8) hours of an average day, both of the following traffic volumes exist:**

(1) **At least one thousand two hundred (1,200) vehicles enter the intersection from all directions per hour.**

(2) **At least three hundred (300) pedestrians enter the intersection per hour.**

(g) **As used in this section, "average day" means a day representing traffic volumes normally and repeatedly found at a location.**

SECTION 4. IC 9-21-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Each traffic signal installation on a street or highway within Indiana may be erected only after the completion of traffic engineering studies that verify that the traffic signal control is necessary as set forth in:

(1) the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways; or

(2) section 1.5 of this chapter with respect to a highway described in section 1.5 of this chapter.

(b) If:

(1) the proposed installation is in the immediate vicinity of a school; and

(2) the installation does not meet the requirements of this section;

the governmental unit responsible for the control of traffic at the location shall grant a special hearing on the question to a person who has properly petitioned for the installation of a traffic signal.

SECTION 5. IC 9-21-3-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,

2001]: Sec. 12. (a) This section applies only to U.S. Highway 31 from the point where U.S. Highway 31 intersects with Interstate Highway 465 in Hamilton County to the point where U.S. Highway 31 enters the city limits of a city having a population of more than ninety thousand (90,000) but less than one hundred ten thousand (110,000).

(b) The Indiana department of transportation shall remove at least fifteen (15) stop lights from the highway described in subsection (a) in the safest manner possible. These stop lights must be removed within the time set forth in subsections (f) and (g). The department may employ either of the following alternatives at an intersection at which the department removes a signal control device under this section:

(1) Barricading the intersecting road or street to prevent the egress or ingress to U.S. Highway 31.

(2) Installing flashing lights at the intersection.

(c) The Indiana department of transportation may not install a stoplight or stop sign on U.S. Highway 31 after June 30, 2001. If there is a compelling need to facilitate the crossing of U.S. Highway 31, the department shall construct an overpass or underpass at the particular intersection instead of installing a stoplight or stop sign.

(d) For each violation of this section, the Indiana department of transportation forfeits one million dollars (\$1,000,000). The department shall transfer the money forfeited under this section to the U.S. Highway 31 upgrade fund established under subsection (e).

(e) There is established the U.S. Highway 31 upgrade fund for the purpose of converting U.S. Highway 31 to a limited access highway. The fund consists of money transferred to the fund under this section. The fund shall be administered by the budget agency. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The Indiana department of transportation shall remove at least six (6) stop lights under subsection (b) before January 1, 2002. For each violation of this subsection, the Indiana department of transportation shall forfeit one million dollars (\$1,000,000). The department shall transfer the money forfeited under this subsection to the U.S. Highway 31 upgrade fund established under subsection (e).

(g) The Indiana department of transportation shall remove the remaining number of stop lights required to be removed under subsection (b) before July 1, 2002. For each violation of this subsection, the Indiana department of transportation forfeits one million dollars (\$1,000,000). The department shall transfer the money forfeited under this subsection to the U.S. Highway 31 upgrade fund established under subsection (e).

(h) The Indiana department of transportation shall transfer money forfeited under this section within thirty (30) days of the violation."

Re-number all SECTIONS consecutively.

(Reference is to HB 1389 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 2.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1396, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1398, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1401, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 13.

Page 4, delete lines 20 through 37.

Page 5, delete lines 1 through 3.

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

Page 5, line 5, delete "development commission" and insert "commissioner".

Page 5, line 7, delete "(e)" and insert "(d)".

Page 5, line 8, delete "development commission" and insert "commissioner".

Page 5, line 10, delete "(f)" and insert "(e)".

Page 5, line 13, delete "by joint agreement of the" and insert "as follows:

Commencing at the northeast corner of said quarter section; thence north 88 degrees 51 minutes 14 seconds west along the north line of said quarter section 1281.04 feet; thence south 01 degrees 09 minutes 34 seconds west 179.67 feet to the point of beginning, said point being on the south right-of-way of State Road 66 (as recorded in Deed Record 1, Card 20809 in the Office of the Recorder of Vanderburgh County, Indiana) at the center of a 50 foot opening in the limited access right-of-way; thence south 88 degrees 50 minutes 26 seconds east along the south right-of-way of State Road 66 376.20 feet; thence south 01 degrees 09 minutes 34 seconds west 267.05 feet; thence north 78 degrees 10 minutes 30 seconds west 382.81 feet; thence north 01 degrees 09 minutes 34 seconds east 196.20 feet to the point of beginning, containing 2.00 acres (87,137 square feet). Subject to an easement 25 feet in width along the west side for ingress and egress to the State Hospital complex."

Page 5, delete line 14.

Page 5, line 15, delete "(g)" and insert "(f)".

Page 5, line 19, delete "development commission" and insert "phase II grantee".

Page 5, line 20, delete "(h)" and insert "(g)".

Page 5, line 28, delete "(q)" and insert "(p)".

Page 5, line 30, delete "(i)" and insert "(h)".

Page 5, line 33, delete "(h)(1)" and insert "(g)(1)".

Page 5, line 35, delete "(h)(1)" and insert "(g)(1)".

Page 5, line 36, delete "(j)" and insert "(h)".

Page 5, line 41, delete "(h) and (i)" and insert "(g) and (h)".

Page 6, line 1, delete "(k)" and insert "(j)".

Page 6, line 3, delete "(l)" and insert "(k)".

Page 6, line 13, delete "(m)" and insert "(l)".

Page 6, line 16, delete "(l)(1)" and insert "(k)(1)".

Page 6, line 18, delete "(l)(1)" and insert "(k)(1)".

Page 6, line 21, delete "(n)" and insert "(m)".

Page 6, line 24, delete "(o)" and insert "(n)".

Page 6, line 29, delete "(l) and (m)" and insert "(k) and (l)".

Page 6, line 31, delete "(p)" and insert "(o)".

Page 6, line 33, delete "(q)" and insert "(p)".

Page 6, line 42, delete "(r)" and insert "(q)".

Page 6, line 42, delete "(q)" and insert "(p)".

Page 7, line 1, delete "(q)" and insert "(p)".

Page 7, line 3, delete "(q)" and insert "(p)".

Page 7, line 4, delete "(s)" and insert "(r)".

Page 7, line 6, delete "(t)" and insert "(s)".

Page 7, line 6, delete "(q)" and insert "(p)".

Page 7, line 9, delete "(u)" and insert "(t)".

Page 7, line 12, delete "(v)" and insert "(u)".

Re-number all SECTIONS consecutively.

(Reference is to HB 1401 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1475, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1477, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"(b) An employer that discloses information about a current or former employee is immune from civil liability for the disclosure and the consequences proximately caused by the disclosure, unless it is proven by a preponderance of the evidence that the information disclosed was known to be false at the time the disclosure was made."

Page 2, line 1, delete "(b)" and insert "(c)".

Page 2, line 9, delete "(c)" and insert "(d)".

Page 2, line 13, after "." insert **"The request must be received by the prospective employer not later than thirty (30) days after the application for employment is made to the prospective employer."**

Page 2, line 23, delete "employer" and insert **"employee"**.

Page 4, between lines 16 and 17, begin a new paragraph and insert:
"SECTION 3. IC 34-30-2-87.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 87.5. IC 22-5-3.5-1 (Concerning employer disclosure of information about a discharged employee)."

Re-number all SECTIONS consecutively.

(Reference is to HB 1477 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1487, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 12-15-15-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Except as provided in subsection (b), the office shall pay for a hospital's collection, handling, and delivery of a newborn blood specimen for testing under IC 16-41-17-2(a)(10). Payment to a hospital must be in an amount equal to:

(1) the costs incurred by the hospital to collect, handle, and deliver the newborn blood specimen obtained for testing under IC 16-41-17-2(a)(10);

(2) any fee assessed against the hospital for a laboratory's testing of the blood specimen under IC 16-41-17-2(a)(10); and

(3) any fee assessed against the hospital by the state department of health against the hospital in connection with testing of the blood specimen under IC 16-41-17-2(a)(10).

(b) The costs under subsection (a)(1) may not include costs that

are also attributable to a hospital's collection, handling, and delivery of a newborn blood specimen obtained for testing under IC 16-41-17-2(a)(1) through IC 16-41-17-2(a)(9).

Page 1, line 12, delete "significant medical".

Page 1, line 13, delete "illness, death, or".

Page 1, between lines 14 and 15, begin a new line block indented and insert:

"(8) Congenital adrenal hyperplasia.

(9) Biotinidase deficiency.

(10) Disorders detected by tandem mass spectrometry, if the state department determines that the technology is available for use by a designated laboratory under section 7 of this chapter."

Page 2, after line 3, begin a new paragraph and insert:

"SECTION 3. IC 16-41-17-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) The state department shall develop the following:

(1) A registry for tracking and follow-up of all newborns and individuals for screening.

(2) A centralized program that provides follow-up, diagnosis, management, and family counseling and support, including equipment, supplies, formula, and other materials, for all infants and individuals identified as having one (1) of the disorders listed in section 2 of this chapter.

(3) A laboratory quality assurance program, including proficiency testing.

(4) A statewide network of genetic evaluation and counseling services.

(5) A system for using, for epidemiological survey and research purposes, any waste blood specimen generated under this chapter.

(b) The program described in subsection (a) shall be funded by collection of a newborn screening fee for each newborn screened by a designated laboratory.

(c) The state department shall set the fee and procedures for disbursement under rules adopted under IC 4-22-2. The fee must be based upon the projected cost of the program. The state department shall identify the part of the fee that is attributable to tests that are performed under section 2(a)(10) of this chapter. The proposed fee must be approved by the budget agency before the rule is adopted.

(d) The designated laboratory shall assess, collect, and deposit the fees established under subsection (c) in the newborn screening fund established under section 11 of this chapter.

(e) The state department shall annually review:

(1) the newborn screening fee;

(2) the fee assessed by each designated laboratory under section 10.5 of this chapter; and

(3) the fee assessed by each designated laboratory for testing under section 2(a)(1) through section 2(a)(9) of this chapter.

(f) Waste blood specimens used for the purpose of implementing the system described under subsection (a)(5) may not include the name or other identifying characteristics that would identify the individual submitting the specimen.

SECTION 4. IC 16-41-17-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10.5. (a) Separate from any fee a designated laboratory may assess for tests performed under section 2(a)(1) through section 2(a)(9) of this chapter, a designated laboratory shall assess a fee for each newborn screened by the laboratory that:

(1) covers the cost incurred by the laboratory in performing a screen under section 2(a)(10) of this chapter; and

(2) funds the laboratory's purchase or lease of tandem mass spectrometry technology pro rated over a period of time determined to be reasonable by the state department.

(b) A designated laboratory shall assess the fee referenced in subsection (a) separately from the fee the laboratory assesses for testing under section 2(a)(1) through section 2(a)(9) of this chapter and from the newborn screening fee the laboratory assesses under section 10(d) of this chapter.

(c) The amount of the fee assessed under subsection (a) must be approved by the state department.

(d) If a designated laboratory uses tandem mass spectrometry to test for one (1) or more disorders listed under section 2(a)(1) through section 2(a)(9), the laboratory shall reduce the fee the laboratory assesses under section 2(a)(1) through section 2(a)(9) of this chapter.

(e) Except as provided in subsection (f), the portion of a laboratory's fee attributable to the funding of the laboratory's purchase or lease of tandem mass spectrometry technology must be eliminated once the purchase or lease has been paid for.

(f) After the purchase or lease of tandem mass spectrometry technology has been paid for, that portion of a laboratory's fee attributable to the funding of the laboratory's purchase or lease of tandem mass spectrometry technology may be maintained or adjusted, as determined by the state department, for purposes of funding the laboratory's purchase or lease of new tandem mass spectrometry technology.

SECTION 5. [EFFECTIVE JULY 1, 2001] (a) The state department of health shall develop the following:

(1) Develop criteria for a laboratory to qualify as a designated laboratory under IC 16-41-17-7 to test for disorders detectable through the use of tandem mass spectrometry under IC 16-41-17-2(a)(10), as amended by this act, and to test for the disorders listed under IC 16-41-17-2(a)(1) through IC 16-41-17-2(a)(9), as amended by this act.

(2) Develop a process for designating one (1) or more qualified laboratories to serve as a designated laboratory under IC 16-41-17-7 to test for disorders detectable through the use of tandem mass spectrometry under IC 16-41-17-2(a)(10), as amended by this act, and to test for the disorders listed under IC 16-41-17-2(a)(1) through IC 16-41-17-2(a)(9), as amended by this act.

(b) After the state department of health has developed the qualifying criteria in subsection (a)(1) and the designating processes in subsection (a)(2), the state department of health may, in its discretion, designate one (1) or more qualified laboratories under IC 16-42-17-7 to test for disorders detectable through the use of tandem mass spectrometry under IC 16-41-17-2(a)(10), as amended by this act, and to test for the disorders listed under IC 16-41-17-2(a)(1) through IC 16-41-17-2(a)(9), as amended by this act. A designated laboratory may use tandem mass spectrometry to test for those disorders listed under IC 16-41-17-2(a)(1) through IC 16-41-17-2(a)(9), as amended by this act that are detectable through the use of tandem mass spectrometry.

(c) This SECTION expires July 1, 2006."

Renumber all SECTIONS consecutively.

(Reference is to HB 1487 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1492, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "twenty-four (24)" and insert " **eighteen (18)**".

Page 1, line 17, delete "." and insert "**who serves as a nonvoting member.**".

Page 1, line 18, delete "Fifteen (15)" and insert "**Nine (9)**".

Page 2, line 3, delete "Four (4)" and insert "**Two (2)**".

Page 2, line 4, delete "two (2)" and insert "**one (1)**".

Page 2, line 6, delete "Four (4)" and insert "**Two (2)**".

Page 2, line 7, delete "two (2)" and insert "**one (1)**".

Page 2, line 12, delete "Two (2) individuals" and insert "**One (1) individual**".

Page 2, line 12, delete "," and insert ".".

Page 2, delete lines 13 through 14.

Page 2, line 15, delete "Three (3)" and insert "**Two (2)**".

Page 2, line 18, delete "Two (2) representatives" and insert "**One**

(1) **representative**".

Page 2, line 18, delete ", not more than" and insert ".".

Page 2, delete lines 19 through 20.

Page 2, line 21, after "(C)," insert "**(D)**".

Page 3, line 37, delete "2003." and insert "**2005.**".

Page 3, delete lines 38 through 39.

Renumber all SECTIONS consecutively.

(Reference is to HB 1492 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1526, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1540, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 15, nays 7.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1542, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 10, after "." insert "**For purposes of this clause, continuing education includes in-service training and educational seminars.**".

(Reference is to HB 1542 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1553, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 34, begin a new paragraph and insert: "**SECTION 1. IC 22-3-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) As used in this section, "person" does not include an owner who contracts for performance of work on the owner's owner-occupied residential property.**

(b) The state, any political division thereof, any municipal corporation, any corporation, limited liability company, partnership, or person, contracting for the performance of any work exceeding one thousand dollars (\$1,000) in value by a contractor subject to the compensation provisions of IC 22-3-2 through IC 22-3-6, without exacting from such contractor a certificate from the worker's compensation board showing that such contractor has complied with section 5 of this chapter, IC 22-3-5-1, and IC 22-3-5-2, shall be liable to the same extent as the contractor for compensation, physician's fees, hospital fees, nurse's charges, and burial expenses on account of the injury or death of any employee of such contractor, due to an

accident arising out of and in the course of the performance of the work covered by such contract.

(b) (c) Any contractor who shall sublet any contract for the performance of any work, to a subcontractor subject to the compensation provisions of IC 22-3-2 through IC 22-3-6, without obtaining a certificate from the worker's compensation board showing that such subcontractor has complied with section 5 of this chapter, IC 22-3-5-1, and IC 22-3-5-2, shall be liable to the same extent as such subcontractor for the payment of compensation, physician's fees, hospital fees, nurse's charges, and burial expenses on account of the injury or death of any employee of such subcontractor due to an accident arising out of and in the course of the performance of the work covered by such subcontract.

(c) (d) The state, any political division thereof, any municipal corporation, any corporation, limited liability company, partnership, person, or contractor paying compensation, physician's fees, hospital fees, nurse's charges, or burial expenses under this section may recover the amount paid or to be paid from any person who, independently of such provisions, would have been liable for the payment thereof and may, in addition, recover the litigation expenses and attorney's fees incurred in the action before the worker's compensation board as well as the litigation expenses and attorney's fees incurred in an action to collect the compensation, medical expenses, and burial expenses.

(d) (e) Every claim filed with the worker's compensation board under this section shall be instituted against all parties liable for payment. The worker's compensation board, in an award under subsection (a); (b), shall fix the order in which said parties shall be exhausted, beginning with the immediate employer, and, in an award under subsection (b); (c), shall determine whether the subcontractor has the financial ability to pay the compensation and medical expenses when due and, if not, shall order the contractor to pay the compensation and medical expenses."

Page 6, line 16, delete "exemption." and insert "**exemption, as shown by an affidavit of exemption filed under subsection (j).**"

Page 6, line 20, delete "Copies of the preceding year's federal and state income tax".

Page 6, line 21, delete "returns showing" and insert "**Proof of**".

Page 6, run in lines 20 through 21.

Page 6, lines 21, after "of" insert ", **or non-liability for,**".

Page 6, delete lines 29 through 31.

Page 6, line 33, strike "five dollars (\$5)" and insert "**twenty dollars (\$20)**".

Page 6, line 35, strike "Fifty percent (50%)" and insert "**Eighty percent (80%)**".

Page 6, line 36, delete "." and insert "**and shall be used for all expenses the board incurs.**".

Page 6, line 37, strike "Fifty percent (50%)" and insert "**Twenty percent (20%)**".

Page 7, line 19, strike "on the date received." and insert "**seven (7) business days after the date of receipt by the worker's compensation board.**".

Page 8, after line 2, begin a new paragraph and insert:

"(n) **A contractor who knowingly or intentionally causes or assists employees, including temporary employees, to file an affidavit of exemption commits a Class D felony.**

SECTION 3. [EFFECTIVE JULY 1, 2001] (a) **Notwithstanding IC 22-3-2-14.5 (e), as amended by this act, if an independent contractor has filed an affidavit of exemption under IC 22-3-2-14.5(j) for calendar year 2001 before July 1, 2001, and has received a validated copy from the worker's compensation board, the independent contractor shall not be required to file additional documentation for 2001.**

(b) **This SECTION expires January 1, 2003.**"

Re-number all SECTIONS consecutively.

(Reference is to HB 1553 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1554, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 27-1-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The following definitions apply to this section:

(1) "Acceptable collateral" means, as to securities lending transactions:

(A) cash;

(B) cash equivalents;

(C) letters of credit; and

(D) direct obligations of, or securities that are fully guaranteed as to principal and interest by, the government of the United States or any agency of the United States, including the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(2) "Acceptable collateral" means, as to lending foreign securities, sovereign debt that is rated:

(A) A- or higher by Standard & Poor's Corporation;

(B) A3 or higher by Moody's Investors Service, Inc.;

(C) A- or higher by Duff and Phelps, Inc.; or

(D) 1 by the Securities Valuation Office.

(3) "Acceptable collateral" means, as to repurchase transactions:

(A) cash;

(B) cash equivalents; and

(C) direct obligations of, or securities that are fully guaranteed as to principal and interest by, the government of the United States or any agency of the United States, including the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(4) "Acceptable collateral" means, as to reverse repurchase transactions:

(A) cash; and

(B) cash equivalents.

(5) "Admitted assets" means assets permitted to be reported as admitted assets on the statutory financial statement of the life insurance company most recently required to be filed with the commissioner.

(6) "Business entity" means:

(A) a sole proprietorship;

(B) a corporation;

(C) a limited liability company;

(D) an association;

(E) a partnership;

(F) a joint stock company;

(G) a joint venture;

(H) a mutual fund;

(I) a trust;

(J) a joint tenancy; or

(K) other, similar form of business organization;

whether organized for-profit or not-for-profit.

(7) "Cash" means any of the following:

(A) United States denominated paper currency and coins.

(B) Negotiable money orders and checks.

(C) Funds held in any time or demand deposit in any depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

(8) "Cash equivalent" means any of the following:

(A) A certificate of deposit issued by a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

(B) A banker's acceptance issued by a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

LIGGETT, Chair

Report adopted.

- (C) A government money market mutual fund.
- (D) A class one money market mutual fund.
- (9) "Class one money market mutual fund" means a money market mutual fund that at all times qualifies for investment pursuant to the "Purposes and Procedures of the Securities Valuation Office" or any successor publication either using the bond class one reserve factor or because it is exempt from asset valuation reserve requirements.
- (10) "Dollar roll transaction" means two (2) simultaneous transactions that have settlement dates not more than ninety-six (96) days apart and that meet the following description:
- (A) In one (1) transaction, a life insurance company sells to a business entity one (1) or both of the following:
- Asset-backed securities that are issued, assumed, or guaranteed by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation or the successor of an entity referred to in this item.
 - Other asset-backed securities referred to in Section 106 of Title I of the Secondary Mortgage Market Enhancement Act of 1984 (15 U.S.C. 77r-1), as amended.
- (B) In the other transaction, the life insurance company is obligated to purchase from the same business entity securities that are substantially similar to the securities sold under clause (A).
- (11) "Domestic jurisdiction" means:
- the United States;
 - any state, territory, or possession of the United States;
 - the District of Columbia;
 - Canada; or
 - any province of Canada.
- (12) "Earnings available for fixed charges" means income, after deducting:
- operating and maintenance expenses other than expenses that are fixed charges;
 - taxes other than federal and state income taxes;
 - depreciation; and
 - depletion;
- but excluding extraordinary nonrecurring items of income or expense appearing in the regular financial statements of a business entity.
- (13) "Fixed charges" includes:
- interest on funded and unfunded debt;
 - amortization of debt discount; and
 - rentals for leased property.
- (14) "Foreign currency" means a currency of a foreign jurisdiction.
- (15) "Foreign jurisdiction" means a jurisdiction other than a domestic jurisdiction.
- (16) "Government money market mutual fund" means a money market mutual fund that at all times:
- invests only in:
 - obligations that are issued, guaranteed, or insured by the United States; or
 - collateralized repurchase agreements composed of obligations that are issued, guaranteed, or insured by the United States; and
 - qualifies for investment without a reserve pursuant to the "Purposes and Procedures of the Securities Valuation Office" or any successor publication.
- (17) "Guaranteed or insured," when used in reference to an obligation acquired under this section, means that the guarantor or insurer has agreed to:
- perform or insure the obligation of the obligor or purchase the obligation; or
 - be unconditionally obligated, until the obligation is repaid, to maintain in the obligor a minimum net worth, fixed charge coverage, stockholders' equity, or sufficient liquidity to enable the obligor to pay the obligation in full.
- (18) "Investment company" means:
- an investment company as defined in Section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.), as amended; or
 - a person described in Section 3(c) of the Investment Company Act of 1940.
- (19) "Investment company series" means an investment portfolio of an investment company that is organized as a series company to which assets of the investment company have been specifically allocated.
- (20) "Letter of credit" means a clean, irrevocable, and unconditional letter of credit that is:
- issued or confirmed by; and
 - payable and presentable at;

a financial institution on the list of financial institutions meeting the standards for issuing letters of credit under the "Purposes and Procedures of the Securities Valuation Office" or any successor publication. To constitute acceptable collateral for the purposes of paragraph 29 of subsection (b) of this section, a letter of credit must have an expiration date beyond the term of the subject transaction.
- (21) "Market value" means the following:
- As to cash, the amount of the cash.
 - As to cash equivalents, the amount of the cash equivalents.
 - As to letters of credit, the amount of the letters of credit.
 - As to a security as of any date:
 - the price for the security on that date obtained from a generally recognized source, or the most recent quotation from such a source; or
 - if no generally recognized source exists, the price for the security as determined in good faith by the parties to a transaction;

plus accrued but unpaid income on the security to the extent not included in the price as of that date.
- (22) "Money market mutual fund" means a mutual fund that meets the conditions of 17 CFR 270.2a-7, under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).
- (23) "Multilateral development bank" means an international development organization of which the United States is a member.
- (24) "Mutual fund" means:
- an investment company; or
 - in the case of an investment company that is organized as a series company, an investment company series;

that is registered with the United States Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).
- (25) "Obligation" means any of the following:
- A bond.
 - A note.
 - A debenture.
 - Any other form of evidence of debt.
- (26) "Person" means:
- an individual;
 - a business entity;
 - a multilateral development bank; or
 - a government or quasi-governmental body, such as a political subdivision or a government sponsored enterprise.
- (27) "Repurchase transaction" means a transaction in which a life insurance company purchases securities from a business entity that is obligated to repurchase the purchased securities or equivalent securities from the life insurance company at a specified price, either within a specified period of time or upon demand.
- (28) "Reverse repurchase transaction" means a transaction in which a life insurance company sells securities to a business entity and is obligated to repurchase the sold securities or equivalent securities from the business entity at a specified price, either within a specified period of time or upon demand.
- (29) "Securities lending transaction" means a transaction in which securities are loaned by a life insurance company to a business entity that is obligated to return the loaned securities

or equivalent securities to the life insurance company, either within a specified period of time or upon demand.

(30) "Securities Valuation Office" refers to:

- (A) the Securities Valuation Office of the National Association of Insurance Commissioners; or
- (B) any successor of the office referred to in Clause (A) established by the National Association of Insurance Commissioners.

(31) "Series company" means an investment company that is organized as a series company (as defined in Rule 18f-2(a) adopted under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.), as amended).

(32) "Supported", when used in reference to an obligation, by whomsoever issued or made, means that:

- (a) repayment of the obligation by:
 - (i) a domestic jurisdiction or by an administration, agency, authority, or instrumentality of a domestic jurisdiction; or
 - (ii) a business entity;

as the case may be, is secured by real or personal property of value at least equal to the principal amount of the obligation by means of mortgage, assignment of vendor's interest in one (1) or more conditional sales contracts, other title retention device, or by means of other security interest in such property for the benefit of the holder of the obligation; and

(b) the:

- (i) domestic jurisdiction or administration, agency, authority, or instrumentality of the domestic jurisdiction; or
- (ii) business entity;

as the case may be, has entered into a firm agreement to rent or use the property pursuant to which it is obligated to pay money as rental or for the use of such property in amounts and at times which shall be sufficient, after provision for taxes upon and other expenses of use of the property, to repay in full the obligation with interest and when such agreement and the money obligated to be paid thereunder are assigned, pledged, or secured for the benefit of the holder of the obligation. However, where the security for the repayment of the obligation consists of a first mortgage lien or deed of trust on a fee interest in real property, the obligation may provide for the amortization, during the initial, fixed period of the lease or contract, of less than one hundred percent (100%) of the obligation if there is pledged or assigned, as additional security for the obligation, sufficient rentals payable under the lease, or of contract payments, to secure the amortized obligation payments required during the initial, fixed period of the lease or contract, including but not limited to payments of principal, interest, and taxes other than the income taxes of the borrower, and if there is to be left unamortized at the end of such period an amount not greater than the original appraised value of the land only, exclusive of all improvements, as prescribed by law.

(b) Investments of domestic life insurance companies at the time they are made shall conform to the following categories, conditions, limitations, and standards:

1. Obligations of a domestic jurisdiction or of any administration, agency, authority, or instrumentality of a domestic jurisdiction.

2. Obligations guaranteed, supported, or insured as to principal and interest by a domestic jurisdiction or by an administration, agency, authority, or instrumentality of a domestic jurisdiction.

3. Obligations issued under or pursuant to the Farm Credit Act of 1971 (12 U.S.C. 2001 through 2279aa-14) as in effect on December 31, 1990, or the Federal Home Loan Bank Act (12 U.S.C. 1421 through 1449) as in effect on December 31, 1990, interest bearing obligations of the FSLIC Resolution Fund or shares of any institution whose deposits are insured by the Savings Association Insurance Fund of the Federal Deposit Insurance Corporation to the extent that such shares are insured, obligations issued or guaranteed by a multilateral development bank, and obligations issued or guaranteed by the African Development Bank.

4. Obligations issued, guaranteed, or insured as to principal and interest by a city, county, drainage district, road district, school district, tax district, town, township, village, or other civil administration, agency, authority, instrumentality, or subdivision of a domestic jurisdiction, providing such obligations are authorized by law and are:

(a) direct and general obligations of the issuing, guaranteeing or insuring governmental unit, administration, agency, authority, district, subdivision, or instrumentality;

(b) payable from designated revenues pledged to the payment of the principal and interest thereof; or

(c) improvement bonds or other obligations constituting a first lien, except for tax liens, against all of the real estate within the improvement district or on that part of such real estate not discharged from such lien through payment of the assessment.

The area to which such improvement bonds or other obligations relate shall be situated within the limits of a town or city and at least fifty percent (50%) of the properties within such area shall be improved with business buildings or residences.

5. Loans evidenced by obligations secured by first mortgage liens on otherwise unencumbered real estate or otherwise unencumbered leaseholds having at least fifty (50) years of unexpired term, such real estate, or leaseholds to be located in a domestic jurisdiction. Such loans shall not exceed eighty percent (80%) of the fair value of the security determined in a manner satisfactory to the department, except that the percentage stated may be exceeded if and to the extent such excess is guaranteed or insured by:

(a) a domestic jurisdiction or by an administration, agency, authority, or instrumentality of any domestic jurisdiction; or

(b) a private mortgage insurance corporation approved by the department.

If improvements constitute a part of the value of the real estate or leaseholds, such improvements shall be insured against fire for the benefit of the mortgagee in an amount not less than the difference between the value of the land and the unpaid balance of the loan.

For the purpose of this section, real estate or a leasehold shall not be deemed to be encumbered by reason of the existence in relation thereto of:

(1) liens inferior to the lien securing the loan made by the life insurance company;

(2) taxes or assessment liens not delinquent;

(3) instruments creating or reserving mineral, oil, water or timber rights, rights-of-way, common or joint driveways, sewers, walls, or utility connections;

(4) building restrictions or other restrictive covenants; or

(5) an unassigned lease reserving rents or profits to the owner.

A loan that is authorized by this paragraph remains qualified under this paragraph notwithstanding any refinancing, modification, or extension of the loan. Investments authorized by this paragraph shall not in the aggregate exceed forty-five percent (45%) of the life insurance company's admitted assets.

6. Loans evidenced by obligations guaranteed or insured, but only to the extent guaranteed or insured, by a domestic jurisdiction or by any agency, administration, authority, or instrumentality of any domestic jurisdiction, and secured by second or subsequent mortgages or deeds of trust on real estate or leaseholds, provided the terms of the leasehold mortgages or deeds of trust shall not exceed four-fifths (4/5) of the unexpired lease term, including enforceable renewable options remaining at the time of the loan.

7. Real estate contracts involving otherwise unencumbered real estate situated in a domestic jurisdiction, to be secured by the title to such real estate, which shall be transferred to the life insurance company or to a trustee or nominee of its choosing. For statement and deposit purposes, the value of a contract acquired pursuant to this paragraph shall be whichever of the following amounts is the least:

(a) eighty percent (80%) of the contract price of the real estate;

(b) eighty percent (80%) of the fair value of the real estate at the time the contract is purchased, such value to be determined in a manner satisfactory to the department; or

(c) the amount due under the contract.

For the purpose of this paragraph, real estate shall not be deemed encumbered by reason of the existence in relation thereto of: (1) taxes or assessment liens not delinquent; (2) instruments creating or reserving mineral, oil, water or timber rights, rights-of-way, common or joint driveways, sewers, walls or utility connections; (3) building restrictions or other restrictive covenants; or (4) an unassigned lease reserving rents or profits to the owner. Fire insurance upon improvements constituting a part of the real estate described in the contract shall be maintained in an amount at least equal to the unpaid balance due under the contract or the fair value of improvements, whichever is the lesser.

8. Improved or unimproved real property, whether encumbered or unencumbered, or any interest therein, held directly or evidenced by joint venture interests, general or limited partnership interests, trust certificates, or any other instruments, and acquired by the life insurance company as an investment, which real property, if unimproved, is developed within five (5) years. Real property acquired for investment under this paragraph, whether leased or intended to be developed for commercial or residential purposes or otherwise lawfully held, is subject to the following conditions and limitations:

- (a) The real estate shall be located in a domestic jurisdiction.
- (b) The admitted assets of the life insurance company must exceed twenty-five million dollars (\$25,000,000).
- (c) The life insurance company shall have the right to expend from time to time whatever amount or amounts may be necessary to conform the real estate to the needs and purposes of the lessee and the amount so expended shall be added to and become a part of the investment in such real estate.
- (d) The value for statement and deposit purposes of an investment under this paragraph shall be reduced annually by amortization of the costs of improvement and development, less land costs, over the expected life of the property, which value and amortization shall for statement and deposit purposes be determined in a manner satisfactory to the commissioner. In determining such value with respect to the calendar years in which an investment begins or ends with respect to a point in time other than the beginning or end of a calendar year, the amortization provided above shall be made on a proportional basis.
- (e) Fire insurance shall be maintained in an amount at least equal to the insurable value of the improvements or the difference between the value of the land and the value at which such real estate is carried for statement and deposit purposes, whichever amount is smaller.
- (f) Real estate acquired in any of the manners described and sanctioned under section 3 of this chapter, or otherwise lawfully held, except paragraph 5 of that section which specifically relates to the acquisition of real estate under this paragraph, shall not be affected in any respect by this paragraph unless such real estate at or subsequent to its acquisition fulfills the conditions and limitations of this paragraph, and is declared by the life insurance company in a writing filed with the department to be an investment under this paragraph. The value of real estate acquired under section 3 of this chapter, or otherwise lawfully held, and invested under this paragraph shall be initially that at which it was carried for statement and deposit purposes under that section.
- (g) Neither the cost of each parcel of improved real property nor the aggregate cost of all unimproved real property acquired under the authority of this paragraph may exceed two percent (2%) of the life insurance company's admitted assets. For purposes of this paragraph, "unimproved real property" means land containing no structures intended for commercial, industrial, or residential occupancy, and "improved real property" consists of all land containing any such structure. When applying the limitations of subparagraph (d) of this paragraph, unimproved real property becomes improved real property as soon as construction of any commercial, industrial, or residential structure is so completed as to be capable of producing income. In the event the real property is mortgaged

with recourse to the life insurance company or the life insurance company commences a plan of construction upon real property at its own expense or guarantees payment of borrowed funds to be used for such construction, the total project cost of the real property will be used in applying the two percent (2%) test. Further, no more than ten percent (10%) of the life insurance company's admitted assets may be invested in all property, measured by the property value for statement and deposit purposes as defined in this paragraph, held under this paragraph at the same time.

9. Deposits of cash in a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation, or certificates of deposit issued by a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation.

10. Bank and bankers' acceptances and other bills of exchange of kinds and maturities eligible for purchase or rediscount by federal reserve banks.

11. Obligations that are issued, guaranteed, assumed, or supported by a business entity organized under the laws of a domestic jurisdiction and that are rated:

- (a) BBB- or higher by Standard & Poor's Corporation (or A-2 or higher in the case of commercial paper);
- (b) Baa 3 or higher by Moody's Investors Service, Inc. (or P-2 or higher in the case of commercial paper);
- (c) BBB- or higher by Duff and Phelps, Inc. (or D-2 or higher in the case of commercial paper); or
- (d) 1 or 2 by the Securities Valuation Office.

Investments may also be made under this paragraph in obligations that have not received a rating if the earnings available for fixed charges of the business entity for the period of its five (5) fiscal years next preceding the date of purchase shall have averaged per year not less than one and one-half (1 1/2) times its average annual fixed charges applicable to such period and if during either of the last two (2) years of such period such earnings available for fixed charges shall have been not less than one and one-half (1 1/2) times its fixed charges for such year. However, if the business entity is a finance company or other lending institution at least eighty percent (80%) of the assets of which are cash and receivables representing loans or discounts made or purchased by it, the multiple shall be one and one-quarter (1 1/4) instead of one and one-half (1 1/2).

11.(A) Obligations issued, guaranteed, or assumed by a business entity organized under the laws of a domestic jurisdiction, which obligations have not received a rating or, if rated, have not received a rating that would qualify the obligations for investment under paragraph 11 of this section. Investments authorized by this paragraph may not exceed ten percent (10%) of the life insurance company's admitted assets.

12. Preferred stock of, or common or preferred stock guaranteed as to dividends by, any corporation organized under the laws of a domestic jurisdiction, which over the period of the seven (7) fiscal years immediately preceding the date of purchase earned an average amount per annum at least equal to five percent (5%) of the par value of its common and preferred stock (or, in the case of stocks having no par value, of its issued or stated value) outstanding at date of purchase, or which over such period earned an average amount per annum at least equal to two (2) times the total of its annual interest charges, preferred dividends and dividends guaranteed by it, determined with reference to the date of purchase. No investment shall be made under this paragraph in a stock upon which any dividend is in arrears or has been in arrears for ninety (90) days within the immediately preceding five (5) year period.

13. Common stock of any solvent corporation organized under the laws of a domestic jurisdiction which over the seven (7) fiscal years immediately preceding purchase earned an average amount per annum at least equal to six percent (6%) of the par value of its capital stock (or, in the case of stock having no par value, of the issued or stated value of such stock) outstanding at date of purchase, but the conditions and limitations of this paragraph shall not apply to the special area of investment to which paragraph 23 of this section pertains.

13.(A) Stock or shares of any mutual fund that:

- (a) has been in existence for a period of at least five (5) years immediately preceding the date of purchase, has assets of not less than twenty-five million dollars (\$25,000,000) at the date of purchase, and invests substantially all of its assets in investments permitted under this section; or
- (b) is a class one money market mutual fund or a class one bond mutual fund.

Investments authorized by this paragraph 13(A) in mutual funds having the same or affiliated investment advisers shall not at any one (1) time exceed in the aggregate ten percent (10%) of the life insurance company's admitted assets. The limitations contained in paragraph 22 of this subsection apply to investments in the types of mutual funds described in subparagraph (a). For the purposes of this paragraph, "class one bond mutual fund" means a mutual fund that at all times qualifies for investment using the bond class one reserve factor under the "Purposes and Procedures of the Securities Valuation Office" or any successor publication.

The aggregate amount of investments under this paragraph may be limited by the commissioner if the commissioner finds that investments under this paragraph may render the operation of the life insurance company hazardous to the company's policyholders or creditors or to the general public.

14. Loans upon the pledge of any of the investments described in this section other than real estate and those qualifying solely under paragraph 20 of this subsection, but the amount of such a loan shall not exceed seventy-five percent (75%) of the value of the investment pledged.

15. Real estate acquired or otherwise lawfully held under the provisions of IC 27-1, except under paragraph 7 or 8 of this subsection, which real estate as an investment shall also include the value of improvements or betterments made thereon subsequent to its acquisition. The value of such real estate for deposit and statement purposes is to be determined in a manner satisfactory to the department.

15.(A) Tangible personal property, equipment trust obligations, or other instruments evidencing an ownership interest or other interest in tangible personal property when the life insurance company purchasing such property has admitted assets in excess of twenty-five million dollars (\$25,000,000), and where there is a right to receive determined portions of rental, purchase, or other fixed obligatory payments for the use of such personal property from a corporation whose obligations would be eligible for investment under the provisions of paragraph 11 of this subsection, provided that the aggregate of such payments together with the estimated salvage value of such property at the end of its minimum useful life, to be determined in a manner acceptable to the insurance commissioner, and the estimated tax benefits to the insurer resulting from ownership of such property, is adequate to return the cost of the investment in such property, and provided further, that each net investment in tangible personal property for which any single private corporation is obligated to pay rental, purchase, or other obligatory payments thereon does not exceed one-half of one percent (1/2%) of the life insurance company's admitted assets, and the aggregate net investments made under the provisions of this paragraph do not exceed five percent (5%) of the life insurance company's admitted assets.

16. Loans to policyholders of the life insurance company in amounts not exceeding in any case the reserve value of the policy at the time the loan is made.

17. A life insurance company doing business in a foreign jurisdiction may, if permitted or required by the laws of such jurisdiction, invest funds equal to its obligations in such jurisdiction in investments legal for life insurance companies domiciled in such jurisdiction or doing business therein as alien companies.

17.(A) Investments in (i) obligations issued, guaranteed, assumed, or supported by a foreign jurisdiction or by a business entity organized under the laws of a foreign jurisdiction and (ii) preferred stock and common stock issued by any such business entity, if the obligations of such foreign jurisdiction or business entity, as appropriate, are rated:

- (a) BBB- or higher by Standard & Poor's Corporation (or A-2 or

- higher in the case of commercial paper);
 (b) Baa 3 or higher by Moody's Investors Service, Inc. (or P-2 or higher in the case of commercial paper);
 (c) BBB- or higher by Duff and Phelps, Inc. (or D-2 or higher in the case of commercial paper); or
 (d) 1 or 2 by the Securities Valuation Office.

If the obligations issued by a business entity organized under the laws of a foreign jurisdiction have not received a rating, investments may nevertheless be made under this paragraph in such obligations and in the preferred and common stock of the business entity if the earnings available for fixed charges of the business entity for a period of five (5) fiscal years preceding the date of purchase have averaged at least three (3) times its average fixed charges applicable to such period, and if during either of the last two (2) years of such period, the earnings available for fixed charges were at least three (3) times its fixed charges for such year. In investments authorized by this paragraph in a single foreign jurisdiction shall not exceed ten percent (10%) of the life insurance company's admitted assets. Subject to section 2.2(g) of this chapter, investments authorized by this paragraph denominated in foreign currencies shall not in the aggregate exceed ten percent (10%) of a life insurance company's admitted assets, and investments in any one (1) foreign currency shall not exceed five percent (5%) of the life insurance company's admitted assets. Investments authorized by this paragraph and paragraph 17(B) shall not in the aggregate exceed twenty percent (20%) of the life insurance company's admitted assets. This paragraph in no way limits or restricts investments which are otherwise specifically eligible for deposit under this section.

17.(B) Investments in:

- (a) obligations issued, guaranteed, or assumed by a foreign jurisdiction or by a business entity organized under the laws of a foreign jurisdiction; and
 (b) preferred stock and common stock issued by a business entity organized under the laws of a foreign jurisdiction;

which investments are not eligible for investment under paragraph 17.(A).

Investments authorized by this paragraph 17(B) shall not in the aggregate exceed five percent (5%) of the life insurance company's admitted assets. Subject to section 2.2(g) of this chapter, if investments authorized by this paragraph 17(B) are denominated in a foreign currency, the investments shall not, as to such currency, exceed two percent (2%) of the life insurance company's admitted assets. Investments authorized by this paragraph 17(B) in any one (1) foreign jurisdiction shall not exceed two percent (2%) of the life insurance company's admitted assets.

Investments authorized by paragraph 17(A) of this subsection and this paragraph 17(B) shall not in the aggregate exceed twenty percent (20%) of the life insurance company's admitted assets.

18. To protect itself against loss, a company may in good faith receive in payment of or as security for debts due or to become due, investments or property which do not conform to the categories, conditions, limitations, and standards set out above.

19. A life insurance company may purchase for its own benefit any of its outstanding annuity or insurance contracts or other obligations and the claims of holders thereof.

20. A life insurance company may make investments although not conforming to the categories, conditions, limitations, and standards contained in paragraphs 1 through 11, 12 through 19, and 29 through 30.(A) of this subsection, but limited in aggregate amount to the lesser of:

- (a) ten percent (10%) of the company's admitted assets; or
 (b) the aggregate of the company's capital, surplus, and contingency reserves reported on the statutory financial statement of the insurer most recently required to be filed with the commissioner.

This paragraph 20 does not apply to investments authorized by paragraph 11.(A) of this subsection.

20.(A) Investments under paragraphs 1 through 20 and paragraphs 29 through 30.(A) of this subsection are subject to the general conditions, limitations, and standards contained in paragraphs 21 through 28 of this subsection.

21. Investments in obligations (other than real estate mortgage indebtedness) and capital stock of, and in real estate and tangible personal property leased to, a single corporation, shall not exceed two percent (2%) of the life insurance company's admitted assets, taking into account the provisions of section 2.2(h) of this chapter. The conditions and limitations of this paragraph shall not apply to investments under paragraph 13(A) of this subsection or the special area of investment to which paragraph 23 of this subsection pertains.

22. Investments in:

- (a) preferred stock; and
- (b) common stock;

shall not, in the aggregate, exceed twenty percent (20%) of the life insurance company's admitted assets, exclusive of assets held in segregated accounts of the nature defined in class 1(c) of IC 27-1-5-1. These limitations shall not apply to investments for the special purposes described in paragraph 23 of this subsection nor to investments in connection with segregated accounts provided for in class 1(c) of IC 27-1-5-1.

23. Limitations defined in paragraphs 13, 20, 21, 22, and 26 of this subsection upon the right of a life insurance company to invest in obligations, and capital stock, and other securities of corporations a company shall be inapplicable when, within ~~IC 27-2-9; IC 27-1-23-2.6~~, the result of such investment, whether in one (1) or more transactions, is to effect, between a life insurance company and another company, a relationship of primary and subsidiary companies, or to enlarge a life insurance company's investment in its subsidiary insurance company. However, ~~except as otherwise provided in IC 27-2-9-3(e)~~, the total of a life insurance company's investments in a company or companies to which it stands in the relation of primary company shall not at any time exceed ten percent (10%) of its admitted assets. In the event that a primary and subsidiary relationship ceases to exist between a life insurance company and another company, the life insurance company shall have until December 31 of the succeeding calendar year and such additional period of time as the commissioner may determine within which to conform its investments in stocks and securities of such other company to the conditions and limitations defined in this section, exclusive of this paragraph.

24. No investment, other than commercial bank deposits and loans on life insurance policies, shall be made unless authorized by the life insurance company's board of directors or a committee designated by the board of directors and charged with the duty of supervising loans or investments.

25. No life insurance company shall subscribe to or participate in any syndicate or similar underwriting of the purchase or sale of securities or property or enter into any transaction for such purchase or sale on account of said company, jointly with any other corporation, firm, or person, or enter into any agreement to withhold from sale any of its securities or property, but the disposition of its assets shall at all times be within its control. Nothing contained in this paragraph shall be construed to invalidate or prohibit an agreement by two (2) or more companies to join and share in the purchase of investments for bona fide investment purposes.

26. No life insurance company may invest in the stocks or obligations, except investments under paragraphs 9 and 10 of this subsection, of any corporation in which an officer of such life insurance company is either an officer or director. However, this limitation shall not apply with respect to such investments in:

- (a) a corporation which is a subsidiary or affiliate of such life insurance company; or
- (b) a trade association, provided such investment meets the requirements of paragraph 5 of this subsection.

27. Except for the purpose of mutualization provided for in section 23 of this chapter, or for the purpose of retirement of outstanding shares of capital stock pursuant to amendment of its articles of incorporation, or in connection with a plan approved by the commissioner for purchase of such shares by the life insurance company's officers, employees, or agents, no life insurance company shall invest in its own stock.

28. In applying the conditions, limitations, and standards prescribed in paragraphs 11, 12, and 13 of this subsection to the

stocks or obligations of a corporation which in the seven (7) year period preceding purchase of such stocks or obligations acquired its property or a substantial part thereof through consolidation, merger, or purchase, the earnings of the several predecessors or constituent corporations shall be consolidated.

29. A. Before a life insurance company may engage in securities lending transactions, repurchase transactions, reverse repurchase transactions, or dollar roll transactions, the life insurance company's board of directors must adopt a written plan that includes guidelines and objectives to be followed, including the following:

- (1) A description of how cash received will be invested or used for general corporate purposes of the company.
- (2) Operational procedures for managing interest rate risk, counterparty default risk, and the use of acceptable collateral in a manner that reflects the liquidity needs of the transaction.
- (3) A statement of the extent to which the company may engage in securities lending transactions, repurchase transactions, reverse repurchase transactions, and dollar roll transactions.

B. A life insurance company must enter into a written agreement for all transactions authorized by this paragraph, other than dollar roll transactions. The written agreement:

- (1) must require the termination of each transaction not more than one (1) year after its inception or upon the earlier demand of the company; and
- (2) must be with the counterparty business entity, except that, for securities lending transactions, the agreement may be with an agent acting on behalf of the life insurance company if:

(A) the agent is:

- (i) a business entity, the obligations of which are rated BBB- or higher by Standard & Poor's Corporation (or A-2 or higher in the case of commercial paper), Baa3 or higher by Moody's Investors Service, Inc. (or P-2 or higher in the case of commercial paper), BBB- or higher by Duff and Phelps, Inc. (or D-2 or higher in the case of commercial paper), or 1 or 2 by the Securities Valuation Office;
- (ii) a business entity that is a primary dealer in United States government securities, recognized by the Federal Reserve Bank of New York; or
- (iii) any other business entity approved by the commissioner; and

(B) the agreement requires the agent to enter into with each counterparty separate agreements that are consistent with the requirements of this paragraph.

C. Cash received in a transaction under this paragraph shall be:

- (1) invested:
 - (A) in accordance with this section 2; and
 - (B) in a manner that recognizes the liquidity needs of the transaction; or
- (2) used by the life insurance company for its general corporate purposes.

D. For as long as a transaction under this paragraph remains outstanding, the life insurance company or its agent or custodian shall maintain, as to acceptable collateral received in the transaction, either physically or through book entry systems of the Federal Reserve, the Depository Trust Company, the Participants Trust Company, or another securities depository approved by the commissioner:

- (1) possession of the acceptable collateral;
- (2) a perfected security interest in the acceptable collateral; or
- (3) in the case of a jurisdiction outside the United States:
 - (A) title to; or
 - (B) rights of a secured creditor to; the acceptable collateral.

E. The limitations set forth in paragraphs 17 and 21 of this subsection do not apply to transactions under this paragraph 29. For purposes of calculations made to determine compliance with this paragraph, no effect may be given to the future obligation of the life insurance company to:

- (1) resell securities, in the case of a repurchase transaction; or
- (2) repurchase securities, in the case of a reverse repurchase transaction.

F. A life insurance company shall not enter into a transaction under this paragraph if, as a result of the transaction, and after giving effect to the transaction:

- (1) the aggregate amount of securities then loaned, sold to, or purchased from any one (1) business entity under this paragraph would exceed five percent (5%) of the company's admitted assets (but in calculating the amount sold to or purchased from a business entity under repurchase or reverse repurchase transactions, effect may be given to netting provisions under a master written agreement); or
- (2) the aggregate amount of all securities then loaned, sold to, or purchased from all business entities under this paragraph would exceed forty percent (40%) of the admitted assets of the company (provided, however, that this limitation does not apply to a reverse repurchase transaction if the borrowing is used to meet operational liquidity requirements resulting from an officially declared catastrophe and is subject to a plan approved by the commissioner).

G. The following collateral requirements apply to all transactions under this paragraph:

- (1) In a securities lending transaction, the life insurance company must receive acceptable collateral having a market value as of the transaction date at least equal to one hundred two percent (102%) of the market value of the securities loaned by the company in the transaction as of that date. If at any time the market value of the acceptable collateral received from a particular business entity is less than the market value of all securities loaned by the company to that business entity, the business entity shall be obligated to deliver additional acceptable collateral to the company, the market value of which, together with the market value of all acceptable collateral then held in connection with all securities lending transactions with that business entity, equals at least one hundred two percent (102%) of the market value of the loaned securities.
- (2) In a reverse repurchase transaction, other than a dollar roll transaction, the life insurance company must receive acceptable collateral having a market value as of the transaction date equal to at least ninety-five percent (95%) of the market value of the securities transferred by the company in the transaction as of that date. If at any time the market value of the acceptable collateral received from a particular business entity is less than ninety-five percent (95%) of the market value of all securities transferred by the company to that business entity, the business entity shall be obligated to deliver additional acceptable collateral to the company, the market value of which, together with the market value of all acceptable collateral then held in connection with all reverse repurchase transactions with that business entity, equals at least ninety-five percent (95%) of the market value of the transferred securities.
- (3) In a dollar roll transaction, the life insurance company must receive cash in an amount at least equal to the market value of the securities transferred by the company in the transaction as of the transaction date.
- (4) In a repurchase transaction, the life insurance company must receive acceptable collateral having a market value equal to at least one hundred two percent (102%) of the purchase price paid by the company for the securities. If at any time the market value of the acceptable collateral received from a particular business entity is less than one hundred percent (100%) of the purchase price paid by the life insurance company in all repurchase transactions with that business entity, the business entity shall be obligated to provide additional acceptable collateral to the company, the market value of which, together with the market value of all acceptable collateral then held in connection with all repurchase transactions with that business entity, equals at least one hundred two percent (102%) of the purchase price. Securities acquired by a life insurance company in a repurchase transaction shall not be:
 - (A) sold in a reverse repurchase transaction;
 - (B) loaned in a securities lending transaction; or
 - (C) otherwise pledged.

30. A life insurance company may invest in obligations or interests in trusts or partnerships regardless of the issuer, which are secured by:

- (a) investments authorized by paragraphs 1, 2, 3, 4, or 11 of this subsection; or
- (b) collateral with the characteristics and limitations prescribed for loans under paragraph 5 of this subsection.

For the purposes of this paragraph 30, collateral may be substituted for other collateral if it is in the same amount with the same or greater interest rate and qualifies as collateral under subparagraph (a) or (b) of this paragraph.

30.(A) A life insurance company may invest in obligations or interests in trusts or partnerships, regardless of the issuer, secured by any form of collateral other than that described in subparagraphs (a) and (b) of paragraph 30 of this subsection, which obligations or interests in trusts or partnerships are rated:

- (a) A- or higher by Standard & Poor's Corporation or Duff and Phelps, Inc.;
- (b) A 3 or higher by Moody's Investor Service, Inc.; or
- (c) 1 by the Securities Valuation Office.

Investments authorized by this paragraph may not exceed ten percent (10%) of the life insurance company's admitted assets.

31.A. A life insurance company may invest in short-term pooling arrangements as provided in this paragraph.

B. The following definitions apply throughout this paragraph:

- (1) "Affiliate" means, as to any person, another person that, directly or indirectly through one (1) or more intermediaries, controls, is controlled by, or is under common control with the person.
- (2) "Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract (other than a commercial contract for goods or non-management services), or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing ten percent (10%) or more of the voting securities of another person. This presumption may be rebutted by a showing that control does not exist in fact. The commissioner may determine, after furnishing all interested persons notice and an opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.
- (3) "Qualified bank" means a national bank, state bank, or trust company that at all times is not less than adequately capitalized as determined by standards adopted by United States banking regulators and that is either regulated by state banking laws or is a member of the Federal Reserve System.

C. A life insurer may participate in investment pools qualified under this paragraph that invest only in:

- (1) obligations that are rated BBB- or higher by Standard & Poor's Corporation (or A-2 or higher in the case of commercial paper), Baa 3 or higher by Moody's Investors Service, Inc. (or P-2 or higher in the case of commercial paper), BBB- or higher by Duff and Phelps, Inc. (or D-2 or higher in the case of commercial paper), or 1 or 2 by the Securities Valuation Office, and have:

- (A) a remaining maturity of three hundred ninety-seven (397) days or less or a put that entitles the holder to receive the principal amount of the obligation which put may be exercised through maturity at specified intervals not exceeding three hundred ninety-seven (397) days; or
- (B) a remaining maturity of three (3) years or less and a floating interest rate that resets not less frequently than quarterly on the basis of a current short-term index (for example, federal funds, prime rate, treasury bills, London InterBank Offered Rate (LIBOR) or commercial paper) and is not subject to a maximum limit, if the obligations do not have an interest rate that varies inversely to market interest rate

changes;

- (2) government money market mutual funds or class one money market mutual funds; or
- (3) securities lending, repurchase, and reverse repurchase and dollar roll transactions that meet the requirements of paragraph 29 of this subsection and any applicable regulations of the department;

provided that the investment pool shall not acquire investments in any one (1) business entity that exceed ten percent (10%) of the total assets of the investment pool.

D. For an investment pool to be qualified under this paragraph, the investment pool shall not:

- (1) acquire securities issued, assumed, guaranteed, or insured by the life insurance company or an affiliate of the company; or
- (2) borrow or incur any indebtedness for borrowed money, except for securities lending, reverse repurchase, and dollar roll transactions that meet the requirements of paragraph 29 of this subsection.

E. A life insurance company shall not participate in an investment pool qualified under this paragraph if, as a result of and after giving effect to the participation, the aggregate amount of participation then held by the company in all investment pools under this paragraph and section 2.4 of this chapter would exceed thirty-five percent (35%) of its admitted assets.

F. For an investment pool to be qualified under this paragraph:

- (1) the manager of the investment pool must:
 - (A) be organized under the laws of the United States, a state or territory of the United States, or the District of Columbia, and designated as the pool manager in a pooling agreement; and
 - (B) be the life insurance company, an affiliated company, a business entity affiliated with the company, or a qualified bank or a business entity registered under the Investment Advisors Act of 1940 (15 U.S.C. 80a-I et seq.);
- (2) the pool manager or an entity designated by the pool manager of the type set forth in subdivision (1) of this subparagraph F shall compile and maintain detailed accounting records setting forth:
 - (A) the cash receipts and disbursements reflecting each participant's proportionate participation in the investment pool;
 - (B) a complete description of all underlying assets of the investment pool (including amount, interest rate, maturity date (if any) and other appropriate designations); and
 - (C) other records which, on a daily basis, allow third parties to verify each participant's interest in the investment pool; and
- (3) the assets of the investment pool shall be held in one (1) or more accounts, in the name of or on behalf of the investment pool, under a custody agreement or trust agreement with a qualified bank, which must:
 - (A) state and recognize the claims and rights of each participant;
 - (B) acknowledge that the underlying assets of the investment pool are held solely for the benefit of each participant in proportion to the aggregate amount of its participation in the investment pool; and
 - (C) contain an agreement that the underlying assets of the investment pool shall not be commingled with the general assets of the qualified bank or any other person.

G. The pooling agreement for an investment pool qualified under this paragraph must be in writing and must include the following provisions:

- (1) Insurers, subsidiaries, or affiliates of insurers holding interests in the pool, or any pension or profit sharing plan of such insurers or their subsidiaries or affiliates, shall, at all times, hold one hundred percent (100%) of the interests in the investment pool.
- (2) The underlying assets of the investment pool shall not be commingled with the general assets of the pool manager or any other person.

(3) In proportion to the aggregate amount of each pool participant's interest in the investment pool:

- (A) each participant owns an undivided interest in the underlying assets of the investment pool; and
- (B) the underlying assets of the investment pool are held solely for the benefit of each participant.

(4) A participant or (in the event of the participant's insolvency, bankruptcy, or receivership) its trustee, receiver, or other successor-in-interest may withdraw all or any portion of its participation from the investment pool under the terms of the pooling agreement.

(5) Withdrawals may be made on demand without penalty or other assessment on any business day, but settlement of funds shall occur within a reasonable and customary period thereafter. Payments upon withdrawals under this paragraph shall be calculated in each case net of all then applicable fees and expenses of the investment pool. The pooling agreement shall provide for such payments to be made to the participants in one (1) of the following forms, at the discretion of the pool manager:

- (A) in cash, the then fair market value of the participant's pro rata share of each underlying asset of the investment pool;
- (B) in kind, a pro rata share of each underlying asset; or
- (C) in a combination of cash and in kind distributions, a pro rata share in each underlying asset.

(6) The records of the investment pool shall be made available for inspection by the commissioner."

Page 4, between lines 12 and 13, begin a new paragraph and insert: "SECTION 3. IC 27-1-23-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.6. (a) As used in this section, "total investment of the insurer" means the total of:**

- (1) a direct investment by an insurer in an asset; plus**
- (2) the insurer's proportionate share of an investment made by a subsidiary of the insurer.**

The insurer's proportionate share must be determined by multiplying the amount of the subsidiary's investment by the percentage of the insurer's ownership interest in the subsidiary.

(b) A domestic insurer may, independently or in cooperation with another person, organize or acquire one (1) or more subsidiaries.

(c) A subsidiary of a domestic insurer may conduct business of any kind, and the authority to conduct the business is not limited because of the status of the subsidiary as a subsidiary of the domestic insurer.

(d) In addition to investments in common stock, preferred stock, debt obligations, and other securities as permitted under IC 27-1, a domestic insurer to which this section applies may also do the following:

(1) Invest, in common stock, preferred stock, debt obligations, and other securities of one (1) or more subsidiaries, amounts that do not exceed the lesser of ten percent (10%) of the insurer's assets or fifty percent (50%) of the insurer's surplus as regards policyholders, if, after the investments, the insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to the insurer's financial needs. In calculating the amount of investments permitted under this subdivision:

- (A) investments in domestic or foreign insurance subsidiaries and health maintenance organizations must be excluded; and**
- (B) the following must be included:**

(i) Total net money or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary, including all organizational expenses and contributions to capital and surplus of the subsidiary, whether or not represented by the purchase of capital stock or issuance of other securities.

(ii) All amounts expended in acquiring additional common stock, preferred stock, debt obligations, and other securities and all contributions to the capital or surplus of a subsidiary subsequent to the subsidiary's acquisition or formation.

(2) Invest an amount in common stock, preferred stock, debt obligations, and other securities of one (1) or more subsidiaries engaged or organized to engage exclusively in the ownership and management of assets authorized as investments for the insurer, if the subsidiary agrees to limit the subsidiary's investment in an asset so that the investment will not cause the amount of the total investment of the insurer to exceed the investment limitations described in subdivision (1) or in any applicable provision of IC 27-1.

(3) With the prior approval of the commissioner, invest a greater amount in common stock, preferred stock, debt obligations, or other securities of one (1) or more subsidiaries, if, after the investment, the insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to the insurer's financial needs.

(e) Before a domestic insurer to which this section applies makes an investment described in subsection (d), a determination must be made regarding whether the proposed investment meets the applicable requirements by determining the applicable investment limitations as though the investment has been made, considering:

(1) the currently outstanding principal balance on previous investments in debt obligations; and

(2) the value of previous investments in equity securities as of the day that the investments in equity securities were made;

net of any return of capital invested.

(f) If an insurer ceases to control a subsidiary, the insurer shall dispose of any investment in the subsidiary made under this section not more than:

(1) three (3) years from the time of the cessation of control; or

(2) the period determined appropriate by the commissioner;

unless the investment meets the requirements for investment under IC 27-1 and the insurer has notified the commissioner that the investment meets the requirements.

SECTION 4. IC 27-2-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) This chapter shall be supplemental to supplements IC 27-1. However, the provisions of this chapter shall be controlling in the event there exists any conflict between the provisions of this chapter and the general provisions of IC 27-1.

(b) Subsidiaries established by organization or acquisition prior to September 1, 1981, and otherwise permitted by law at the time of their organization or acquisition shall not be required to meet the filing requirements of IC 27-2-9-3(c) so long as all legal requirements were met at the time of organization or acquisition."

Page 4, line 15, after "(a)" insert "The term "entity" means:

(1) a sole proprietorship;

(2) a corporation;

(3) a limited liability company;

(4) a partnership;

(5) an association;

(6) a joint stock company;

(7) a mutual fund;

(8) a joint venture;

(9) a trust;

(10) a joint tenancy;

(11) an unincorporated organization;

(12) a similar entity; or

(13) a combination of the foregoing acting in concert.

(b)".

Page 4, line 15, strike "a corporation."

Page 4, line 16, delete "or limited liability company," and insert "an entity of which an insurance company is the beneficial owner (as defined in IC 27-1-23-1(c)) of".

Page 4, line 17, after "(50%)" insert ".".

Page 4, line 17, strike "of the voting stock of which is owned by an insurance company".

Page 4, line 19, strike "(b)" and insert "(c)".

Page 4, line 20, strike "owns" and insert "is the beneficial owner (as defined in IC 27-1-23-1(c)) of".

Page 4, line 20, strike "the" and insert "an entity."

Page 4, line 21, strike "voting capital stock of another".

Page 4, line 21, delete "corporation and insert "corporation:".

Page 4, line 21, delete "or limited liability".

Page 4, delete lines 22 through 26, begin a new paragraph and insert:

"SECTION 6. IC 27-2-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A domestic insurance company may establish by organization or acquisition of voting stock, a domestic, foreign, or alien subsidiary company to conduct any lawful kind of business permitted by the law under which the subsidiary company is created; if the establishment meets the limitations of this section. Ownership of a subsidiary company permitted by this section constitutes a permitted power of a primary company under IC 27-1-7-2 or any other statute under which the primary company is organized, unless its articles of incorporation prohibit its establishment of subsidiary companies.

(b) The primary company, at the time of establishing a subsidiary company, shall possess assets of not less than twenty-five million dollars (\$25,000,000); or combined capital and surplus in the case of a stock company, or surplus in the case of a mutual company, of not less than three million five hundred thousand dollars (\$3,500,000). However, where the primary company is establishing a subsidiary company qualifying under subsection (c)(1); these minimum amounts shall be increased by the aggregate amount of the primary company's investment in all its subsidiary companies qualified under subsection (c)(1); including the one being established.

(c) The primary company shall file with the commissioner a certified copy of the resolution of its board of directors approving the establishment of the subsidiary company. If the subsidiary company is authorized to conduct a business, other than the business of making insurance or reinsurance pursuant to a certificate issued by the Indiana insurance commissioner or to a comparable grant of authority by an insurance official or officials in the jurisdiction of the subsidiary company's incorporation, the primary company shall also file with the commissioner a summary description of the business to be carried on by the subsidiary company. The commissioner shall grant approval for such establishment in writing if the commissioner determines that there has been compliance with the conditions and requirements of this section.

(d) (b) The department shall have the power to conduct periodic examinations and require reports reflecting the effect of the condition and operation of subsidiary companies on the financial condition of the primary company. A noninsurance subsidiary company is required to annually furnish the department financial statements prepared under generally accepted accounting principles and certified by an independent certified public accountant, and the department is authorized to rely upon such statements. The department may also make any additional examination or require any other reports with respect to any subsidiary company necessary to carry out the department's administration of this section. If any subsidiary company is conducting its business in a manner that would clearly tend to impair the capital or surplus fund of the primary company or otherwise make the operation of the primary company financially unsafe, the department shall have the same powers to act with respect to the primary company as it would have with respect to any comparable improper or financially unsafe operation of the primary company under IC 27-1-3-19.

(e) Subsections (e) and (f) apply only to primary companies authorized to make the kind or kinds of insurance set out in Class I, enumerated in IC 27-1-5-1 (referred to in these subsections as a "Class I primary company", a "primary company", or the plural of either). A Class I primary company may invest amounts in excess of the applicable percentage limitations in IC 27-1-12-2(b)(23) in any subsidiary company whose business, operated directly or through its subsidiaries:

(1) is devoted entirely to the making of all or any one (1) or more of the kinds of insurance and reinsurance authorized by the laws of the state; if the subsidiary company is incorporated under Indiana law; or the law of a jurisdiction which the commissioner determines has comparable or more restrictive investment limitations than Indiana; or

(2) is of a nature which the primary company could engage in directly, other than the making of such insurance or reinsurance:

However, investments owned by each subsidiary company qualifying under subdivision (2) directly or through a chain of subsidiaries, shall be attributed to the primary company for purposes of determining the primary company's compliance with the other provisions of IC 27-1-12-2. Attribution of these investments to the primary company shall be made on its percentage direct ownership of the subsidiary company; or the percentage indirect ownership of each other company in the chain of subsidiaries. Primary company investments in any other subsidiary company or companies are limited to the applicable aggregate percentage limitations set out in IC 27-1-12-2(b)(23).

(f) In the event a Class I primary company on account of its investments in subsidiary companies fails at any time to meet the applicable percentage limitations set out in IC 27-1-12-2(b)(23), as modified by subsection (e); the commissioner may order the divestiture of any subsidiary company or order other actions by the primary or subsidiary company so that the total investment by the primary company does not exceed these limitations. The commissioner may for any definite or indefinite period permit the continuation of any subsidiary company without divestiture, with or without any other required action; if the commissioner determines that continuation will not tend to impair the capital or surplus fund of the primary company or make its operation unsafe or that continuation is necessary considering the financial needs of the primary company.

(g) At any time after the relationship of primary and subsidiary companies has been established; it may be freely terminated by the act of the primary company in reducing its ownership of voting capital stock of the subsidiary company to fifty percent (50%) or below of the total outstanding voting stock of such subsidiary company.

(h) In addition to rules adopted under IC 27-1-3-7, the commissioner may adopt under IC 4-22-2 rules:

(1) prescribing the methods, standards, matters, and forms to be used in making the examinations and reports required by subsection (d);

(2) defining the kinds of conduct by a subsidiary company that would tend to impair the capital or surplus fund of the primary company or otherwise make its operations financially unsafe; and

(3) prescribing the methods for attributing investment in a subsidiary company or chain of subsidiaries to a primary company.

SECTION 7. IC 27-2-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. The acquisition by an insurance company of voting stock of another company, **an entity**, for the purpose of establishing a primary and subsidiary relationship, shall be subject to the limitations and conditions of any investment law applicable to the primary company."

Re-number all SECTIONS consecutively.

(Reference is to HB 1554 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1555, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 35, after "has" insert "**knowingly**".

Page 14, line 34, after "(4)" insert "**upon request of the named insured,**".

Page 15, line 15, after "(4)" insert "**upon request of the named insured,**".

Page 15, line 33, after "renewed" insert "**only**".

Page 15, line 35, delete "until" and insert "**unless**".

Page 15, line 37, delete "until" and insert "**unless**".

(Reference is to HB 1555 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1573, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 9, delete "(before its repeal)".

Page 5, line 39, delete ", **report,**".

Page 7, line 29, after "examination" insert ", ".

Page 7, line 35, after "a" insert "**CPA**".

Page 7, between lines 40 and 41, begin a new paragraph and insert: "SECTION 20. IC 25-2.1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) To qualify for a **CPA** certificate an applicant must pass all sections of the examination provided for in this chapter.

(b) If at a sitting of the examination an applicant passes at least two (2) sections, the applicant is credited for those sections that the applicant has passed and is not required to sit for reexamination in those sections, if:

(1) the applicant wrote all sections of the examination at one (1) sitting;

(2) the applicant attained a minimum grade of fifty (50) on each section not passed at that sitting;

(3) the applicant passes the remaining sections of the examination within six (6) consecutive examinations given after the examination at which the first sections were passed;

(4) at each subsequent sitting at which the applicant seeks to pass any additional sections, the applicant writes all sections not yet passed; and

(5) in order to receive credit for passing additional sections in each subsequent sitting, the applicant attains a minimum grade of fifty (50) on sections written but not passed on that sitting."

Page 8, line 40, delete "11(a)(2)" and insert "**10(a)(2)**".

Page 9, line 10, strike "outside" and insert "**in**".

Page 9, line 11, after "accountancy" insert "**or another state**".

Page 10, line 17, after "or" insert "**another state of**".

Page 10, delete lines 35 through 42.

Page 11, delete lines 1 through 9.

Page 11, line 10, delete "IC 25-2.1-4-11" and insert "IC 25-2.1-4-10".

Page 11, line 12, delete "11." and insert "**10.**".

Page 11, line 25, after "IC 25-2.1-3" insert "**or a permit under IC 25-2.1-5**".

Page 14, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 35. IC 25-2.1-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A certificate shall be granted by the board to any individual who:

(1) is at least eighteen (18) years of age;

(2) has not been convicted of:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-2.1-8; or

(B) a felony that has a direct bearing on the applicant's ability to practice competently; and

(3) has met either of the following education and examination requirements:

(A) Graduation **with a two (2) year associate degree** from an accredited **high school**; business college, college, or university recognized by the board, **the total educational program to include an accounting concentration or equivalent**, and passage of a **written** an examination established by the board in accounting theory and practice.

(B) Graduation with a baccalaureate degree conferred by a

college or university recognized by the board and the satisfactory completion of the semester hours in accounting, business administration, economics, and other related subjects as the board determines to be appropriate, and passage of a written examination established by the board in accounting theory.

(b) The board's authority to grant a certificate under this section expires July 1, 2006.

SECTION 36. IC 25-2.1-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A candidate who meets the education requirements of graduation from a business college or university recognized by the board under section 1(a)(3) of this chapter is eligible to take the examination under this chapter if the applicant also meets the requirements under section ~~(2)~~ 1(a)(2) of this chapter."

Page 14, line 24, delete "(before its repeal)".

Page 16, between lines 41 and 42, begin a new paragraph and insert:

"(c) A CPA or public accountant may not issue a report in standard form upon a compilation of financial information through any form of business that does not hold a valid permit issued under IC 25-2.1-5 unless the report discloses the name of the business through which the individual is issuing the report, and the individual:

- (1) signs the compilation report identifying the individual as a CPA or public accountant; and**
- (2) meets the competency requirement provided in applicable standards."**

Page 19, delete lines 10 through 12, begin a new paragraph and insert:

"SECTION 51. IC 25-2.1-12-10 IS REPEALED [EFFECTIVE JULY 1, 2001]."

Page 19, line 16, delete "and IC 25-2.1-4-11".

Page 19, line 17, delete "both".

Renumber all SECTIONS consecutively.

(Reference is to HB 1573 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1591, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 25, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1647, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1648, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1674, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 40, after "Indiana" insert "**by any means of communication**".

Page 12, line 22, delete "a" and insert "**an individual**".

Page 23, line 25, delete "producers" and insert "**agents**".

Page 24, line 12, delete "producer" and insert "**agent**".

Page 35, line 36, after "years." insert "**The fee charged by the department every four (4) years for a:**

(1) resident license is forty dollars (\$40); and

(2) nonresident license is ninety dollars (\$90)."

Page 37, line 12, delete "may" and insert "**shall**".

Page 42, line 30, delete "a resident" and insert "**an**".

Page 43, line 4, delete "a" and insert "**proof of the**".

Page 43, line 7, delete "The annual" and insert "**A subsequent**".

Page 59, after line 42, begin a new paragraph and insert:

"SECTION 28. [EFFECTIVE JANUARY 1, 2002] (a) After December 31, 2001:

(1) any reference in the Indiana Code to an insurance agent shall be treated as a reference to an insurance producer (as defined in IC 27-1-15.6-2(7), as added by this act);

(2) any reference in the Indiana Code to a surplus lines insurance agent shall be treated as a reference to a surplus lines producer (as defined in IC 27-1-15.6-2(16), as added by this act); and

(3) any reference in the Indiana Code to a limited insurance representative shall be treated as a reference to a limited lines producer (as defined in IC 27-1-15.6-2(12), as added by this act).

(b) This SECTION expires June 30, 2005.

SECTION 29. [EFFECTIVE JANUARY 1, 2002] **(a) The legislative services agency shall prepare legislation for introduction in the 2002 regular session of the general assembly to organize and correct statutes affected by this act.**

(b) This SECTION expires June 30, 2003."

(Reference is to HB 1674 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1750, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1752, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 6, begin a new paragraph and insert:

"SECTION 3. IC 14-15-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The operator of a boat involved in an accident or a collision resulting in injury to or death of a person or damage to a boat or other property to an apparent extent of at least ~~two seven~~ hundred ~~fifty~~ dollars (~~\$200~~) (\$750**) shall do the following:**

(1) Give notice of the accident to:

(A) the office of the sheriff of the county;

(B) the nearest state police post; or

(C) the nearest conservation office; immediately and by the quickest means of communication.

(2) Mail to the department a written report of the accident or collision within twenty-four (24) hours of the accident or collision."

(Reference is to HB 1752 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1758, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 14, after "Sec. 11." insert "**(a) Except as provided in subsection (b),**".

Page 3, line 14, delete "Land" and insert "**land**".

Page 3, between lines 16 and 17, begin a new paragraph and insert: "**(b) A cemetery that is less than one (1) acre shall be assessed in the amount of one dollar (\$1).**".

Page 3, delete lines 22 through 35.

Page 3, line 36, delete "15" and insert "**13**".

Page 3, line 39, delete "16" and insert "**14**".

(Reference is to HB 1758 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1808, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1815, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 5-10.2-2-3, AS AMENDED BY P.L.195-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 3. (a) The annuity savings account consists of:

(1) the members' contributions; and

(2) the interest credits on these contributions in the guaranteed fund or the gain or loss in market value on these contributions in the alternative investment program, as specified in section 4 of this chapter.

Each member shall be credited individually with the amount of the member's contributions and interest credits.

(b) Each board shall maintain the annuity savings account program in effect on December 31, 1995 (referred to in this chapter as the guaranteed program). In addition, the board of the Indiana state teachers' retirement fund shall establish and maintain a guaranteed program within the 1996 account. Each board may establish investment guidelines and limits on all types of investments (including, but not limited to, stocks and bonds) and take other actions necessary to fulfill its duty as a fiduciary of the annuity savings account, subject to the limitations and restrictions set forth in IC 5-10.3-5-3 and IC 21-6.1-3-9.

(c) Each board shall establish alternative investment programs within the annuity savings account of the public employees' retirement fund, the pre-1996 account, and the 1996 account, based on the following requirements:

(1) Each board shall maintain at least one (1) alternative investment program that is an indexed stock fund and one (1) alternative investment program that is a bond fund.

(2) The programs should represent a variety of investment objectives under IC 5-10.3-5-3.

(3) No program may permit a member to withdraw money from the member's account except as provided in IC 5-10.2-3 and IC 5-10.2-4.

(4) All administrative costs of each alternative program shall be paid from the earnings on that program.

(5) A valuation of each member's account must be completed as of the last day of each quarter.

(d) The board must prepare, at least annually, an analysis of the guaranteed program and each alternative investment program. This analysis must:

(1) include a description of the procedure for selecting an alternative investment program;

(2) be understandable by the majority of members; and

(3) include a description of prior investment performance.

(e) A member may direct the allocation of the amount credited to the member among the guaranteed fund and any available alternative investment funds, subject to the following conditions:

(1) A member may make a selection or change an existing selection at any time, but not more than once in a twelve (12) month period: **under rules established by each board. A board shall allow a member to make a selection or change any existing selection at least once each quarter.**

(2) The board shall implement the member's selection beginning the first day of the next calendar quarter that begins at least thirty (30) days after the selection is received by the board. This date is the effective date of the member's selection.

(3) A member may select any combination of the guaranteed fund or any available alternative investment funds, in ten percent (10%) increments.

(4) A member's selection remains in effect until a new selection is made.

(5) On the effective date of a member's selection, the board shall reallocate the member's existing balance or balances in accordance with the member's direction, based on:

(A) for an alternative investment program balance, the market value on the effective date; and

(B) for any guaranteed program balance, the account balance on the effective date.

All contributions to the member's account shall be allocated as of the last day of that quarter in accordance with the member's most recent effective direction. The board shall not reallocate the member's account at any other time.

(f) When a member who participates in an alternative investment program transfers the amount credited to the member from one (1) alternative investment program to another alternative investment program or to the guaranteed program, the amount credited to the member shall be valued at the market value of the member's investment, as of the day before the effective date of the member's selection. When a member who participates in an alternative investment program retires, becomes disabled, dies, or suspends membership and withdraws from the fund, the amount credited to the member shall be the market value of the member's investment as of the last day of the quarter preceding the member's distribution or annuitization at retirement, disability, death, or suspension and withdrawal, plus contributions received after that date.

(g) When a member who participates in the guaranteed program transfers the amount credited to the member to an alternative investment program, the amount credited to the member in the guaranteed program is computed without regard to market value and is based on the balance of the member's account in the guaranteed program as of the last day of the quarter preceding the effective date of the transfer. When a member who participates in the guaranteed

program retires, becomes disabled, dies, or suspends membership and withdraws from the fund, the amount credited to the member shall be computed without regard to market value and is based on the balance of the member's account in the guaranteed program as of the last day of the quarter preceding the member's distribution or annuitization at retirement, disability, death, or suspension and withdrawal, plus any contributions received since that date plus interest since that date.

SECTION 2. IC 5-10.2-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2001]: Sec. 3. (a) Except as provided in subsection (f), 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) **This subsection does not apply to a teacher member described in subsection (c).** 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) **This subsection applies to a member of the Indiana state teachers' retirement fund who serves in an elected position for which the member takes an unpaid leave of absence. In computing the retirement benefit for a teacher member described in this subsection for years of service to which IC 21-6.1-5-7.5 does not apply, "average of the annual compensation" means the annual compensation for the one (1) year of service before retirement in which the member's annual compensation was highest. In order for a year to be used, 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.**

(d) Subject to IC 5-10.2-2-1.5 "annual compensation" means:

(1) the basic salary earned by and paid to the member plus the amount that would have been part of that salary but for:

(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

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

(2) **in the case of a member described in subsection (c) and for years of service to which IC 21-6.1-5-7.5 does not apply, the basic salary that was not paid during the year but would have been paid to the member during the year under the member's employment contracts if the member had not taken any unpaid leave of absence to serve in an elected position.**

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.

(e) 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.

- (f) 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."

Page 7, after line 20, begin a new paragraph and insert:

"SECTION 11. [EFFECTIVE JUNE 1, 2001] **IC 5-10.2-4-3, as amended by this act, applies only to members of the Indiana state teachers' retirement fund who retire after May 31, 2001.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1815 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 4.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1824, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1916, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 24, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1935, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-7-13.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 13.5. Shoreline Development

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Commission" refers to the shoreline development commission established by section 2 of this chapter.
- (2) "Corridor" has the meaning set forth in IC 14-13-3-2.
- (3) "Executive committee" refers to the executive committee of the commission established by section 13 of this chapter.
- (4) "Fund" refers to the shoreline environmental trust fund established by section 19 of this chapter.
- (5) "Qualifying property" means one (1) or more parcels of land in the corridor under common ownership, regardless of whether any improvements are located on the land, with respect to which:

(A) the:

(i) land is unused, if there are no improvements on the land; or

(ii) land and improvements are unused;

(B) all or a part of each parcel of the land is located within five hundred (500) yards of a lake or river; and

(C) there are significant obstacles to redevelopment because of any of the following:

- (i) Obsolete or inefficient buildings.
- (ii) Aging infrastructure or inefficient utility services.
- (iii) Utility relocation requirements.
- (iv) Transportation or access problems.
- (v) Topographical obstacles.
- (vi) Environmental contamination.

Sec. 2. (a) The shoreline development commission is established.

Sec. 3. The commission consists of the following members:

(1) The following members appointed by the governor:

- (A) The mayor of East Chicago.
- (B) The mayor of Gary.
- (C) The mayor of Hammond.
- (D) The mayor of Michigan City.
- (E) The mayor of Portage.
- (F) The mayor of Whiting.
- (G) Two (2) representatives, each from a steel company that owns land abutting Lake Michigan with a continuous shoreline of not less than one (1) mile.
- (H) One (1) representative of a company that:
 - (i) is not a steel company; and
 - (ii) owns land abutting Lake Michigan with a continuous shoreline of not less than three-tenths (0.3) mile.
- (I) One (1) representative of the department of environmental management.
- (J) One (1) representative of the department of natural resources.
- (K) One (1) representative of the department of transportation.
- (L) One (1) representative of Beverly Shores.
- (M) One (1) representative of Burns Harbor.
- (N) One (1) representative of Dune Acres.
- (O) One (1) representative of Ogden Dunes.
- (P) One (1) representative of the northwest Indiana advisory board established under IC 13-13-6.

(2) One (1) member appointed by the lieutenant governor.

(3) Two (2) members appointed by the speaker of the house of representatives who:

- (A) are members of the house of representatives;
- (B) represent house districts that have territory within the corridor; and
- (C) are not affiliated with the same political party.

If all the house districts that have territory within the corridor are represented by members of the house of representatives who are from the same political party, the speaker shall appoint a member of the house of representatives who represents a house district that is located anywhere in a county that has territory within the corridor to satisfy the requirement under clause (C).

(4) Two (2) members appointed by the president pro tempore of the senate who:

- (A) are members of the senate;
- (B) represent senate districts that have territory within the corridor; and
- (C) are not affiliated with the same political party.

If all the senate districts that have territory within the corridor are represented by members of the senate who are from the same political party, the president pro tempore shall appoint a member of the senate who represents a senate district that is located anywhere in a county that has territory within the corridor to satisfy the requirement under clause (C).

Sec. 4. (a) The members of the commission referred to in section 3(1)(G) of this chapter may not represent the same steel company.

(b) A member of the commission referred to in section 3(1)(A) through 3(1)(F) of this chapter may designate an individual to serve on the commission in the member's place.

Sec. 5. The term of each member is two (2) years.

Sec. 6. A vacancy occurring in the membership of the commission

shall be filled by the appointing authority.

Sec. 7. (a) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided in the rules adopted 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.

(b) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided in the rules adopted 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.

(c) Each member of the commission 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.

Sec. 8. The affirmative votes of a majority of the members of the commission are required for the commission to take action on any measure.

Sec. 9. The chairman, vice chairman, and treasurer of the executive committee selected under section 14 of this chapter shall act in those same capacities with respect to the commission.

Sec. 10. (a) The commission:

- (1) shall fix the time for regular meetings; and
- (2) may hold special meetings on call of the chairman with seven (7) days written notice.

(b) A member may waive written notice of a specific meeting by a written notice filed with the commission.

Sec. 11. (a) The commission shall:

- (1) identify qualifying properties;
- (2) prepare a comprehensive master plan for development and redevelopment within the corridor that:
 - (A) plans for remediation of environmental contamination;
 - (B) accounts for economic development and transportation issues relating to environmental contamination; and
 - (C) establishes priorities for development or redevelopment of qualifying properties;
- (3) establish guidelines for the evaluation of applications for grants from the fund;
- (4) after reviewing a report from the department of environmental management under section 22 of this chapter, refer to the executive committee applications for grants from the fund under section 21 of this chapter that the commission recommends for approval;
- (5) prepare and provide information to political subdivisions on the availability of financial assistance from the fund;
- (6) coordinate the implementation of the comprehensive master plan;
- (7) monitor the progress of implementation of the comprehensive master plan; and
- (8) report at least annually to the governor, the lieutenant governor, the legislative council and all political subdivisions that have territory within the corridor on:
 - (A) the activities of the commission; and
 - (B) the progress of implementation of the comprehensive master plan.
- (9) Employ an executive director and other individuals that are necessary to carry out the commission's duties.

Sec. 12. (a) When necessary to accomplish the purposes of the commission, the commission may do the following:

- (1) Conduct studies necessary for the performance of the commission's duties.
- (2) Publicize, advertise, and distribute reports on the commission's purposes, objectives, and findings.

(3) Provide recommendations in matters related to the commission's functions and objectives to the following:

(A) Political subdivisions that have territory within the corridor.

(B) Other public and private agencies.

(4) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.

(5) Receive grants and appropriations from the following:

(A) Federal, state, and local governments.

(B) Individuals.

(C) Foundations.

(D) Other organizations.

(b) The commission may contract for staff services with:

(1) qualified agencies or individuals; or

(2) a planning commission established under IC 36-7-7.

Sec. 13. (a) The executive committee of the commission is established.

(b) The executive committee consists of:

(1) the members of the commission referred to in section 3(1)(A) through 3(1)(H) of this chapter; and

(2) the members of the commission referred to in section 3(2) through 3(4) of this chapter.

Sec. 14. (a) The executive committee shall elect the following officers from among the members of the executive committee:

(1) A chairman.

(2) A vice chairman.

(3) A treasurer.

(b) Each officer serves a term of one (1) year beginning July 1 of each year.

Sec. 15. The affirmative votes of a majority of the members of the executive committee are required for the executive committee to take action on any measure.

Sec. 16. (a) The executive committee:

(1) shall fix the time for regular meetings; and

(2) may hold special meetings on call of the chairman with seven (7) days written notice.

(b) A member may waive written notice of a specific meeting by a written notice filed with the executive committee.

Sec. 17. The executive committee shall:

(1) be responsible for the management of all functions related to the provision of grants to political subdivisions from the fund for the purposes set forth in this chapter;

(2) review each grant application referred to the executive committee by the commission under section 11 of this chapter, including the report received from the department of environmental management under section 22 of this chapter, to determine whether to approve a grant;

(3) determine the amount of each grant to a political subdivision approved by the executive committee;

(4) approve, with appropriate signatures, each grant that the executive committee determines to make under this chapter; and

(5) prepare and adopt by majority vote an annual budget for carrying out the activities of the commission.

Sec. 18. (a) After approval of the budget by the executive committee, money may be expended only as budgeted, unless a majority vote of the executive committee authorizes other expenditures.

(b) Appropriated money remaining unexpended or unencumbered at the end of the year becomes part of a nonreverting cumulative fund to be held in the name of the commission. The executive committee may authorize unbudgeted expenditures from this fund by a majority vote of the executive committee.

(c) The executive committee is responsible for the safekeeping and deposit of 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.

(d) The treasurer of the executive committee may receive,

disburse, and handle money belonging to the commission, subject to the following:

(1) Applicable statutes.

(2) Procedures established by the executive committee.

Sec. 19. The shoreline environmental trust fund is established to provide a source of money for the following:

(1) The rehabilitation, redevelopment, and reuse of qualifying property by providing grants to political subdivisions to conduct any of the following activities:

(A) Identification and acquisition of qualifying property within a political subdivision.

(B) Environmental assessment of identified qualifying property and other activities necessary or convenient to complete the environmental assessments.

(C) Remediation of environmental contamination conducted on qualifying property.

(D) Clearance of real property under IC 36-7-14-12.2 or IC 36-7-15.1-7 in connection with remediation activities.

(E) Other activities necessary or convenient to return qualified property to full use.

(2) The operations of the commission.

Sec. 20. (a) The budget agency shall:

(1) administer the fund; and

(2) report to the executive committee semiannually:

(A) revenue received to the fund;

(B) distributions from the fund; and

(C) the balance in the fund.

(b) The following shall be paid from money in the fund:

(1) The expenses of administering the fund.

(2) Grants approved by the executive committee under section 17 of this chapter.

(3) The amount budgeted by the executive committee for the operations of the commission.

(c) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Grants and gifts intended for deposit in the fund.

(3) Interest, gains, or other earnings of the fund.

(d) The budget agency shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest, gains, or other earnings from these investments shall be credited to the fund.

(e) As an alternative to subsection (d), the budget agency may invest or cause to be invested all or a part of the fund in a fiduciary account with a trustee that is a financial institution. Notwithstanding any other law, any investment may be made by the trustee in accordance with at least one (1) trust agreement or indenture. A trust agreement or indenture may allow disbursements by the trustee to the budget agency as provided in the trust agreement or indenture. The budget agency and the state board of finance must approve any trust agreement or indenture before its execution.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 21. (a) Before a political subdivision may receive a grant from the fund, the political subdivision must submit to the department of environmental management and the commission the following:

(1) A grant application, in the form prescribed by the department of environmental management and the commission, that:

(A) identifies the qualifying property;

(B) includes any ordinances, resolutions, or other documentation of the political subdivision's determination to submit the grant application;

(C) identifies the entity from which the qualifying property has been acquired or will be acquired by the political subdivision;

(D) specifies the cost of acquisition of the qualifying property to the political subdivision, if any;

(E) identifies any environmental contamination of the qualifying property that will be subject to remediation;

(F) specifies the environmental remediation objectives with respect to the qualifying property;

(G) estimates all costs the political subdivision will incur with respect to the qualifying property;

(H) evaluates the prospect for conveyance of the qualifying property for use by a private or public entity; and

(I) includes a schedule of all actions taken or to be taken by the political subdivision with respect to the qualifying property between the time of acquisition and the anticipated time of conveyance by the political subdivision.

(2) Documentation of community and neighborhood comment concerning the use of a qualifying property on which environmental remediation activities will be undertaken after environmental remediation activities are completed.

(b) A political subdivision may apply for a grant under this section for activities under this chapter with respect to:

(1) qualifying property previously acquired by the political subdivision by:

(A) purchase; or

(B) donation from a private or public entity; or

(2) qualifying property to be acquired using grant money.

Sec. 22. The department of environmental management shall do the following under this chapter:

(1) Upon receipt of a grant application from a political subdivision under section 21 of this chapter with respect to a qualifying property, evaluate the technical aspects of the political subdivision's:

(A) environmental assessment of the property; and

(B) proposed environmental remediation with respect to the property.

(2) Submit to the commission a report of its evaluation under subdivision (1).

(3) Evaluate the technical aspects of the political subdivision's environmental remediation activities conducted on qualifying properties.

(4) Act as a liaison with the United States Environmental Protection Agency.

Sec. 23. The executive committee shall develop a priority ranking system for making grants under this chapter based on the following:

(1) The comprehensive master plan.

(2) Socioeconomic distress in an area, as determined by the poverty level and unemployment rate in the area.

(3) The technical evaluation by the department of environmental management under section 22 of this chapter.

(4) Other factors determined by the commission, including the following:

(A) The number and quality of jobs that would result from reuse of the qualifying property.

(B) Housing, recreational, and educational needs of communities.

(C) Any other factors the executive committee determines will assist in the implementation of this chapter.

Sec. 24. (a) Based on the priority ranking system established under section 23 of this chapter, the executive committee may make grants from the fund to political subdivisions under this section.

(b) A grant must be used for at least one (1) of the purposes set forth in section 19 of this chapter and may be used to pay consultant, advisory, and legal fees and any other costs or expenses resulting from the assessment, planning, or environmental remediation of a qualifying property.

Sec. 25. If:

(1) a private entity offers a political subdivision a donation of property for which the political subdivision intends to submit a grant application under section 21 of this chapter; and

(2) the donation of the property is conditioned on obtaining from the state a covenant not to sue the private entity for any potential liability arising under state law associated with environmental contamination of the property;

the political subdivision may request that the commission seek the covenant not to sue from the governor. The governor may execute a covenant not to sue under this section.

Sec. 26. The executive committee may adopt guidelines or guidance documents to implement this chapter without complying

with IC 4-22-2.

(Reference is to HB 1935 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1948, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 22, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 2025, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 21, nays 1.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 2041, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 6 and 7, begin a new paragraph and insert:
"SECTION 2. IC 13-11-2-25.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 25.7. "Claimant", as used in IC 13-23-8 and IC 13-23-9, refers to a person that submits a claim under IC 13-23-8-1."

Page 2, line 24, after "liability" insert "trust".

Page 3, line 25, after "the" insert "underground storage tank".

Page 3, line 27, after "liability" insert "trust".

Page 3, line 27, after "fund," insert "to pay claims submitted to the department".

Page 3, line 28, strike "of a part".

Page 3, line 28, after "IC 13-23-9-2" insert ",,".

Page 3, strike line 29.

Page 3, line 30, strike "petroleum storage tanks,".

Page 3, line 30, delete "persons designated by eligible owners".

Page 3, delete lines 31 through 32.

Page 3, line 33, delete "eligible owners and operators,".

Page 4, line 4, strike "the part of the liability of an owner or".

Page 4, strike line 5.

Page 4, line 6, strike "under".

Page 4, line 6, after "1(3)" insert "payments under".

Page 4, line 6, strike "is determined in".

Page 4, strike lines 7 through 15.

Page 4, line 16, strike "liability." and insert "may not exceed two million dollars (\$2,000,000) per occurrence for which claims are made under this chapter."

Page 4, line 21, strike "event" and insert "occurrence".

Page 4, line 21, strike "a claim is" and insert "claims are".

Page 4, line 25, strike "and".

Page 4, delete line 28.

Page 4, line 38, strike "event" and insert "occurrence".

Page 4, line 38, strike "a claim is" and insert "claims are".

Page 4, line 42, strike "and".

Page 5, delete line 3.

Page 5, line 12, strike "event" and insert "occurrence".

Page 5, line 12, strike "a claim is" and insert "claims are".

Page 5, line 16, strike "and".

Page 5, delete line 19.
 Page 5, line 30, delete ", a person designated by an eligible".
 Page 5, delete lines 31 through 32.
 Page 5, line 33, delete "eligible owner or operator".
 Page 5, line 34, after "liability" insert "**trust**".
 Page 6, line 16, strike "owner or operator, or an agent of the owner or".
 Page 6, line 17, strike "operator," and insert "**plan**".
 Page 6, line 23, reset in roman "cleanup guidelines set forth in the".
 Page 6, reset in roman line 24.
 Page 6, line 25, reset in roman "including the department's".
 Page 6, line 25, strike "risk-based collective action plan" and insert "**risk integrated system of closure**".
 Page 6, line 26, before "when" delete "standards" and insert "standards";.
 Page 6, line 26, strike "when the standards become effective;".
 Page 6, line 31, after "a" insert "**corrective action**".
 Page 6, line 31, strike "an owner or operator" and insert "**the claimant**".
 Page 6, line 32, after "supplement the" strike "corrective action".
 Page 6, line 35, strike "an owner's or".
 Page 6, line 36, strike "operator's" and insert "**the**".
 Page 6, line 38, after "control." insert "**For purposes of this subdivision, if there is a conflict between compliance with the corrective action plan and the board's rules, the board's rules control.**".
 Page 6, line 42, after "owner" insert ", ".
 Page 6, line 42, strike "or".
 Page 6, line 42, after "operator" insert ", **or transferee of property under subsection (e)**".
 Page 7, line 1, after "owner" insert ", ".
 Page 7, line 1, strike "or".
 Page 7, line 1, after "operator" insert ", **or transferee**".
 Page 7, line 4, strike "immediate removal in" and insert "**initial**".
 Page 7, line 9, delete "329 IAC 9-5-5.1" and insert "**329 IAC 9-5**".
 Page 7, line 16, after "owner" insert ", ".
 Page 7, line 16, strike "or".
 Page 7, line 16, after "operator" insert ", **or transferee of property under subsection (e)**".
 Page 7, between lines 18 and 19, begin a new paragraph and insert: "**(d) An owner, an operator, or a transferee of property described in subsection (e) eligible to receive money from the fund under this section may assign that right to another person.**
(e) A transferee of property upon which a tank was located is eligible to receive money from the fund under this section if the transferor of the property was eligible to receive money under this section with respect to the property.".
 Page 7, line 23, strike "To".
 Page 7, line 23, delete "establish" and insert "Establish".
 Page 7, line 31, strike "To".
 Page 7, line 31, delete "determine" and insert "Determine".
 Page 8, line 2, after "liability" insert "**trust**".
 Page 8, line 3, after "under" insert "**section 1 of**".
 Page 8, line 9, after "liability" insert "**trust**".
 Page 8, line 13, strike "owner or operator" and insert "**claimant**".
 Page 8, line 14, strike "owner's or operator's".
 Page 8, line 16, strike "owner or operator" and insert "**claimant**".
 Page 8, line 16, after "liability" insert "**trust**".
 Page 8, line 23, after "section 1(2)" insert "**section 1**".
 Page 8, line 23, reset in roman "of".
 Page 8, line 24, strike "owner or operator of an underground".
 Page 8, line 25, strike "petroleum storage tank." and insert "**claimant**".
 Page 8, line 25, strike "an owner or".
 Page 8, line 26, strike "operator of an underground petroleum storage tank" and insert "**a claimant**".
 Page 8, line 32, after "Sec. 8." insert "**(a)**".
 Page 8, line 33, reset in roman "of:".
 Page 8, reset in roman line 34.
 Page 8, line 35, reset in roman "storage tanks".
 Page 8, line 35, delete "four" and insert "**two**".

Page 8, line 36, delete "\$4,000,000" and insert "**(\$2,000,000)**".
 Page 8, line 37, delete "." and insert ";".
 Page 8, line 37, reset in roman "and".
 Page 8, reset in roman line 38.
 Page 8, line 39, reset in roman "not receive more than".
 Page 8, line 39, after "two" insert "**three**".
 Page 8, line 39, reset in roman "million dollars".
 Page 8, line 39, after "\$2,000,000" insert "**(\$3,000,000)**".
 Page 8, line 39, reset in roman "from the".
 Page 8, reset in roman line 40.
 Page 8, between lines 40 and 41, begin a new paragraph and insert: "**(b) If the right to receive money from the fund under this chapter is assigned as described in section 4(d) of this chapter, the combined amount of money received by the assignor and the assignee from the excess liability trust fund during a year may not exceed the limits established in subsection (a).**
 SECTION 14. IC 13-23-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The administrator of the excess liability trust fund shall process, approve, and deny requests made for payments from the excess liability **trust** fund under sections 2 and 3 of this chapter.
 SECTION 15. IC 13-23-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) To receive money from the excess liability trust fund under IC 13-23-8-1(1), ~~an owner or operator~~ **a claimant** must:
 (1) submit a corrective action plan to the administrator of the excess liability trust fund for the administrator's approval; and
 (2) submit a copy of a work receipt for work that has been performed.
 (b) If, after receiving a corrective action plan and a work receipt under subsection (a), the administrator determines that:
 (1) the corrective action plan may be approved and that the work that has been performed is consistent with the approved corrective action plan;
 (2) the work or part of the work that has been performed is reasonable and cost effective;
 (3) the work that has been performed concerns the elimination or mitigation of a release of petroleum from an underground storage tank including:
 (A) release investigation;
 (B) mitigation of fire and safety hazards;
 (C) tank removal;
 (D) soil remediation; or
 (E) ground water remediation and monitoring; and
 (4) the ~~owner or operator~~ **claimant** is in compliance with the requirements of this article and the rules adopted under this article;
 the administrator shall approve the request for money to be paid from the excess liability trust fund for work that has been performed.
 (c) The administrator shall develop criteria for determining the cost effectiveness of corrective action. Although not required for payment from the excess liability trust fund, ~~an owner or operator~~ **a claimant** may seek pre-approval from the administrator stating that the work to be performed is reasonable and cost effective.
 (d) The administrator shall notify the ~~owner or operator~~ **claimant** of an approval or a denial of a request made under subsection (b) not later than sixty (60) days after receiving the request. Except as provided in subsection (f), the administrator shall notify the ~~owner or operator~~ **claimant** of all reasons for a denial or partial denial.
 (e) Not later than seven (7) days after a request is approved by the administrator under subsection (b) for the reimbursement of costs for corrective action, the administrator shall forward a copy of a request approved under this section to the auditor of state.
 (f) Not later than thirty (30) days after receiving an approved request under this section, the auditor of state shall pay ~~to the contractor or to the owner or operator who~~ **claimant that** submitted the approved work receipt the approved amount from money available in the excess liability trust fund.
 (g) If a reason the administrator denies a request made under subsection (b) is for failure to meet the requirements of subsection (b)(1), the administrator shall notify the ~~owner or operator~~ **claimant**

in writing not later than sixty (60) days after receiving the request. The **owner or operator claimant** has thirty (30) days from the receipt of the denial to notify the administrator of the **owner's or operator's claimant's** intention to appeal the denial. If the **owner or operator claimant** does not notify the administrator of an intention to appeal in the time provided, further review of the application is not required. If an intention to appeal is submitted within the time provided, the administrator has thirty (30) days after the receipt of the notice of the intention to appeal to provide the **owner or operator claimant** with all additional reasons for the denial or partial denial of the request or to specify that all reasons have been provided. The **owner or operator claimant** has thirty (30) days after receiving notification from the administrator of all additional reasons for the denial or partial denial or notice specifying that all reasons have been provided to file a petition for review of the denial or partial denial."

Page 9, line 2, delete "IC 13-23-8-1(2),".

Page 9, line 2, strike "an owner or operator" and insert "**IC 13-23-8-1(2), a claimant**".

Page 9, line 10, strike "owner or".

Page 9, line 11, strike "operator" and insert "**claimant**".

Page 9, line 16, strike "owner or operator;" and insert "**claimant;**".

Page 9, line 17, strike "owner or operator" and insert "**claimant**".

Page 9, line 20, strike "owner or operator" and insert "**claimant**".

Page 9, line 24, strike "this section" and insert "**subsection (a)**".

Page 9, line 30, strike "owner or".

Page 9, line 31, strike "operator who" and insert "**claimant that**".

Page 9, line 34, strike "owner or operator" and insert "**claimant**".

Renumber all SECTIONS consecutively.

(Reference is to HB 2041 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 2042, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 2, strike "and".

Page 3, line 3, after "located;" insert "**and**".

(3) any crude oil stored on the well site or recovered at the time the well is plugged and abandoned;"

Page 3, delete lines 9 through 17, begin a new paragraph and insert:

"**(f) If the commission elects to plug and abandon a well under subsection (a)(2), the commission may also enter an order authorizing its agents, employees, or contractors to dispose of:**

(1) casing and all equipment located on or removed from the well site; and

(2) any crude oil stored on the well site or recovered;

at the time the well is plugged and abandoned. An inventory of the casing and all equipment and any crude oil shall be made, and the salvage or other reasonable market value of the casing and all equipment and any crude oil shall be applied as a credit to offset the actual cost incurred by the commission to plug and abandon the well."

(Reference is to HB 2042 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

WEINZAPFEL, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1074, 1212, 1302, 1430, 1541, 1636, and 2099.

House Bill 1075

Representative Lytle called down House Bill 1075 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1075-1)

Mr. Speaker: I move that House Bill 1075 be amended to read as follows:

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

"SECTION 1. IC 15-3-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) On or after December 30, 1965, any person, before installing facilities for the distribution of ammonia or ammonia solutions shall, on forms provided by the state chemist, apply for approval of the location of the proposed distribution facilities, in which application he shall state that the installation will be in compliance with all local zoning regulations and building codes.

(b) If the state chemist finds that the location meets the requirements of this chapter and the rules and regulations promulgated hereunder, he shall issue written approval of the location within thirty (30) days after receipt of the application. If the state chemist finds the location does not meet the requirements of this chapter and the rules and regulations promulgated thereunder, he shall issue written disapproval of the location within thirty (30) days after receipt of the application.

(c) Distribution facilities installed prior to December 30, 1965, shall be exempt from the requirements for location approval. Not later than February 28, 1966, the owner or operator of each distribution facility existing prior to December 30, 1965, shall report in writing the location thereof to the state chemist.

(d) A public way shall not be placed any closer to an existing distribution facility than the distance required by rules and regulations promulgated hereunder for a distribution facility to be placed near a public way.

Renumber all SECTIONS consecutively.

(Reference is to HB 1075 as printed February 6, 2001.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

House Bill 1851

Representative C. Brown called down House Bill 1851 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1851-1)

Mr. Speaker: I move that House Bill 1851 be amended to read as follows:

Page 3, line 35, delete ":",

Page 3, line 35, after "(b)(3)" insert "**the township and each insured township employee shall pay, in a proportion determined by the township, the same total insurance premium that is charged for each insured county employee. In addition, the township shall pay any additional cost to the county as a result of providing the county group insurance program to the township employees."**

Page 3, delete lines 36 through 42.

Page 4, line 1, delete "**employees."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1851 as printed February 1, 2001.)

C. BROWN

Motion prevailed. The bill was ordered engrossed.

House Bill 1864

Representative Crawford called down House Bill 1864 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1864-1)

Mr. Speaker: I move that House Bill 1864 be amended to read as follows:

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 3. IC 16-38-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter, "birth problems" means one (1) or more of the following conditions:

- (1) A structural deformation.
- (2) A developmental malformation.
- (3) A genetic, inherited, or biochemical disease.
- (4) Birth weight less than two thousand five hundred (2,500) grams.
- (5) A condition of a chronic nature, including central nervous system hemorrhage or infection of the central nervous system, that may result in a need for long term health care.
- (6) Stillbirth.
- (7) **Any other severe disability that is recognized in a child after birth and before the child becomes four (4) years of age.**

SECTION 4. IC 16-38-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) The state department shall establish a birth problems registry for the purpose of recording all cases of birth problems that occur in Indiana residents and compiling necessary and appropriate information concerning those cases, as determined by the state department, in order to:

- (1) conduct epidemiologic and environmental studies and to apply appropriate preventive and control measures;
- (2) inform the parents of children with birth problems at the time of discharge from the hospital about care facilities and appropriate community resources; or
- (3) inform citizens regarding programs designed to prevent or reduce birth problems.

(b) The state department shall ~~use~~ **record in the birth problems registry:**

- (1) **all data concerning birth problems of children that are provided from the certificate of live birth; and**
- (2) **any additional information concerning a birth problem that may be provided by a physician, or local health department, hospital, or other health professional concerning a birth problem that is recognized:**
 - (A) **after the newborn child is discharged from the hospital as a newborn; and**
 - (B) **before the child is four (4) years of age.**

(c) The state department shall provide a physician and a local health department with necessary forms for reporting under this chapter.

SECTION 5. IC 16-38-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) Physicians, nurse midwives, local health departments, and hospitals shall report each confirmed case of a birth problem **that is recognized at the time of birth** to the registry not later than sixty (60) days after the birth. **A physician, local health department, hospital, or other health professional who recognizes a birth problem in a child after birth but before the child is four (4) years of age shall report the birth problem to the registry not later than sixty (60) days after recognizing the birth problem.** Information may be provided to amend or clarify an earlier reported case.

(b) A person required to report information to the registry under this section may use, when completing reports required by this chapter, information submitted to any other public or private registry or required to be filed with federal, state, or local agencies. However, the state department may require additional, definitive information.

(c) Exchange of information between state department registries is authorized. The state department may use information from another registry administered by the state department. Information used from other registries remains subject to the confidentiality restrictions on the other registries.

SECTION 6. [EFFECTIVE JULY 1, 2001] (a) **The state department of health in cooperation with the Indiana University School of Public Health shall conduct an assessment of the completeness, timeliness, and accuracy of the data in the cancer registry (IC 16-38-2) and the birth problems registry (IC 16-38-4). The assessment must include public meetings and an opportunity for public comment.**

(b) **The assessment required under subsection (a) must be completed before July 1, 2003, and copies of the assessment presented to the governor and the legislative council.**

(c) **This SECTION expires July 1, 2003.**

Renumber all SECTIONS consecutively.

(Reference is to HB 1864 as printed February 2, 2001.)

CRAWFORD

Motion prevailed. The bill was ordered engrossed.

House Joint Resolution 4

Representative Avery called down House Joint Resolution 4 for second reading. The joint resolution was read a second time by title.

HOUSE MOTION

(Amendment 4-1)

Mr. Speaker: I move that House Joint Resolution 4 be amended to read as follows:

Page 2, line 2, delete "General" and insert "**vacancy shall be filled as provided in this Constitution or specified by law.**".

Page 2, delete line 3.

(Reference is to HJR 4 as printed February 2, 2001.)

AVERY

Motion prevailed. The joint resolution was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1009

Representative Cook called down Engrossed House Bill 1009 for third reading:

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

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

Roll Call 36: yeas 90, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Ford.

Engrossed House Bill 1039

Representative V. Smith called down Engrossed House Bill 1039 for third reading:

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

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

Roll Call 37: yeas 54, nays 42. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server, Rogers, and Breaux.

Representative Frizzell was excused for the rest of the day.

Engrossed House Bill 1147

Representative Hasler called down Engrossed House Bill 1147 for third reading:

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

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

Roll Call 38: yeas 51, nays 43. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard, Simpson, and C. Lawson.

Engrossed House Bill 1219

Representative Mellinger called down Engrossed House Bill 1219 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

Roll Call 39: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Clark.

Engrossed House Bill 1233

Representative Leuck called down Engrossed House Bill 1233 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

Roll Call 40: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator R. Meeks.

Engrossed House Bill 1416

Representative Ayres called down Engrossed House Bill 1416 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 41: yeas 93, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

Engrossed House Bill 1423

Representative Bauer called down Engrossed House Bill 1423 for third reading:

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

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

Roll Call 42: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman and Broden.

Engrossed House Bill 1608

Representative Kersey called down Engrossed House Bill 1608 for third reading:

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

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

Roll Call 43: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Blade.

Engrossed House Bill 1812

Representative Crosby called down Engrossed House Bill 1812 for third reading:

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

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

Roll Call 44: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson, M. Young, Howard, and L. Lutz.

Engrossed House Bill 1941

Representative Leuck called down Engrossed House Bill 1941 for third reading:

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

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

Roll Call 45: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman, Alexa, and R. Young.

Engrossed House Bill 1307

Representative Bottorff called down Engrossed House Bill 1307 for third reading:

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

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

Roll Call 46: yeas 90, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Sipes, Lewis.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1096, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, after "corporation" insert ":

(A) that is".

Page 1, line 13, delete "," and insert "; or

(B) that makes an election under section 5.6(c) of this chapter;".

Page 1, line 13, begin a new line single block indented beginning with "not".

Page 2, line 37, after "corporation" insert ":

(1) that is".

Page 2, line 39, delete "." and insert "; or

(2) that makes an election under subsection (c)." .

Page 2, line 42, after "(c)" insert "A school corporation that is not described in subsection (a)(1) may, not later than July 1, 2004, elect to implement the budgeting process described in this section.

(d) A school corporation that makes an election under subsection (c) shall file notice of the election with the state board of tax commissioners not later than November 1 of the year in which the election is made.

(e) The initial school year budget adopted by a school corporation that makes an election under subsection (c) is for the period beginning July 1 of the calendar year following the calendar year in which notice is filed under subsection (d).

(f)".

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

Page 4, line 14, delete "." and insert "or a school corporation that

makes an election under IC 6-1.1-17-5.6(c)."

Page 4, line 23, delete "." and insert "**or a school corporation that makes an election under IC 6-1.1-17-5.6(c)."**

Page 6, line 15, after "corporation" insert ":

(1) that is".

Page 6, line 17, delete "." and insert "; or

(2) that makes an election under IC 6-1.1-17-5.6(c)."

Page 6, line 17, begin a new line blocked left beginning with "Before".

Page 6, line 22, after "corporation" insert ":

(1) that is".

Page 6, line 24, delete "." and insert "; or

(2) that makes an election under IC 6-1.1-17-5.6(c)."

Page 6, line 24, begin a new line blocked left beginning with "Before".

Page 7, line 2, after "corporation" insert "**located in a city having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000)".**

(Reference is to HB 1096 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1120, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 27-7-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) Coverage for damage due to mine subsidence must be available as an additional form of coverage under any insurance policy providing the type of insurance described in Class 3(a) of IC 27-1-5-1 to directly cover one (1) or more structures located in a county identified under section 6 of this chapter. The mine subsidence coverage must be available in an amount adequate to indemnify the insured to the extent of the loss in actual cash value of the covered structure due to mine subsidence, less a deductible equal to two percent (2%) of the insured value of the structure under the policy. However, the deductible must be no less than two hundred fifty dollars (\$250) and no more than five hundred dollars (\$500).

(b) An insurer proposing to issue a policy providing the type of insurance described in Class 3(a) of IC 27-1-5-1 to cover one (1) or more structures located in a county identified under section 6 of this chapter shall inform the prospective policyholder of the availability of mine subsidence coverage under this section. An insurer shall inform the prospective policyholder of the availability of mine subsidence coverage under this subsection when a policy described in this subsection is issued. ~~However, an insurer is not required to inform a prospective policyholder of the availability of mine subsidence coverage if the issuance of the policy will take place after June 30, 2000.~~

(c) When an insurer informs a prospective policyholder of the amount of the premium for the mine subsidence coverage that is available as an additional form of coverage under a policy as required by subsection (a), the premium for the mine subsidence coverage must be stated separately from the premium for the other coverage provided by the policy. The amount of the premium for mine subsidence coverage provided by an insurer under this section must be set according to the premium level set by the commissioner under section 10 of this chapter.

(d) Except as provided in subsection (f), an insurance policy providing the type of insurance described in Class 3(a) of IC 27-1-5-1 to directly cover one (1) or more structures located in a county identified under section 6 of this chapter must include the mine subsidence coverage provided for under subsection (a) if the

prospective insured (before issuance of the policy) or the insured (before renewal of the policy) indicates that the coverage is to be included in the policy.

(e) An insurer is not required to provide mine subsidence coverage under subsection (a) under any insurance policy in an amount exceeding the amount that is reimbursable from the fund under section 9(a)(4) of this chapter.

(f) An insurer must decline to make the mine subsidence coverage provided for under subsection (a) available to cover a structure evidencing unrepaired mine subsidence damage, until necessary repairs are made. An insurer may also decline to make the mine subsidence coverage available under an insurance policy if the insurer has:

(1) declined to issue the policy;

(2) declined to renew the policy; or

(3) canceled all coverage under the policy for underwriting reasons unrelated to mine subsidence."

Renumber all SECTIONS consecutively.

(Reference is to HB 1120 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1155, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1170, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 3-7-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 3. The bureau of motor vehicles ~~commission~~ is the state's motor vehicle authority for purposes of NVRA.

SECTION 2. IC 3-7-32-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 5. (a) This section does not apply to a registration by mail form.

(b) Each voter applying to register at the county voter registration office shall, upon completing the voter registration form, receive a notice of disposition stating whether the voter's name has been added to the registration rolls if the application is approved.

(c) Each voter applying to register before ~~a the~~ bureau of motor vehicles ~~commission~~ or a voter registration agency shall, upon completing the voter registration application form, receive a registration acknowledgement stating that the registration form will be forwarded to the appropriate county voter registration office so that the voter's name may be added to the registration rolls if the application is approved.

SECTION 3. IC 3-7-34-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 5. If a registration form contains all of the information required to be supplied by the voter, but does not include the information required to be supplied by the bureau of motor vehicles ~~commission~~ or a voter registration agency, the circuit court clerk or board of registration shall promptly make one (1) effort to contact the officer, ~~commission~~, ~~bureau~~, or agency to obtain the information.

SECTION 4. IC 3-7-34-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 7. (a) The circuit court clerk or board of registration shall certify to the county election board a list

of the registration forms that have been processed under section 6 of this chapter but do not contain information required to be supplied by the bureau of motor vehicles ~~commission~~ or a voter registration agency.

(b) The county election board shall notify the ~~commission bureau of motor vehicles~~ or agency by United States first class mail that the ~~commission bureau of motor vehicles~~ or agency is required to supply the omitted information not later than thirty (30) days after the date of the letter.

SECTION 5. IC 5-10.3-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. The following employees may not be members of the fund:

(1) Officials of a political subdivision elected by vote of the people, unless the governing body specifically provides for the participation of locally elected officials.

(2) Employees occupying positions normally requiring performance of service of less than six hundred (600) hours during a year who:

(A) were hired before July 1, 1982; or

(B) are employed by a participating school corporation.

(3) Independent contractors or officers or employees paid wholly on a fee basis.

(4) Employees who occupy positions that are covered by other pension or retirement funds or plans, maintained in whole or in part by appropriations by the state or a political subdivision, except:

(A) the federal Social Security program; and

(B) the prosecuting attorneys retirement fund created by IC 33-14-9.

~~(5) Managers or employees of a license branch of the bureau of motor vehicles commission, except those persons who may be included as members under IC 9-16-4.~~

~~(6) (5) Employees, except employees of a participating school corporation, hired after June 30, 1982, occupying positions normally requiring performance of service of less than one thousand (1,000) hours during a year.~~

~~(7) (6) Persons who:~~

~~(A) are employed by the state;~~

~~(B) have been classified as federal employees by the Secretary of Agriculture of the United States; and~~

~~(C) are covered by the federal Social Security program as federal employees under 42 U.S.C. 410.~~

~~(8) (7) Members and employees of the state lottery commission.~~

SECTION 6. IC 5-14-3-2, AS AMENDED BY P.L.256-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. As used in this chapter:

"Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

"Direct cost" means one hundred five percent (105%) of the sum of the cost of:

(1) the initial development of a program, if any;

(2) the labor required to retrieve electronically stored data; and

(3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

"Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

"Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

(1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or

(2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

"Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

"Inspect" includes the right to do the following:

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

"Investigatory record" means information compiled in the course of the investigation of a crime.

"Patient" has the meaning set out in IC 16-18-2-272(d).

"Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

"Provider" has the meaning set out in IC 16-18-2-295(a) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

"Public agency" means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the state board of tax commissioners or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcoholic beverage commission, conservation officers of the department of natural resources, and the security division of the state lottery commission.

~~(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.~~

~~(8) (7) The state lottery commission, including any department, division, or office of the commission.~~

~~(9) (8) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.~~

~~(10) (9) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the~~

commission.

"Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, used, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

"Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

"Trade secret" has the meaning set forth in IC 24-2-3-2.

"Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation and includes the attorney's:

- (1) notes and statements taken during interviews of prospective witnesses; and
- (2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 7. IC 6-1.1-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. Except as otherwise provided by law, the property owned by this state or a state agency or the bureau of motor vehicles commission is exempt from property taxation.

SECTION 8. IC 6-1.1-11-4, AS AMENDED BY P.L.14-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. (a) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the United States, the state, an agency of this state, or a political subdivision (as defined in IC 36-1-2-13). However, this subsection applies only when the property is used, and in the case of real property occupied, by the owner.

(b) The exemption application referred to in section 3 of this chapter is not required if the exempt property is a cemetery:

- (1) described by IC 6-1.1-2-7; or
- (2) maintained by a township executive under IC 23-14-68.

(c) The exemption application referred to in section 3 of this chapter is not required if the exempt property is owned by the bureau of motor vehicles commission established under IC 9-15-1.

(d) (c) The exemption application referred to in section 3 of this chapter is not required if:

- (1) the exempt property is:
 - (A) tangible property used for religious purposes described in IC 6-1.1-10-21; or
 - (B) tangible property owned by a church or religious society used for educational purposes described in IC 6-1.1-10-16; and
- (2) the exemption application referred to in section 3 of this chapter was filed properly at least once after the property was designated for a religious use as described in IC 6-1.1-10-21 or an educational use as described in IC 6-1.1-10-16.

However, if title to any of the real property subject to the exemption changes or any of the tangible property subject to the exemption is used for a nonexempt purpose after the date of the last properly filed exemption application, this subsection does not apply.

SECTION 9. IC 6-6-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 7. (a) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles, the tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration and the amount of tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month that has elapsed since the regular annual registration date in the year

fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the vehicle.

(b) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(c) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(d) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter, shall receive a credit equal to the remainder of:

- (1) the tax paid for the vehicle; reduced by
- (2) ten percent (10%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. ~~The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund.~~ To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(e) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to ten percent (10%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(f) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

- (1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:
 - (A) ten percent (10%) of the owner's last preceding annual excise tax liability; and
 - (B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based

on the owner's former name.

(2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

(A) ten percent (10%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(g) In order to claim a credit under subsection (e) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive."

Page 1, between lines 9 and 10, begin a new paragraph and insert: "SECTION 11. IC 9-13-2-154 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 154. "Restricted license" means any current driving license, on which the ~~commissioner~~ **bureau** has designated restrictions.

SECTION 12. IC 9-14-1-4, AS AMENDED BY P.L.181-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. (a) The commissioner shall appoint and fix, subject to the approval of the governor, the salaries of the deputies, subordinate officers, clerks, **license branch managers, license branch employees**, and other employees necessary to carry out this title, IC 6-6-5, IC 6-6-5.5, and IC 6-6-11.

(b) Subject to the approval of the governor, the commissioner shall manage license branches and all equipment and funds necessary to carry out this title.

SECTION 13. IC 9-14-2-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 0.5. The bureau shall do the following:**

- (1) Develop and continuously update the bureau's policies.**
- (2) Recommend to the governor legislation that is needed to implement the bureau's policies.**
- (3) Review, revise, adopt, and submit to the budget agency budget proposals for the bureau and the license branches operated under IC 9-16.**
- (4) Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-16. However, there must be at least one (1) full service license branch in each county.**
- (5) Establish and adopt minimum standards for the operation and maintenance of each full service license branch operated under IC 9-16.**
- (6) Administer the state license branch fund established under IC 9-29-14.**

SECTION 14. IC 9-14-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. The commissioner shall do the following:

- (1) Administer and enforce this title and other statutes concerning the bureau.
- ~~(2) Administer and enforce the policies and procedures of the commission.~~
- ~~(3) (2) Organize the bureau in the manner necessary to carry out the duties of the bureau.~~
- ~~(4) Submit to the commission, before September 1 of each year, budget proposals for the bureau, including license branches staffed by employees of the commission under IC 9-16.~~
- ~~(5) Perform other duties assigned by the commission.~~
- (3) Administer the state license branch fund established by IC 9-29-14-1 and all license branches in Indiana under this article.**
- (4) Administer the collection and deposit of service charges by license branches prescribed by IC 9-29-3.**

(5) Contract with a qualified person for the operation of a full service license branch when it appears to be in the best interests of the state.

SECTION 15. IC 9-14-2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 3.5. The bureau may contract for the operation of full service license branches under IC 9-16-1-4 and partial services under IC 9-16-1-4.5.**

SECTION 16. IC 9-14-3-5, AS AMENDED BY P.L.225-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 5. (a) Except as provided in subsection (b), (c), or (d), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be submitted in writing to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau may not disclose the:

- (1) Social Security number;
- (2) federal identification number;
- (3) driver's license number; or
- (4) digital image of the driver's license applicant;

of any person except to a law enforcement officer or an agent or a designee of the department of state revenue.

(c) As provided under 42 U.S.C. 1973gg-3(b), the ~~commissioner~~ **bureau** may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(d) The ~~commissioner~~ **bureau** may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (c)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 17. IC 9-14-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 6. (a) Upon the submission to the bureau of a specific written request from an individual or organization for a compilation of specific information requested for the purposes described in subsection (c), the bureau may contract with the individual or organization to compile the requested information from the records of the bureau.

(b) The bureau may charge an amount agreeable to the parties, as described in IC 9-29-2-3.

(c) An individual or organization making a request under this section must certify one (1) of the following:

- (1) That the information is required for the purposes of notifying vehicle owners of vehicle defects and recall for modifications, and that the individual or organization will use the information provided only for that purpose.
- (2) That the information will be used only for research or statistical reporting purposes and that individual identities will be properly protected in the preparation of the research or reports and not ascertainable from the published reports or research results.
- (3) That the information will be used for the purpose of documenting the sale of motor vehicles in Indiana.
- (4) That the information will be used for purposes of the federal Selective Service System.
- (5) That the information will be used solely for law enforcement purposes by police officers.

(d) The ~~commissioner~~ **bureau** may not compile or release information concerning voter registration under this section.

(e) The bureau shall provide the requested information under this section in a format that is agreeable to the parties, including the following formats:

- (1) Printed records.
- (2) Microfiche.
- (3) Computer disk.

SECTION 18. IC 9-14-3.5-7, AS AMENDED BY P.L.39-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 7. (a) Except as provided in sections 8, 10, and 11 of this chapter:

- (1) an officer or employee of the bureau;

~~(2) an officer or employee of the bureau of motor vehicles commission; or~~

~~(3) (2) a contractor of the bureau or the bureau of motor vehicles commission (or an officer or employee of the contractor);~~

may not knowingly disclose personal information about a person obtained by the bureau in connection with a motor vehicle record.

(b) A person's Social Security number shall not be in any way disclosed on a motor vehicle registration.

SECTION 19. IC 9-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. As used in this chapter, "qualified person" means any of the following:

(1) A motor club that is any of the following:

(A) A domestic corporation.

(B) A foreign corporation qualified to transact business in Indiana under IC 23-1 or IC 23-17.

(2) A financial institution (as defined in IC 28-1-1-3).

(3) A new motor vehicle dealer licensed under IC 9-23-2.

(4) Other persons, including persons licensed under IC 9-23-2 that are not covered by subdivision (3), that the ~~commission bureau~~ determines can meet the standards adopted by the ~~commission under IC 9-15-2-1(7) and the requirements for partial service contractors under section 4.5 of this chapter.~~ **perform the duties set forth in IC 9-14.**

SECTION 20. IC 9-16-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. The ~~commission commissioner~~ shall operate or be responsible for the administration of all license branches in Indiana under this article.

SECTION 21. IC 9-16-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.5. A license branch that is in existence on January 1, 2001, may not be closed before January 1, 2006, although the location may be moved to another location within the same county.**

SECTION 22. IC 9-16-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 3. (a) License branches have all the powers and duties assigned to license branches by statute and by the commissioner.

(b) The commissioner shall assign to license branches those functions that:

(1) the ~~commission or the~~ bureau is legally required or authorized to perform; and

(2) cannot be adequately performed by the ~~commission or the~~ bureau without assistance from the license branches.

SECTION 23. IC 9-16-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. (a) The ~~commission bureau~~ may contract with a qualified person for:

(1) the operation of a full service license branch under this section; or

(2) providing partial services **through electronic means** under section 4.5 of this chapter.

(b) A contract for the operation of a full service license branch must include the following provisions:

(1) The contractor shall provide a full service license branch, including the following services:

(A) Vehicle titles.

(B) Vehicle registration.

(C) Driver's licenses.

(D) Voter registration as provided in IC 3-7.

(2) The contractor shall provide trained personnel to properly process branch transactions.

(3) The contractor shall do the following:

(A) Collect and transmit all bureau fees and taxes collected at the license branch.

(B) Deposit the taxes collected at the license branch with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

(4) The contractor shall generate a transaction volume sufficient to justify the installation of bureau support systems.

(5) The contractor shall provide fidelity bond coverage in an amount prescribed by the ~~commission bureau~~.

(6) The contractor may operate the license branch within a

facility used for other purposes.

(7) The contractor shall pay the cost of any post audits conducted by the ~~commission bureau~~ or the state board of accounts on an actual cost basis.

~~(8) The commission shall provide support systems and driver's license examiners on the same basis as state operated branches.~~

~~(9) The commission shall provide the same equipment to contractors as is provided to state operated branches.~~

~~(10) (8) The commission bureau~~ must approve each location and physical facility based upon criteria developed by the ~~commission bureau~~.

~~(11) (9) The term of the contract must be for a fixed period.~~

~~(12) (10) The contractor shall agree to provide voter registration services and to perform the same duties imposed on the commission bureau under IC 3-7.~~

SECTION 24. IC 9-16-1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4.5. (a) The ~~commission bureau~~ may contract with a qualified person to provide partial services at a ~~qualified person's walk-up location; including locations within a facility used for other purposes; such as electronic titling and title application services and self-serve terminal access; through electronic means.~~

(b) A contract for providing ~~motor vehicle registration and renewal services at a walk-up location~~ **partial services through electronic means** must include the following provisions:

~~(1) The contractor must provide trained personnel to properly process motor vehicle registration and renewal transactions.~~

~~(2) (1) The contractor shall do the following:~~

(A) Collect and transmit all bureau fees and taxes collected at the contract location.

(B) Deposit the taxes collected at the contract location with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

~~(3) (2) The contractor shall provide fidelity bond coverage in an amount prescribed by the commission bureau.~~

~~(4) (3) The contractor shall pay the cost of any post audits conducted by the commission bureau or the state board of accounts on an actual cost basis.~~

~~(5) (4) The commission bureau~~ must approve each location and physical facility used by a contractor.

~~(6) (5) The term of the contract must be for a fixed period.~~

SECTION 25. IC 9-16-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. The ~~commission bureau~~ shall offer voter registration services under this chapter, in addition to providing a voter registration application as a part of an application for a motor vehicle driver's license, permit, or identification card under IC 9-24-2.5 and 42 U.S.C. 1973gg-3.

SECTION 26. IC 9-16-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. The registration forms provided under section 3 of this chapter must be:

(1) prescribed by the Indiana election commission to permit the NVRA official to fulfill the NVRA official's reporting duties under 42 U.S.C. 1973gg-7(a)(3) and IC 3-7-11-2; and

(2) placed in an easily accessible location within the branch, so that members of the public may obtain the forms without further assistance from **employees of the commission bureau**.

SECTION 27. IC 9-18-2-1, AS AMENDED BY P.L.181-1999, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. (a) Within sixty (60) days of becoming an Indiana resident, a person must register all motor vehicles owned by the person that:

(1) are subject to the motor vehicle excise tax under IC 6-6-5; and

(2) will be operated in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person must register all commercial vehicles owned by the person that:

(1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;

(2) are not subject to proportional registration under the International Registration Plan; and

(3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

(d) Except as provided in subsection (e), an Indiana resident must register all motor vehicles operated in Indiana.

(e) An Indiana resident who has a legal residence in a state that is not contiguous to Indiana may operate a motor vehicle in Indiana for not more than sixty (60) days without registering the motor vehicle in Indiana.

(f) An Indiana resident who has registered a motor vehicle in Indiana in any previous registration year is not required to register the motor vehicle, is not required to pay motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the motor vehicle, and is exempt from property tax on the motor vehicle for any registration year in which:

(1) the Indiana resident is:

(A) an active member of the armed forces of the United States; and

(B) assigned to a duty station outside Indiana; and

(2) the motor vehicle is not operated inside or outside Indiana.

This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

(g) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection (f), the Indiana resident may submit an affidavit that:

(1) states facts demonstrating that the motor vehicle is a motor vehicle described in subsection (e); and

(2) is signed by the owner of the motor vehicle under penalties of perjury;

as sufficient proof that the owner of the motor vehicle is not required to register the motor vehicle during a registration year described in subsection (f). The ~~commission~~ or bureau may not require the Indiana resident to pay any civil penalty or any reinstatement or other fee that is not also charged to other motor vehicles being registered in the same registration year."

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

"SECTION 29. IC 9-18-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 13. Except as provided in sections 14 and 15 of this chapter, a person who:

(1) has leased; or

(2) is the owner of;

a vehicle that is required to be registered under this chapter ~~shall at a license branch in the county in which the person is a resident, apply for and obtain the registration of the vehicle; if the application is made in person over the counter at a full service branch. Otherwise, the person may apply for and obtain the registration in any county. After June 30, 1997, the bureau may establish a pilot project that permits cross county registration renewal in person over the counter at a full service branch if a metal plate is not required.~~

SECTION 30. IC 9-18-2-15, AS AMENDED BY P.L.181-1999, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 15. (a) Except as provided in subsection (b), a person who:

(1) owns a vehicle that is subject to the motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5;

(2) is leasing the vehicle to another person; ~~who resides in a different county;~~ and

(3) has agreed to register the vehicle as a condition of the lease; ~~shall register the vehicle in the county of residence of the person who is leasing the vehicle; if the application is made in person over the counter at a full service branch. Otherwise, the person may apply for and obtain the registration in any county.~~

(b) If a vehicle is being registered subject to the International Registration Plan, the vehicle shall be registered at the department of state revenue under rules adopted under IC 4-22-2.

(c) A vehicle that is being leased and is not subject to the motor vehicle excise tax under IC 6-6-5 may be registered in ~~the any county.~~ ~~of residence of the person who:~~

(~~±~~) owns;

(~~2~~) is the lessor of; or

(~~3~~) is the lessee of;

the vehicle:

SECTION 31. IC 9-18-2-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 25. (a) If the bureau is not able to comply with the provisions of this title relating to the furnishing of license plates ~~or chauffeur's badges~~ because of a:

(1) ~~metal materials~~ shortage; or

(2) regulation of a board or an agency of the United States government;

the bureau may adopt rules under IC 4-22-2 to provide the type and number of license plates ~~and chauffeur's badges~~ that will be furnished and displayed and the manner in which the plates ~~and badges~~ must be displayed.

(b) Compliance with a rule adopted under this section satisfies the provisions of this chapter relating to the display of license plates. ~~or chauffeur's badges.~~

SECTION 32. IC 9-18-26-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 15. In addition to the civil penalty imposed under section 14 of this chapter, the bureau may restrict, suspend, or revoke a dealer ~~metal permanent~~ or interim license plate that was issued to the violator.

SECTION 33. IC 9-18-27-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 11. In addition to the civil penalty imposed under section 10 of this chapter, the bureau may revoke a dealer ~~metal permanent~~ or interim license plate that was issued to the violator.

SECTION 34. IC 9-18-29-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. (a) The fee for an environmental license plate is as follows:

(1) The appropriate fee under IC 9-29-5-38.

(2) An annual fee of twenty-five dollars (\$25).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau. ~~of motor vehicles commission.~~

SECTION 35. IC 9-18-30-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. (a) The fee for a children's trust license plate is as follows:

(1) The appropriate fee under IC 9-29-5-38.

(2) An annual fee of twenty-five dollars (\$25).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau. ~~of motor vehicles commission.~~

SECTION 36. IC 9-23-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 11. A person who ceases a business activity for which a license was issued under this chapter shall do the following:

(1) Notify the bureau of the date that the business activity will cease.

(2) Deliver all ~~metal permanent~~ dealer license plates and interim license plates issued to the person to the bureau within ten (10) days of the date the business activity will cease.

SECTION 37. IC 9-23-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 5. In addition to the penalty imposed under section 4 of this chapter, the bureau may revoke a dealer ~~metal permanent~~ or interim license plate that was issued to the violator.

SECTION 38. IC 9-24-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. This chapter prescribes the procedures to be followed by the ~~commission bureau~~ in processing voter registration applications under 42 U.S.C. 1973gg-3 and IC 3-7-14.

SECTION 39. IC 9-24-2.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. The manager of each license branch may designate an employee of the license branch as the individual responsible for performing the voter registration duties of the ~~commission bureau~~ under this chapter at that license branch. The employee designated under this section shall supervise the registration of voters by other employees of the license branch and shall perform any other registration duty required to be performed by the license branch under this chapter. Notwithstanding this designation, any employee of the license branch may perform registration duties in accordance with this chapter.

SECTION 40. IC 9-24-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 3. If the manager does not designate an employee under section 2 of this chapter, the manager is the individual responsible for performing the voter registration duties of the **commission bureau** under this chapter at that license branch. The manager shall supervise the registration of voters by other employees of the license branch and shall perform any other registration duty required to be performed by the license branch under this chapter. Notwithstanding the designation of the manager under this section, any employee of the license branch may perform registration duties in accordance with this chapter.

SECTION 41. IC 9-24-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 8. (a) The co-directors of the election division shall provide the **commission bureau** with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of registration in each county. The **commission bureau** shall promptly forward the list and each revision of the list to each license branch.

(b) The co-directors of the election division shall provide the **commission bureau** with pre-addressed packets for the **commission bureau** to transmit applications under section 6(1) or 6(2) of this chapter.

SECTION 42. IC 9-24-2.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 10. The co-directors of the election division shall notify the **commission bureau** of the following:

- (1) The scheduled date of each primary, general, municipal, and special election.
- (2) The jurisdiction in which the election will be held.
- (3) The date when registration ceases under IC 3-7-13-10 before each primary, general, municipal, and special election.

SECTION 43. IC 9-24-2.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 11. The **commission bureau** shall provide the co-directors of the election division with a list stating the following:

- (1) The address and telephone number of each license branch.
- (2) The name of the manager of the license branch and any employee designated by the manager to be responsible for performing voter registration duties under this chapter.

SECTION 44. IC 9-24-9-2, AS AMENDED BY P.L.39-2000, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. Each application for a license or permit under this chapter must require the following information:

- (1) The name, ~~age~~, **date of birth**, sex, and mailing address and, if different from the mailing address, the residence address of the applicant. The applicant shall indicate to the bureau which address the license or permit shall contain.
- (2) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.
- (3) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.
- (4) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.
- (5) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.

The bureau shall maintain records of the information provided under subdivisions (1) through (5).

SECTION 45. IC 9-24-11-5, AS AMENDED BY P.L.39-2000, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 5. (a) A permit or license issued under this chapter must bear the distinguishing number assigned to the permittee or licensee and must contain:

- (1) the name;
- (2) the ~~age~~, **date of birth**;
- (3) the mailing address or residence address;
- (4) a brief description; and

(5) except as provided in subsection (c), **for the purpose of identification**, a:

- (A) photograph; or
- (B) **computerized image**;

of the permittee or licensee, ~~for the purpose of identification~~; and additional information that the bureau considers necessary, including a space for the signature of the permittee or licensee.

(b) In carrying out this section, the bureau shall obtain the equipment necessary to provide the photographs **and computerized images** for permits and licenses as provided in subsection (a).

(c) The following permits or licenses do not require a photograph **or computerized image**:

- (1) ~~Learner's permit issued under IC 9-24-7.~~
- (2) (1) Temporary motorcycle learner's permit issued under IC 9-24-8.
- (3) (2) Motorcycle learner's permit issued under IC 9-24-8.
- (4) (3) Operator's license reissued under IC 9-24-12-6.

(d) The bureau may provide for the omission of a photograph **or computerized image** from any other license or permit if there is good cause for the omission.

SECTION 46. IC 9-24-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. The application for renewal of:

- (1) an operator's;
- (2) a motorcycle operator's;
- (3) a chauffeur's; ~~and~~
- (4) a public passenger chauffeur's license; **or**
- (5) **an identification card**;

under this article may be filed not more than six (6) months before the expiration date of the license **or identification card** held by the applicant.

SECTION 47. IC 9-24-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 5. (a) An individual who applies for renewal of an operator's, **motorcycle operator's, chauffeur's, or public passenger chauffeur's license in person at a license branch** must do the following:

- (1) Pass an eyesight examination.
- (2) Pass a written examination if:
 - (A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or
 - (B) the applicant holds a valid operator's license but has not reached the applicant's twenty-first birthday.

(b) **An individual may apply for renewal of an operator's, motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license by mail or by electronic service if the following conditions are met:**

- (1) **A valid computerized image of the individual exists within the records of the bureau.**
- (2) **The previous renewal of the operator's, motorcycle operator's, chauffeur's, or public passenger chauffeur's license was not made by mail or by electronic service.**
- (3) **The previous renewal included a test approved by the bureau of the applicant's eyesight.**
- (4) **The applicant, if applying for the renewal in person at a license branch, would not be required under subsection (a)(2) to submit to a written examination.**

(c) **An individual applying for the renewal of an operator's, motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service under subsection (b).**

SECTION 48. IC 9-24-16-3, AS AMENDED BY P.L.39-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) The front side of an identification card must contain the following information about the individual to whom the card is being issued:

- (1) Full legal name.

- (2) Mailing address and, if different from the mailing address, the residence address.
- (3) Birth Date of birth.
- (4) Date of issue and date of expiration.
- (5) Distinctive identification number or Social Security account number, whichever is requested by the individual.
- (6) Sex.
- (7) Weight.
- (8) Height.
- (9) Color of eyes and hair.
- (10) Signature of the individual identified.
- (11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).
- (12) **Photograph or computerized image.**

SECTION 49. IC 9-24-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 5. (a) An application for renewal of an identification card ~~must~~ **may** be made **not more than six (6) months** before the expiration date of the card. A renewal application received after the date of expiration is considered to be a new application.

(b) A renewed card becomes valid on the birth date of the holder and remains valid for four (4) years.

(c) If renewal has not been made within six (6) months after expiration, the bureau shall destroy all records pertaining to the former cardholder.

(d) Renewal may not be granted if the cardholder was issued a driver's license subsequent to the last issuance of an identification card.

(e) An individual may apply for renewal of an identification card by mail or by electronic service if the following conditions are met:

- (1) A valid computerized image of the individual exists within the records of the bureau.**
- (2) The previous renewal of the identification card was not made by mail or by electronic service.**

SECTION 50. IC 9-29-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road, and street fund established under IC 8-14-2-2.1.

~~(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c); after June 30, 1997, with the approval of the bureau of motor vehicles commission the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute; the fees under the following:~~

- ~~IC 9-29-4-3~~
- ~~IC 9-29-5~~
- ~~IC 9-29-9-1~~
- ~~IC 9-29-9-2~~
- ~~IC 9-29-9-3~~
- ~~IC 9-29-9-4~~
- ~~IC 9-29-9-5~~
- ~~IC 9-29-9-6~~
- ~~IC 9-29-9-7~~
- ~~IC 9-29-9-8~~
- ~~IC 9-29-9-9~~
- ~~IC 9-29-9-10~~
- ~~IC 9-29-9-11~~
- ~~IC 9-29-9-13~~
- ~~IC 9-29-9-14~~
- ~~IC 9-29-15-1~~
- ~~IC 9-29-15-2~~
- ~~IC 9-29-15-3~~
- ~~IC 9-29-15-4~~

The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under ~~IC 8-14-10-9~~.

~~(c) (b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established by IC 8-14-10-9, and subject to subsection (c), the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:~~

- ~~IC 9-29-4-3~~
- ~~IC 9-29-5~~
- ~~IC 9-29-9-1~~
- ~~IC 9-29-9-2~~
- ~~IC 9-29-9-3~~
- ~~IC 9-29-9-4~~
- ~~IC 9-29-9-5~~
- ~~IC 9-29-9-6~~
- ~~IC 9-29-9-7~~
- ~~IC 9-29-9-8~~
- ~~IC 9-29-9-9~~
- ~~IC 9-29-9-10~~
- ~~IC 9-29-9-11~~
- ~~IC 9-29-9-13~~
- ~~IC 9-29-9-14~~
- ~~IC 9-29-15-1~~
- ~~IC 9-29-15-2~~
- ~~IC 9-29-15-3~~
- ~~IC 9-29-15-4~~

The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established by IC 8-14-10-9.

(c) The bureau's authority to adopt rules under subsection (b) is subject to the condition that a fee increase must be uniform through out all license branches and at all partial service locations in Indiana.

SECTION 51. IC 9-29-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. (a) The service charge for each of the first twelve thousand (12,000) vehicle registrations at a license branch each year is ~~one dollar two dollars and twenty-five cents (\$1.25); (\$2.25).~~

(b) The service charge for each of the next thirty-eight thousand (38,000) vehicle registrations at that license branch each year is ~~one dollar (\$1); two dollars (\$2).~~

(c) The service charge for each additional vehicle registration at that license branch each year is ~~one dollar and seventy-five cents (\$0.75); (\$1.75).~~

(d) One dollar (\$1) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

SECTION 52. IC 9-29-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 6. (a) The service charge for each delinquent title is ~~two three dollars (\$2); (\$3).~~

(b) One dollar (\$1) of each service charge collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

SECTION 53. IC 9-29-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 7. (a) The service charge for each transfer of title is ~~one dollar (\$1); two dollars (\$2).~~

(b) One dollar (\$1) of each service charge collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

SECTION 54. IC 9-29-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 8. (a) The service charge for each of the first two thousand (2,000) operator's licenses, including motorcycle operator's licenses, issued at a license branch each year is ~~one dollar two dollars and fifty cents (\$1.50); (\$2.50).~~

(b) The service charge for each additional operator's license or motorcycle operator's license issued at that license branch each year is ~~one dollar (\$1); two dollars (\$2).~~

(c) One dollar (\$1) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

SECTION 55. IC 9-29-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 9. (a) The service charge for each learner's permit, chauffeur's license, or public passenger chauffeur's license is ~~one dollar two dollars and fifty cents (\$1.50); (\$2.50).~~

(b) **One dollar (\$1) of each service charge collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.**

SECTION 56. IC 9-29-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 10. (a) The service charge for each temporary motorcycle learner's permit, motorcycle learner's permit, or motorcycle endorsement of an operator's license is ~~one dollar (\$1); two dollars (\$2).~~

(b) **One dollar (\$1) of each service charge collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.**

SECTION 57. IC 9-29-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 11. (a) The service charge for each motorcycle operator endorsement of a chauffeur's license or a public passenger chauffeur's license is **one dollar and fifty cents (\$0.50); (\$1.50).**

(b) **One dollar (\$1) of each service charge collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.**

SECTION 58. IC 9-29-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 12. (a) The service charge for each replacement license or permit is ~~one dollar (\$1); two dollars (\$2).~~

(b) **One dollar (\$1) of each service charge collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.**

SECTION 59. IC 9-29-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 13. The service charge for each license that is required to bear a photograph **or computerized image** is fifty cents (\$0.50).

SECTION 60. IC 9-29-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 14. (a) The service charge for an identification card issued under IC 9-24 is **one dollar (\$1) and one-half (1/2) of each fee collected as set forth in IC 9-29-9-15.**

(b) **One dollar (\$1) of each service charge collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.**

SECTION 61. IC 9-29-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 18. (a) The service charge for each duplicate registration card issued under IC 9-18 is ~~one dollar (\$1); two dollars (\$2).~~

(b) **One dollar (\$1) of each service charge collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.**

SECTION 62. IC 9-29-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 19. (a) Subject to subsection (b), ~~and with the approval of the commission,~~ the bureau may adopt rules under IC 4-22-2 to do the following:

- (1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.
- (2) Impose a service charge on any other license branch service that is not listed in sections 1 through 18 of this chapter.
- (3) Increase or decrease a service charge imposed under subdivision (2).

(b) The bureau's authority to adopt rules under subsection (a) is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

SECTION 63. IC 9-29-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 21. (a) The service charges listed in sections 1 through 15 of this chapter shall be withheld from the statutory fees for the services provided and may not be added to those fees.

(b) The service charges listed in sections 16, 17, and 18 of this chapter are in addition to the statutory fees for the services provided and may not be withheld from those fees.

(c) **The service charges collected as set forth in sections 4(d), 6(b), 7(b), 8(c), 9(b), 10(b), 11(b), 12(b), 14(b), and 18(b) of this chapter, IC 9-29-15-1(c), and IC 9-29-15-4(c) are in addition to the statutory fees for the services collected and may not be withheld from those fees.**

SECTION 64. IC 9-29-14-1 IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2002]: Sec. 1. The state license branch fund is established for the purpose of paying the expenses incurred in administering ~~IC 9-16; IC 9-14.~~ The fund shall be administered by the ~~commission;~~ **bureau.**

SECTION 65. IC 9-29-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. There is annually appropriated to the ~~commission bureau~~ the money in the fund for its use in carrying out the purposes of ~~IC 9-16 IC 9-14~~ subject to the approval of the budget agency.

SECTION 66. IC 9-29-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. (a) The fee for a certificate of title or a duplicate certificate of title under IC 9-31-2 is ~~nine ten dollars (\$9); (\$10).~~

(b) The fee is distributed as follows:

- (1) Seven dollars (\$7) to the department of natural resources.
- (2) ~~Two Three dollars (\$2) (\$3)~~ to the bureau.

(c) **One dollar (\$1) of each fee distributed under subsection (1)(2) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.**

SECTION 67. IC 9-29-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 4. (a) The ~~fee fees~~ to register a motorboat under IC 9-31-3 ~~is are~~ as follows:

- (1) ~~Twelve Thirteen~~ dollars (~~\$12~~) (**\$13**) for a Class 1 motorboat.
- (2) ~~Fourteen Fifteen~~ dollars (~~\$14~~) (**\$15**) for a Class 2, Class 3, or Class 4 motorboat.
- (3) ~~Seventeen Eighteen~~ dollars (~~\$17~~) (**\$18**) for a Class 5 motorboat.
- (4) ~~Twenty-two Twenty-three~~ dollars (~~\$22~~) (**\$23**) for a Class 6 or Class 7 motorboat.

(b) The department of natural resources receives:

- (1) **twelve dollars (\$12) for a Class 1 motorboat;**
- (2) **fourteen dollars (\$14) for a Class 2, Class 3, or Class 4 motorboat;**
- (3) **seventeen dollars (\$17) for a Class 5 motorboat; and**
- (4) **twenty-two dollars (\$22) for a Class 6 or Class 7 motorboat;**

of the fee collected under subsection (a).

(c) **One dollar (\$1) of each fee collected under subsection (a) shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.**

SECTION 68. IC 9-29-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]:

Chapter 16. State Motor Vehicle Technology Fund

Sec. 1. The state motor vehicle technology fund is established for the purpose of paying for new technology as it becomes available to carry out the functions of IC 9-14-2. The fund shall be administered by the bureau. This fund is in addition to normal budgetary appropriations.

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

Sec. 3. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 4. There is annually appropriated to the bureau the money in the fund to procure as the need arises:

- (1) **computer equipment and software;**
- (2) **telephone equipment and software;**
- (3) **electronic queue systems;**
- (4) **other related devices; or**
- (5) **technology services;**

subject to the approval of the budget agency.

Sec. 5. The fund consists of the following:

- (1) **One dollar (\$1) of each service charge or fee collected by license branches under the following:**
 - (A) **IC 9-29-3-4.**
 - (B) **IC 9-29-3-6.**
 - (C) **IC 9-29-3-7.**
 - (D) **IC 9-29-3-8.**
 - (E) **IC 9-29-3-9.**
 - (F) **IC 9-29-3-10.**
 - (G) **IC 9-29-3-11.**

(H) IC 9-29-3-12.

(I) IC 9-29-3-14.

(J) IC 9-29-3-18.

(K) IC 9-29-15-1.

(L) IC 9-29-15-4.

(2) Money received from any other source, including appropriations.

SECTION 69. IC 34-13-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 2. This chapter ~~applies~~ **does not apply** to a claim or suit in tort against ~~any of the following~~:

(1) ~~A member of the bureau of motor vehicles commission established under IC 9-15-1-1.~~

(2) ~~An employee of the bureau of motor vehicles commission who is employed at a license branch under IC 9-16, except for an employee employed:~~

(1) at a license branch operated **under a contract with the bureau under IC 9-16; or**

(2) **by an employer offering partial services through electronic means** under a contract with the ~~commission~~ **bureau** under IC 9-16.

SECTION 70. IC 36-1-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 11. (a) This section does not apply to a county treasurer governed by IC 36-2-10-23.

(b) As used in this section, "credit card" means a:

- (1) credit card;
- (2) debit card;
- (3) charge card; or
- (4) stored value card.

(c) A payment to a political subdivision or a municipally owned utility for any purpose may be made by any of the following financial instruments that the fiscal body of the political subdivision or the board of the municipally owned utility authorizes for use:

- (1) Cash.
- (2) Check.
- (3) Bank draft.
- (4) Money order.
- (5) Bank card or credit card.
- (6) Electronic funds transfer.
- (7) Any other financial instrument authorized by the fiscal body.

(d) If there is a charge to the political subdivision or municipally owned utility for the use of a financial instrument other than a bank card or credit card, the political subdivision or municipally owned utility shall collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(e) If authorized by the fiscal body of the political subdivision or the board of the municipally owned utility, the political subdivision or municipally owned utility may accept payments under this section with a bank card or credit card under the procedures set forth in this section. However, the procedure authorized for a particular type of payment must be uniformly applied to all payments of the same type.

(f) The political subdivision or municipally owned utility may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards.

(g) The political subdivision or municipally owned utility may pay any applicable bank card or credit card service charge associated with the use of a bank card or credit card under this subsection.

(h) The authorization of the fiscal body of the political subdivision is not required by the bureau of motor vehicles ~~or the bureau of motor vehicles commission~~ to use electronic funds transfer or other financial instruments to transfer funds to the political subdivision.

SECTION 71. IC 36-2-10-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 23. (a) Notwithstanding any other law, payments to the treasurer for any purpose, including property tax payments, may be made by any of the following financial instruments that the treasurer authorizes for use:

- (1) Cash.
- (2) Check.
- (3) Bank draft.
- (4) Money order.
- (5) Bank card or credit card.
- (6) Electronic funds transfer.

(7) Any other financial instrument authorized by the treasurer.

(b) If there is a charge to the treasurer for the use of a financial instrument other than a bank card or credit card, the treasurer shall collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(c) A treasurer may contract with a bank card or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the treasurer or charged directly to the treasurer's account, the treasurer shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the treasurer by bank or credit card vendors during the most recent collection period. This fee may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

(d) Notwithstanding subsection (a), the authorization of the treasurer is not required for the bureau of motor vehicles ~~or the bureau of motor vehicles commission~~ to use electronic funds transfer or other financial instruments to transfer funds to the county treasurer.

SECTION 72. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2002]: IC 9-13-2-32; IC 9-13-2-138; IC 9-14-1-6; IC 9-14-2-7; IC 9-14-3-11; IC 9-15; IC 9-16-2-1; IC 9-16-2-2; IC 9-16-2-3; IC 9-16-2-4; IC 9-16-2-5; IC 9-16-3-1; IC 9-16-3-2; IC 9-16-3-3; IC 9-16-3-4; IC 9-16-4-1; IC 9-16-4-2; IC 9-24-12-9.

SECTION 73. [EFFECTIVE JANUARY 1, 2002] **The rules adopted by the bureau of motor vehicles commission before January 1, 2002, concerning the administration of the personnel policies and practices of the license branches operating under the bureau of motor vehicles commission are considered, after December 31, 2001, rules of the bureau of motor vehicles.**

SECTION 74. [EFFECTIVE JANUARY 1, 2002] **On January 1, 2002, the bureau of motor vehicles:**

(1) **becomes the owner of all real and personal property and other assets; and**
 (2) **is responsible for all liabilities and obligations; of the bureau of motor vehicles commission abolished by this act.**

SECTION 75. [EFFECTIVE JANUARY 1, 2002] **Any fund under the control or supervision of the bureau of motor vehicles commission on December 31, 2001, shall be transferred to the control or supervision of the bureau of motor vehicles on January 1, 2002."**

Remember all SECTIONS consecutively.

(Reference is to HB 1170 as introduced.)
 and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1181, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "As used in this section, "order" refers to an".

Page 1, delete lines 4 through 5.

Page 1, line 6, delete "(b)".

Page 1, run in lines 3 and 6.

Page 1, line 8, delete "(c)" and insert "(b)".

Page 1, line 11, delete "or".

Page 1, line 12, delete "part of an order;" and insert **"determination, requirement, direction or order of the commission made pursuant to this title; or**

(3) failed to comply with an administrative rule promulgated by the commission pursuant to this title;".

Page 1, line 14, delete "(d)" and insert "(c)".

Page 2, line 6, delete "fifteen" and insert "three".

Page 2, line 7, delete "(15%)" and insert "(3%)".

Page 2, between lines 25 and 26, begin a new paragraph and insert: **"(f) This section shall not apply when the violation or failure of the**

utility was caused by any of the following:

- (1) Customer provided equipment.
- (2) The negligent act of a customer.
- (3) An emergency situation.
- (4) An unavoidable casualty.
- (5) An act of God."

Page 2, line 26, delete "(f)" and insert "(g)".

Page 2, line 26, delete "may" and insert "shall".

Page 2, line 30, delete "may" and insert "shall".

Page 2, line 32, delete "(g)" and insert "(h)".

Page 2, delete lines 40 through 42 and insert the following:

"(i) **The secretary of the commission shall direct any civil penalties collected under this section as follows:**

(1) **Penalties assessed for violations that directly affect ratepayers shall be refunded directly to the customers of the subject utility in the form of credits on customer bills.**

(2) **Penalties assessed for violations that directly harm another utility shall be awarded directly to the other utility.**

(3) **Penalties assessed for violations that do not directly affect ratepayers or harm another utility shall be deposited into the commission public utility fund account established under IC 8-1-6.**

(j) **The commission shall use penalties deposited into the utility fund account for:**

(1) **consumer education;**

(2) **promotion of utility competition; or**

(3) **any other purpose deemed by the commission to further the public interest.**

(k) **The commission shall provide to the regulatory flexibility committee a report detailing how penalties deposited into the public utility fund account were distributed.**

(l) **Penalties deposited into the public utility fund account shall not be included in:**

(1) **the calculation of the difference between actual expenditures and appropriations described in IC 8-1-6-1(b); or**

(2) **any public utility fee credit."**

Page 3, line 1, delete "(i)" and insert "(m)".

Page 3, line 8, delete "commission or a division of the".

Page 3, line 14, delete "the commission or division of".

Page 3, run in lines 14 and 15.

Page 3, line 18, delete "or a division of the commission".

Page 4, delete lines 3 through 4.

(Reference is to HB 1181 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 5.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1278, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "certified licensed" and insert "certified".

Page 2, line 3, strike "three (3) years" and insert "**one (1) year**".

Page 2, delete lines 18 through 42.

Page 3, delete lines 1 through 4.

Page 3, line 17, reset in roman "three".

Page 3, line 17, delete "five".

Page 3, line 17, reset in roman "fifty (350)".

Page 3, line 17, delete "(500) classroom".

Page 3, line 25, delete ".".

Page 3, line 25, reset in roman "including the following:".

Page 3, reset in roman lines 26 through 29.

Page 3, line 30, reset in roman "(ii) At least one".

Page 3, line 30, delete "The five".

Page 3, line 30, reset in roman "fifty (150)".

Page 3, line 30, delete "(500)".

Page 3, line 31, reset in roman "in the practice of hypnotism".

Page 3, line 31, delete ".".

Page 3, line 32, delete "licensed" and insert "**certified**".

Page 3, line 32, after "hypnotist" insert "**or an individual who is exempt under section 1 of this chapter and who is licensed under IC 25**".

Page 3, line 37, reset in roman "(iii)".

Page 3, line 37, after "At least" insert "**Not more than**".

Page 3, line 37, reset in roman "fifty (50) hours of videotape instruction in the".

Page 3, reset in roman lines 38 through 39.

Page 4, delete lines 7 through 42.

Delete page 5.

Page 6, delete lines 1 through 35.

Page 7, line 6, delete "licensed" and insert "**certified**".

Page 7, line 7, delete "licensed" and insert "**certified**".

Page 7, line 9, delete "Class D felony" and insert "**Class B misdemeanor**".

Page 7, delete lines 23 through 24.

Page 8, line 8, reset in roman "certification".

Page 8, line 8, delete "licensure".

Page 8, delete lines 26 through 42.

Page 9, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to HB 1278 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1381, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 8, delete "IC 12-17.6-4-2, AS ADDED BY P.L.273-1999," and insert "**(a) IC 5-10-8-9, as amended by this act, applies to a contract for:**

(1) **health services through prepaid health care delivery plans;**

(2) **medical self-insurance; or**

(3) **group health insurance;**

for state employees that is entered into, delivered, or renewed after June 30, 2001.

(b) **This SECTION expires June 30, 2004."**

Page 2, delete lines 9 through 42.

Delete pages 3 through 4.

(Reference is to HB 1381 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 3.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1468, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 14-22-6-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 7.5. (a) Except as provided in subsection (b), a person who shines a spotlight, a searchlight, or another artificial light at or on:**

(1) **a dwelling;**

(2) **a barn; or**

(3) **a structure other than a barn that is used for keeping animals;**

commits a Class C infraction.

(b) **Subsection (a) does not apply to light cast by any of the**

following:

- (1) Permanently installed outdoor lighting fixtures.
- (2) Headlamps on vehicles moving in normal travel on public or private roads.
- (3) Railroad locomotives or rolling stock being operated on the tracks or right of way of a railroad company.
- (4) Aircraft or watercraft.
- (5) An apparatus used by employees of any public utility in maintaining the utility lines and equipment.
- (6) An apparatus used by members of a rescue squad or fire department while engaged in the performance of official duty.
- (7) An apparatus used by a law enforcement officer while engaged in the performance of official duty.
- (8) Farm machinery or motor vehicles being used in normal farming operations.
- (9) An apparatus used to identify the address on a mailbox or residence by a person acting in the scope of employment.

(Reference is to HB 1468 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

Report adopted.

LYTLE, Chair

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1502, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

Report adopted.

FRY, Chair

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1504, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "the greatest" and insert "**rounded to the nearest**".

Page 1, line 5, delete "less than the" and insert ".".

Page 1, delete line 6.

(Reference is to HB 1504 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

Report adopted.

STEVENSON, Chair

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1560, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

Report adopted.

STEVENSON, Chair

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1644, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

Report adopted.

FRY, Chair

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1661, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 11, delete "operation" and insert "**facility**".

Page 1, line 11, delete "IC 15-5-19" and insert "**IC 15-2.1-25**".

Page 1, line 12, delete "IC 15-5-19" and insert "IC 15-2.1-25".

Page 1, line 15, delete "19" and insert "**25**".

Page 1, line 15, delete "Operations" and insert "**Facilities**".

Page 2, line 1, delete ":" and insert ",".

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

Page 2, run in lines 1 through 2.

Page 2, line 3, delete "that is operated to" and insert ".".

Page 2, line 4, before "produce" begin a new paragraph and insert:

"Sec. 2.5. As used in this chapter, "cervidae livestock operation" means a cervidae livestock facility that is operated to".

Page 2, delete lines 6 through 8.

Page 2, line 12, delete "operation" and insert "**facility**".

Page 2, between lines 14 and 15, begin a new paragraph and insert:
"(c) Cervidae live stock operations are agricultural enterprises and are part of the farming and agricultural industry in Indiana."

Page 2, line 15, before "person" delete "A" and insert "**(a) Except as provided in subsection (b), a**".

Page 2, line 15, delete "operation" and insert "**facility**".

Page 2, between lines 16 and 17, begin a new paragraph and insert:
"(b) An entity is not required to obtain a license under this chapter if the entity is:

(1) a research facility;

(2) a circus; or

(3) a publically or privately owned zoological park or petting zoo;

that is licensed or registered by the United States Department of Agriculture under the the federal Animal Welfare Act of 1970, as amended (7 U.S.C. 2131 et seq.)."

Page 2, line 17, delete "operation" and insert "**facility**".

Page 3, delete line 4 and insert "**the county commissioners and any area plan commission or board of zoning appeals**".

Page 3, line 5, delete "government".

Page 3, line 6, delete ":".

Page 3, delete lines 7 through 10.

Page 3, line 11, delete "(2)".

Page 3, run in lines 6 through 11.

Page 3, line 18, delete "an initial" and insert "**a**".

Page 3, line 19, delete "operation" and insert "**facility**".

Page 3, line 29, after "The" insert "**applicant has taken actions to remove the**".

Page 3, line 29, delete "have been".

Page 3, line 30, delete "removed".

Page 3, line 30, after "facility" insert "**proposed under section 5(a)(1)(F) of this chapter and has verified that those animals have been removed**".

Page 3, line 33, after "zoning" insert "**and fence**".

Page 3, line 34, after "ordinances." insert "**If the board does not receive a response from a local unit of government under section 5(b) of this chapter indicating that the proposed facility would violate a local zoning or fence ordinance, the board may presume that the facility complies with the local zoning and fence ordinances.**".

Page 4, line 1, delete "operation" and insert "**facility**".

Page 4, line 12, delete, "operations" and insert "**facilities**".

Page 4, line 18, after "exceed" insert "**:**

(A)".

Page 4, line 19, delete "." and insert "**;** or

(B) fifty dollars (\$50) for small facilities that do not operate commercially.

All fees collected under this section shall be deposited in the board's general operating account."

Page 4, line 24, delete "operation" and insert "**facility**".

Page 4, between lines 26 and 27, begin a new line block indented:

"(7) The board shall establish different classes of cervidae

livestock facility permits for distinct types of cervidae livestock facilities and establish different standards under this section for each class of facility."

Page 4, line 27, delete "operation" and insert "**facility**".

Page 4, line 30, delete "operation" and insert "**facility**".

Page 4, line 42, delete "operation" and insert "**facility**".

Page 5, line 6, delete "operation" and insert "**facility**".

Page 5, line 11, after "14." insert "**(a)**".

Page 5, line 11, delete "shall" and insert "**may**".

Page 5, line 12, delete "operation" and insert "**facility**".

Page 5, between lines 14 and 15, begin a new paragraph and insert:

"(b) The board shall issue written notice to the applicant or licensee stating the board's action, the opportunity for a hearing under IC 4-21.5, and the procedure and time limit for requesting a hearing. If the applicant or licensee does not request a hearing before the board within fifteen (15) days of receiving the notice, the right to a hearing before the board is waived and the notice becomes the final order under IC 4-21.5. If a hearing is requested, the hearing shall be held in compliance with IC 4-21.5."

(Reference is to HB 1661 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1678, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1692, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 14, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1710, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 18, delete "twenty-five (25)" and insert "**twenty (20)**".

(Reference is to HB 1710 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1728, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 5.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1742, has

had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "**(Telazol)**".

Page 2, line 17, strike "sodium pentobarbital" and insert "**controlled substances**".

(Reference is to HB 1742 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1855, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 31-30-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. Except for those cases in which the juvenile court has no jurisdiction in accordance with IC 31-30-1-4, the court shall, upon motion of the prosecuting attorney and after full investigation and hearing, waive jurisdiction if it finds that:

(1) the child is charged with an act that, if committed by an adult, would be:

(A) a Class A or Class B felony, except a felony defined by IC 35-48-4;

(B) involuntary manslaughter as a Class C felony under IC 35-42-1-4; or

(C) reckless homicide as a **Class B or** Class C felony under IC 35-42-1-5;

(2) there is probable cause to believe that the child has committed the act; and

(3) the child was at least sixteen (16) years of age when the act charged was allegedly committed;

unless it would be in the best interests of the child and of the safety and welfare of the community for the child to remain within the juvenile justice system."

Page 1, line 10, delete "fourteen (14)" and insert "**two (2)**".

Page 2, line 17, delete "fourteen (14)" and insert "**two (2)**".

Page 2, line 19, delete ". The offense is:" and insert "**, a Class B felony**".

Page 2, delete lines 20 through 23.

Renumber all SECTIONS consecutively.

(Reference is to HB 1855 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1874, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, line 18, after "order" insert "**, if reasonably ascertainable from the information received**".

Page 7, line 20, strike "and".

Page 7, between lines 21 and 22, begin a new line double block indented and insert:

"(E) the name of the petitioner and any other protected parties;

(F) the Social Security number, date of birth, and physical description of each person who is the subject of the Indiana protection order, if reasonably ascertainable from the information received;

(G) the date the Indiana protection order expires;

(H) a caution indicator stating whether a person who is the subject of the Indiana protection order is believed to be

armed and dangerous, if reasonably ascertainable from the information received; and

(I) if furnished, a Brady record indicator stating whether a person who is the subject of the Indiana protection order is prohibited from purchasing or possessing a firearm under federal law, if reasonably ascertainable from the information received;".

Page 7, line 33, after "terminated" insert ",".

Page 7, line 33, strike "or expires,".

Page 9, line 24, delete "and".

Page 9, line 26, delete "whether",

Page 9, between lines 29 and 30, begin a new line double block indented and insert:

"(I) the name and identification number of the officer who serves a foreign protection order, if reasonably ascertainable from the information received; and

(J) the manner in which the foreign protection order is served, if reasonably ascertainable from the information received;".

Page 10, line 3, after "terminated" delete "or expires".

Page 10, line 29, after "person" delete ",".

Page 10, line 29, after "person;" insert ", except the nonconfidential part of a petition for a protective order that is prescribed or approved by the division of state court administration under IC 34-26-2-2(2);".

Page 11, delete lines 1 through 19, begin a new paragraph and insert:

"SECTION 12. IC 33-11.6-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) **Subject to subsection (c), the costs consist of:**

(1) a township docket fee equal to five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-19-5-2;

(2) bailiff's service of process by registered or certified mail fee of six dollars (\$6) for each service;

(3) the cost for the personal service of process by the bailiff or other process server in the amount of eight dollars (\$8) for each service, with the exception that:

(A) personal service to execute a warrant for a protective order under IC 34-26-2 (or IC 34-4-5.1 before its repeal) shall cost a fee of twelve dollars (\$12); and

(B) writs of restitution and writs of replevin shall cost a fee of twelve dollars (\$12);

(4) witness fees, if any, in the amount provided by IC 33-19-1-6 to be taxed and charged in the circuit court of the county; and

(5) a redocketing fee, if any, of five dollars (\$5).

Subject to subsection (c), the docket fee and the cost for the initial service of process shall be paid upon the institution of each case.

Subject to subsection (c), the cost of service rendered subsequent to the initial service shall be assessed and paid after such service has been made, and the cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

(c) The provisions of IC 33-19-4.5 (costs related to domestic violence offenses) apply to a small claims court, bailiff, sheriff, and witnesses to the same extent as if the small claims court were a court listed in IC 33-19-1-1.

SECTION 13. IC 33-17-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) The clerk shall provide each person filing a petition for the issuance of a protective order under IC 34-26-2 without the assistance of an attorney the following information:

(1) The procedure for obtaining a protective order.

(2) When a protective order becomes effective.

(3) Procedures to follow when a protective order is violated.

(4) Information concerning the waiver of fees under IC 33-19-2-6.

(b) The information required under subsection (a) must be printed in a manner that can be easily understood by a person who is not an attorney.

(c) The attorney general shall develop an appropriate form to provide the information referred to in subsection (a).

SECTION 14. IC 33-19-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 4.5. Costs Related to Domestic Violence Offenses

Sec. 1. This chapter applies to a person who files a motion, petition, or complaint with a court seeking a protective order or an order to enforce a foreign protection order to protect the person from any of the following:

(1) Domestic violence.

(2) Sexual assault.

(3) Stalking.

Sec. 2. (a) As used in this chapter, "domestic violence" means conduct against a person who is a family or household member that is prohibited by:

(1) a misdemeanor or felony under the laws of the United States, a state, or an Indian tribe that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

(2) any other misdemeanor or felony under the laws of the United States, a state, or an Indian tribe that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense;

regardless of whether the conduct results in criminal prosecution or the person who engages in the conduct is an adult.

(b) The term does not include an act of self-defense.

Sec. 3. For purposes of this chapter, a person is a family or household member of another person if the person is any of the following:

(1) A spouse or former spouse of the other person.

(2) A person who has a child in common with the other person.

(3) A person who is living or was living with the other person.

(4) A person who is dating or was dating the other person.

(5) A person who is having a sexual relationship or was having a sexual relationship with the other person.

(6) The natural or adopted child of the other person.

(7) A person less than eighteen (18) years of age who is related to a person described in subdivisions (1) through (6).

Sec. 4. As used in this chapter, "foreign protection order" has the meaning set forth in IC 34-6-2-48.5.

Sec. 5. As used in this chapter, "Indian tribe" has the meaning set forth in IC 34-6-2-66.7.

Sec. 6. As used in this chapter, "protective order" has the meaning set forth for "protection order" in IC 34-6-2-121.6.

Sec. 7. As used in this chapter, "sexual assault" means conduct that is:

(1) prohibited by IC 35-42-4 (sex crimes), IC 35-44-7 (sexual misconduct by a service provider with a detainee), or IC 35-46-1-3 (incest);

(2) prohibited by a misdemeanor or felony under the laws of the United State, a state, or an Indian tribe that is substantially similar to an offense described in subdivision (1); or

(3) an attempt to engage in conduct described in subdivision (1) or (2);

regardless of whether the conduct results in criminal prosecution or the person who engages in the conduct is an adult.

Sec. 8. As used in this chapter, "stalking" means conduct that is:

(1) prohibited by IC 35-45-10-5 (stalking);

(2) prohibited by a misdemeanor or felony under the laws of the United State, a state, or an Indian tribe that is substantially similar to an offense described in subdivision (1); or

(3) an attempt to engage in conduct described in subdivision (1) or (2);

regardless of whether the conduct results in criminal prosecution or the person who engages in the conduct is an adult.

Sec. 9. Notwithstanding any other law, the clerk may not collect a fee or other reimbursement for the filing, issuance, registration, or service of any of the following:

- (1) A warrant related to an action for a protective order or to enforce a foreign protection order.
- (2) A motion, petition, or complaint for a protective order or to enforce a foreign protection order.
- (3) A protective order or an order enforcing a foreign protection order.
- (4) A witness subpoena related to an action for a protective order or to enforce a foreign protection order.

If a person seeks a protective order or an order enforcing a foreign protection order as part of another proceeding, the clerk may not collect a separate fee or reimbursement for the filing, issuance, registration, or service of the papers described in subdivisions (1) through (4).

Sec. 10. Prepayment of costs described in section 9 of this chapter are not required if the person, or a person acting on the person's behalf, alleges under oath or affirmation in the motion, petition, or complaint seeking the protective order or order enforcing a foreign protection order that the person is or fears that the person will be a victim of domestic violence, sexual assault, or stalking.

Sec. 11. Unless the court finds evidence of fraud, the court shall waive the obligation that the person seeking the protective order or order enforcing a foreign protection order would otherwise have to pay the costs described in section 9 of this chapter if:

- (1) the person, or another person acting on the person's behalf, makes the allegations described in section 10 of this chapter; or
- (2) the court otherwise determines that the person is a person seeking protection from domestic violence, sexual assault, or stalking.

Sec. 12. This section does not prevent the collecting of costs from a party against whom a protective order or order enforcing a foreign protection order is sought."

Page 11, line 32, after "\$100" delete "," and insert ".".

Page 11, line 32, strike "except as provided in subsection".

Page 11, line 32, delete "(b)," and insert "~~(b)~~".

Page 11, delete line 33.

Page 11, line 34, strike "(b)".

Page 11, line 34, delete "Subject to IC 34-26-2-4, for" and insert "For".

Page 11, line 34, strike "each proceeding for the issuance".

Page 11, strike lines 35 through 42.

Page 12, strike lines 1 through 7.

Page 12, line 8, strike "(c)" and insert "**(b)**".

Page 12, delete lines 19 through 35.

Page 13, line 18, after "48.5" delete "and" and insert ",".

Page 13, line 18, after "71.7" insert ", and **121.6**".

Page 14, line 12, after "121.6." insert "**(a)**".

Page 14, line 15, delete "under the domestic violence laws".

Page 14, line 16, after "in" insert "":

Page 14, line 16, delete "violent or", begin new line block indented and insert:

- (1) violent or threatening acts against;**
- (2) harassment of;**
- (3) contact or communication with; or**
- (4) physical proximity to;**

another person, including temporary and final orders issued by civil and criminal courts.

(b) The term does not include a support or child custody order issued under the dissolution and child custody laws of a state or Indian tribe, except to the extent that the order is entitled to full faith and credit under a federal law other than 18 U.S.C. 2265.

(c) The term applies to an order regardless of whether the order is obtained by filing an independent action or as a pendente lite order in another proceeding if any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection."

Page 14, delete lines 17 through 18.

Page 17, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 36. IC 34-26-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. A person may petition

any court of record or a small claims court established under IC 33-11.6-1-3 for a protective order on behalf of that person or a member of the petitioner's household.

SECTION 3. IC 34-26-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The petition:

- (1) must include the name of the petitioner and the name and address (if known) of the respondent;
- (2) must include, **on a separate or detachable nonconfidential form prescribed or approved by the division of state court administration:**
 - (A) any allegation concerning the date or manner of specific acts or feared acts of abuse, harassment, or disruption of the peace of the petitioner or members of the petitioner's household or any allegations concerning specific damage to or the fear of damage to any property of the petitioner; and
 - (B) **if the petitioner is requesting that the respondent refrain from entering or damaging real property, an indication of whether the petitioner knows or believes that the petitioner and the respondent are disputing who owns, or has a lease or easement to use, the real property;**
- (3) must include a request that, if the court grants the protective order, the court shall order the respondent:

(A) to refrain from abusing, harassing, or disturbing the peace of the petitioner, by either direct or indirect contact;

(B) to refrain from abusing, harassing, or disturbing the peace of a member of the petitioner's household, by either direct or indirect contact;

(C) to refrain from entering the property of the petitioner, jointly owned or leased property of the petitioner and respondent if the respondent is not the sole owner or lessee, or any other property as specifically described in the petition;

(D) to refrain from damaging any property of the petitioner;

(E) if the petitioner and respondent are married and if a proceeding for dissolution of marriage or legal separation is not pending:

(i) to be evicted from the dwelling of the petitioner if the respondent is not the sole owner or lessee of the petitioner's dwelling;

(ii) to not transfer, encumber, damage, conceal, or otherwise dispose of property jointly owned with the petitioner or that is an asset of the marriage;

(iii) to pay child support to the custodian of any minor children of the parties alone or with the other party;

(iv) to pay maintenance to the other party; or

(v) to perform a combination of acts listed in items (i) through (iv);

(4) must be sworn to by the petitioner;

(5) must include a request that the court set a date for a protective order hearing under this chapter;

(6) must be accompanied by a confidential form concerning protective orders prescribed or approved by the division of state court administration; and

(7) may include a request that the court order counseling or othersocial services, including domestic violence education, for the petitioner, the respondent, or both."

Page 17, line 14, delete "A petitioner is" and insert "**The court:**

(1) shall order the clerk of the court to waive any filing fees required for a proceeding under this chapter if IC 33-19-4.5 applies; and

(2) may order filing fees to be paid by the respondent after a hearing held under this chapter."

Page 17, delete lines 15 through 27.

Page 17, delete lines 35 through 42.

Page 18, delete lines 1 through 16.

Page 18, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 33. IC 34-26-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) The emergency protective order issued under section 5 of this chapter may direct the respondent to refrain from:

- (1) abusing, harassing, or disturbing the peace of the petitioner by either direct or indirect contact;
- (2) abusing, harassing, or disturbing the peace of a member of the petitioner's household, by either direct or indirect contact;
- (3) entering the property of the petitioner or any other property as specifically described in the petition; or
- (4) damaging any property of the petitioner.

(b) If the court determines on the face of the petition that the petition for a protective order arises out of a dispute over who owns, or has a lease or an easement to use, real property, the court may:

- (1) issue an emergency protective order under subsection (a) without an order under subsection (a)(3); or**
- (2) deny the emergency protective order, if the likelihood of future abuse or harassment is insubstantial.**

SECTION 34. IC 34-26-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) When a petition is filed, the clerk shall issue a summons to appear at a hearing to the respondent that:

- (1) gives notice of the date, time, and place of the hearing; and
- (2) informs the respondent that the respondent must appear before the court to answer the petition.

(b) The clerk shall serve the respondent with:

- (1) the summons to appear; and
- (2) a copy of the nonconfidential form submitted as part of the petition under section 2(2) of this chapter;**

in accordance with Rule 4.1 of the Rules of Trial Procedure.

(c) Before complying with subsection (b)(2), the clerk shall separate the nonconfidential form submitted under section 2(2) of this chapter from the remainder of the petition.

SECTION 35. IC 34-26-2-12, AS AMENDED BY P.L.14-2000, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) A court shall set a date for a hearing concerning a petition described in section 2 of this chapter not more than thirty (30) days after the date the petition is filed with the court. At the hearing, if at least one (1) of the allegations described in the petition is proved by a preponderance of the evidence, the court:

(1) shall order the respondent:

- (A) to refrain from abusing, harassing, or disturbing the peace of the petitioner, by either direct or indirect contact;
- (B) to refrain from abusing, harassing, or disturbing the peace of a member of the petitioner's household, by either direct or indirect contact;
- (C) to refrain from entering the property of the petitioner, jointly owned or leased property of the petitioner and the respondent if the respondent is not the sole owner or lessee, or any other property as specifically described in the petition;
- (D) to refrain from damaging any property of the petitioner; and
- (E) if the petitioner and respondent are married and if a proceeding for dissolution of marriage or legal separation is not pending:

- (i) to be evicted from the dwelling of the petitioner if the respondent is not the sole owner or lessee of the petitioner's dwelling;
- (ii) to not transfer, encumber, damage, conceal, or otherwise dispose of property jointly owned with the petitioner or that is an asset of the marriage;
- (iii) to pay child support to the custodian of any minor children of the parties alone or with the other party;
- (iv) to pay maintenance to the other party; or
- (v) to perform a combination of the acts described in items (i) through (iv);

(2) may order the respondent to refrain from possessing a firearm (as defined in IC 35-47-1-5) during a period not longer than the period that the respondent is under the protective order if the court finds by clear and convincing evidence that the respondent poses a significant threat of inflicting serious bodily injury to the petitioner or a member of the petitioner's household or family; and

(3) may order counseling or other social services, including domestic violence education, for the petitioner or the respondent, or both, and may order the respondent to pay the costs of obtaining counseling or other social services for the petitioner or the respondent, or both.

If the court prohibits the respondent from possessing a firearm under subdivision (2), the court shall notify the state police department of the restriction. The court may also order the confiscation under IC 35-47-3 of any firearms that the court finds the respondent to possess during the period that the protective order is in effect.

(b) If the court determines that the petition for a protective order arises out of a dispute over who owns, or has a lease or an easement to use, real property, the court may:

- (1) issue a protective order under subsection (a) without an order under subsection (a)(1)(C) or (a)(1)(D), or both; or**
- (2) deny the petition for a protective order, if the likelihood of future abuse or harassment against a petitioner is insubstantial.**

SECTION 36. IC 34-26-2-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. **If a respondent is ordered to stay away from a petitioner, an invitation by a petitioner to a petitioner's residence or other place where a petitioner is located, does not:**

- (1) allow the respondent to go to the residence or other place where a petitioner is located; or**
- (2) waive or nullify any relief provided by the court in the order of protection."**

Page 19, line 27, delete "No" and insert "If IC 33-19-4.5 applies to the protected individual, no".

Page 29, line 25, after "clerks;" insert "and

- (3) approve or prescribe nonconfidential forms required under IC 34-26-2-2(2), as amended by this act;".**

Page 29 line 26, after "2001." insert "The forms described in subdivision (3) must be designed with a format that allows for the easy separation of confidential information concerning the petitioner from information that a respondent needs to prepare a defense to the allegations raised by the petition."

Page 29, between lines 26 and 27, and begin a new paragraph and insert:

"(b) IC 5-2-9-7, IC 34-26-2-2, IC 34-26-2-6, IC 34-26-2-11, and IC 34-26-2-12, all as amended by this act, apply only to petitions for issuance of a protective order filed with a court after June 30, 2001.

(c) The legislative council shall appoint an interim study commission on criminal law to make a study of the protective orders issued for crimes of domestic and family violence.

(d) The legislative council is urged to assign the study of protective orders issued for crimes of domestic and family violence to the interim study commission on criminal law. The study shall be completed before the commencement of the 2002 legislative session.

(e) The interim study commission on criminal law shall operate under the direction of the legislative council, and shall issue a final report when directed to do so by the council.

(f) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take any official action, including final reports.

(g) Notwithstanding IC 5-2-5-12(a)(5), the state police department has until January 1, 2002 to modify its computer system to allow for the entry of foreign protection orders into the Indiana data and communication system (IDACS)."

Page 29, line 27, delete "(b)" and insert "(g)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1874 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1895, has had the same under

consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

COOK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1924, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 4.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1928, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-30-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this chapter, "eligible applicant" means the following:

(1) Any entity with the authority to impose ad valorem property taxes except townships, including counties, cities, towns, special taxing districts, school corporations, and any other entity that is granted by statute or ordinance a right to impose user fees or charges (referred to as political subdivisions in this chapter) as long as the application is signed by the executive of the political subdivision.

(2) The state, as long as the application is signed by the governor.

(3) State funded institutions of higher education, as long as the application is approved by the higher education commission.

(4) A not-for-profit sewer utility (as defined in IC 8-1-2-125).

SECTION 2. IC 4-30-17-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.1. (a) Money required to be credited to the state and local capital projects account may be used only for state and local capital projects or for deposit in a revolving loan fund that may only be used for capital projects. Capital projects include the construction of airports, airport facilities, and local street and road projects. A state project is a capital project that is proposed by the state or the ~~higher education commission~~ **commission for higher education**. A local project is a capital project proposed by a political subdivision **or a not-for-profit sewer utility (as defined in IC 8-1-2-125)**. An airport development project that is eligible for a grant or loan under IC 8-21-11 is a local capital project.

~~(d)~~ **(b)** The money required to be credited to the state and local capital projects account must be used to promote the maximum use of other funds for capital projects, including using local matching requirements, the consideration of various kinds of credit enhancements, and the remarketing of debt issues secured by money in the state and local capital projects account.

SECTION 3. IC 6-2.1-3-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33. Gross income received by:

(1) a conservancy district established under IC 14-33-20 or under IC 13-3-4 (before its repeal);

(2) a regional water, sewage, or solid waste district established under IC 13-26 or IC 13-3-2 (before its repeal);

(3) a nonprofit corporation formed solely for the purpose of supplying water to the public;

(4) a county solid waste management district or a joint solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal); or

(5) a nonprofit corporation formed for the purpose of providing: **a combination of:**

(A) water; ~~and~~

(B) sewer and sewage service; **or**

(C) a combination of water and sewer and sewage service;

to the public;

is exempt from the gross income tax."

Page 2, after line 35, begin a new paragraph and insert:

"SECTION 2. IC 13-11-2-164 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 164. (a) "Political subdivision", for purposes of IC 13-18-13, means:

(1) a political subdivision (as defined in IC 36-1-2);

(2) a regional water, sewage, or solid waste district organized under:

(A) IC 13-26; or

(B) IC 13-3-2 (before its repeal July 1, 1996); ~~or~~

(3) a local public improvement bond bank organized under IC 5-1.4; **or**

(4) a not-for-profit sewer utility (as defined in IC 8-1-2-125).

(b) "Political subdivision", for purposes of IC 13-18-21, means:

(1) a political subdivision (as defined in IC 36-1-2);

(2) a regional water, sewage, or solid waste district organized under:

(A) IC 13-26; or

(B) IC 13-3-2 (before its repeal July 1, 1996);

(3) a local public improvement bond bank organized under IC 5-1.4;

~~(4) a qualified entity described in IC 5-1.5-1-8(4) that is a public water not-for-profit utility described in IC 8-1-2-125;~~ **a not-for-profit utility (as defined in IC 8-1-2-125); or**

(5) a conservancy district established for the purpose set forth in IC 14-33-1-1(a)(4).

(c) "Political subdivision", for purposes of IC 13-19-5, has the meaning set forth in IC 36-1-2-13 and includes a redevelopment district under IC 36-7-14 or IC 36-7-15.1.

Re-number all SECTIONS consecutively.

(Reference is to HB 1928 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1937, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1938, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 8, delete "":

Page 2, delete lines 9 through 10.

Page 2, line 11, delete "(2)".

Page 2, run in lines 8 and 11.

Page 2, delete lines 13 through 16.

Page 3, line 5, delete "Subject to section 7(2) of this chapter, the" and insert "**The**".

Page 3, line 18, delete "":

Page 3, line 19, delete "(1)".

Page 3, run in lines 18 through 19.

Page 3, line 20, delete "; and" and insert "":

Page 3, delete lines 21 and 22.

(Reference is to HB 1938 as introduced.)
and when so amended that said bill do pass.
Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1971, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 7, begin a new paragraph, and insert: "SECTION 1. IC 20-10.1-4-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.5. (a) Notwithstanding IC 20-10.1-1-0.5, this section applies only to public schools (as defined in IC 20-10.1-1-2).

(b) As used in this section, "good citizenship instruction" means integrating into the current curriculum instruction that stresses the nature and importance of the following:

- (1) Being honest and truthful.
- (2) Respecting authority.
- (3) Respecting the property of others.
- (4) Always doing one's personal best.
- (5) Not stealing.
- (6) Possessing the skills necessary to live peaceably in society and not resorting to violence to settle disputes, **including methods of conflict resolution.**
- (7) Taking personal responsibility for obligations to family and community.
- (8) Taking personal responsibility for earning a livelihood.
- (9) Treating others the way one would want to be treated.
- (10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
- (11) Respecting one's parents and home.
- (12) Respecting one's self.
- (13) Respecting the rights of others to have their own views and religious beliefs."

Page 1, line 8, delete "(b)" and insert "(c)".

Page 1, line 9, after "instruction" insert "**, which may consist of a program of teacher training with application of the techniques to the children in the classroom,**".

Page 1, line 14, delete "IC 20-10.1-4-16, as added" and insert "**IC 20-10.1-4-4.5, as amended**".

(Reference is to HB 1971 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 2091, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, strike line 16.

Page 2, line 17, strike "(N)" and insert "**(M)**".

Page 2, line 18, strike "(O)" and insert "**(N)**".

Page 2, strike line 19.

Page 2, line 20, strike "(Q)" and insert "**(O)**".

Page 2, line 21, strike "(R)" and insert "**(P)**".

Page 2, line 22, strike "(S)" and insert "**(Q)**".

Page 2, line 24, strike "(T)" and insert "**(R)**".

Page 2, line 26, strike "(U)" and insert "**(S)**".

Page 2, line 27, strike "(V)" and insert "**(T)**".

Page 2, line 28, strike "(W)" and insert "**(U)**".

Page 2, strike line 29.

Page 2, line 30, strike "(Y)" and insert "**(V)**".

Page 2, line 32, strike "(Z)" and insert "**(W)**".

Page 2, line 33, strike "(AA)" and insert "**(X)**".

Page 2, line 34, delete "or".

Page 2, line 35, delete "(BB)" and insert "**(Y)**".

Page 2, between lines 36 and 37, begin a new line double block indented and insert:

"(Z) IC 9-18-48 (Indiana Moose Association trust license plates);
(AA) IC 9-18-49 (Indiana animal friendly trust license plates);
(BB) IC 9-18-50 (Korean War veteran trust license plates);
(CC) IC 9-18-51 (Broad Ripple Village Association trust license plates);
(DD) IC 9-18-52 (National Association for Stock Car Auto Racing (NASCAR) trust license plates);
(EE) IC 9-18-53 (Indiana domestic violence trust license plates); or
(FF) IC 9-18-54 (Indiana Purdue University at Fort Wayne trust license plates);"

Page 2, between lines 39 and 40, begin a new paragraph and insert: "SECTION 2. IC 9-18-25-1, AS AMENDED BY P.L.222-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 1. This chapter does not apply to the following:

- (1) Antique motor vehicle license plates (IC 9-18-12).
- (2) Recovery vehicle license plates (IC 9-18-13).
- (3) Personalized license plates (IC 9-18-15).
- (4) Prisoner of war license plates (IC 9-18-17).
- (5) Disabled veteran license plates (IC 9-18-18).
- (6) Purple Heart license plates (IC 9-18-19).
- (7) Indiana National Guard license plates (IC 9-18-20).
- (8) Person with a disability license plates (IC 9-18-22).
- (9) Amateur radio operator license plates (IC 9-18-23).
- (10) Pearl Harbor survivor license plates (IC 9-18-45.8).
- (11) Korean War veteran license plates (IC 9-18-50).**

SECTION 3. IC 9-18-25-15, AS AMENDED BY P.L.1-1999, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 15. The bureau shall terminate an organization's qualification for the special group license plate program and no further special group recognition license plates shall be issued for an organization if less than two thousand (2,000) of the organization's special group license plates are sold or renewed in the first four (4) years of the five (5) year period beginning:

- (1) the earlier of January 1, 2002, or January 1 of the year in which the organization's special group license plate is first issued, **for a license plate not described in subdivision (2); or**
- (2) January 1, 2000, for a license plate issued under IC 9-18-36.**

The bureau shall reevaluate the organization's qualification for the special group license plate program every five (5) years thereafter. The bureau shall terminate the organization's qualification for the special group license plate program and no further special group recognition license plates shall be issued for an organization if less than two thousand (2,000) of the organization's special group license plates are sold or renewed in the first four (4) years of a subsequent five (5) year period."

Page 3, after line 37, begin a new paragraph and insert:

"SECTION 5. IC 9-18-48 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]:**

Chapter 48. Indiana Moose Association Trust License Plates

Sec. 1. The bureau of motor vehicles shall design and issue an Indiana Moose Association trust license plate. The Indiana Moose Association trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

Sec. 2. After December 31, 2002, a person who is eligible to register a vehicle under this title is eligible to receive an Indiana Moose Association trust license plate under this chapter upon doing the following:

- (1) Completing an application for an Indiana Moose Association trust license plate.**
- (2) Paying the fees under section 3 of this chapter.**

Sec. 3. (a) The fees for an Indiana Moose Association trust license plate are as follows:

(1) The appropriate fee under IC 9-29-5-38(a).

(2) An annual fee of twenty-five dollars (\$25).

(b) The bureau shall collect the annual fee referred to in subsection (a)(2).

(c) The annual fee referred to in subsection (a)(2) shall be deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The Indiana Moose Association trust fund is established.

(b) 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 trust funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for purposes of this section.

(c) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) On June 30 of each year, the commissioner shall distribute the money from the fund to the Indiana Moose Association, for distribution to Mooseheart, the "Child City".

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 6. IC 9-18-49 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]:

Chapter 49. Indiana Pet Friendly Trust License Plates

Sec. 1. As used in this chapter, "committee" refers to the pet friendly trust fund committee established by section 11 of this chapter.

Sec. 2. As used in this chapter, "IACCA" refers to the Indiana Animal Care and Control Association.

Sec. 3. As used in this chapter, "private sheltered humane organization" means an organization:

- (1) whose primary mission is to place for adoption stray and relinquished dogs and cats;
- (2) that possesses or administers an animal shelter;
- (3) that rescues any breed of dogs or cats;
- (4) that does not breed dogs or cats; and
- (5) that is a charitable organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code.

Sec. 4. As used in this chapter, "shelterless humane organization" means an organization:

- (1) whose primary mission is to place for adoption stray and relinquished dogs and cats;
- (2) that cares for dogs and cats before adoption by means of decentralized foster care;
- (3) that rescues any breed of dogs or cats;
- (4) that does not breed dogs or cats; and
- (5) that is a charitable organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code.

Sec. 5. As used in this chapter, "spay and neuter assistance organization" means an organization:

- (1) whose primary mission is to assist in offering or directing individuals to low cost spay and neuter solutions; and
- (2) that is a charitable organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code.

Sec. 6. The bureau shall design and issue an Indiana pet friendly trust license plate. The Indiana pet friendly trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

Sec. 7. An Indiana pet friendly trust license plate designed under IC 9-18-25 must include the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as a pet friendly trust license plate.
- (3) Any other information the bureau considers necessary.

Sec. 8. After December 31, 2002, a person who is eligible to register a vehicle under this title is eligible to receive an Indiana pet friendly trust license plate under this chapter upon doing the

following:

(1) Completing an application for an Indiana pet friendly trust license plate.

(2) Paying the fees under section 9 of this chapter.

Sec. 9. (a) The fees for an Indiana pet friendly trust license plate are as follows:

(1) The appropriate fee under IC 9-29-5-38(a).

(2) An annual fee of twenty-five dollars (\$25).

(b) The bureau shall collect the annual fee referred to in subsection (a)(2) and shall deposit it in the fund established by section 10 of this chapter.

Sec. 10. (a) The Indiana pet friendly trust fund is established. The purpose of the fund is to provide grants to organizations that provide spaying or neutering programs for dogs or cats to reduce or prevent the overpopulation of dogs and cats.

(b) 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 trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Any gift, grant, appropriation made by the general assembly for the fund, or donation of money shall be deposited into the fund established under subsection (a).

(d) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(e) After June 30 of each year, the commissioner shall distribute the money from the fund according to the determinations made by the pet friendly trust fund committee under section 22 of this chapter.

There is annually appropriated to the pet friendly trust fund committee from the Indiana pet friendly trust fund, for the purpose set forth in subsection (a), an amount sufficient to make the grants and other expenditures determined by the committee under section 22 of this chapter.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 11. There is established the pet friendly trust fund committee.

Sec. 12. The committee consists of the following seven (7) members:

(1) One (1) member appointed by the Indiana Veterinary Medical Association.

(2) One (1) member appointed by the Indiana state board of animal health.

(3) One (1) member appointed by the Purdue University School of Veterinary Medicine.

(4) One (1) member representing a private sheltered humane organization, appointed by IACCA.

(5) One (1) member representing an animal care and control facility administered by a governmental unit (as defined in IC 36-1-2-23) appointed by IACCA.

(6) One (1) member representing a shelterless humane organization, appointed by IACCA.

(7) One (1) member representing the general public, appointed by IACCA.

Sec. 13. The members shall elect one (1) member as chairperson of the committee.

Sec. 14. The expenses of the committee shall be paid from the pet friendly trust fund established by section 10 of this chapter.

Sec. 15. Each member of the committee 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.

Sec. 16. Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided in rules adopted 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.

Sec. 17. Each member of the committee must meet the following qualifications at the time of appointment and through the term of office:

- (1) Residency in Indiana.
- (2) Demonstrated active interest in education of the public regarding the benefits of pet overpopulation control.

Sec. 18. (a) Members of the committee shall serve a term of two (2) years and may serve not more than two (2) consecutive terms, including a term to which a member is appointed under subsection (c).

(b) A member shall continue to serve on the committee until the member's successor is appointed.

(c) If a vacancy occurs, the appropriate appointing body shall appoint a person who shall serve for the unexpired term of the member being replaced.

(d) Except for a term to which a person is appointed under subsection (c) to fill a vacancy, all terms of committee members begin on January 1 of the first year of the term.

Sec. 19. The committee shall meet:

- (1) after January 1 each year for the purpose of organization; and
- (2) at least one (1) time per year.

Sec. 20. The affirmative votes of a majority of the members appointed to the committee are required for the committee to take action on any measure.

Sec. 21. The committee shall do the following:

- (1) review grant applications submitted under section 23 of this chapter;
- (2) determine the distribution of grants; and
- (3) review the accountability reports submitted under section 25 of this chapter and determine whether a grant recipient is in compliance with the terms of its grant.

Sec. 22. The committee shall determine the use of the funds in the pet friendly trust fund after June 30 of each year in the following manner:

- (1) Grants for payment of spay and neuter solutions for dogs and cats. Each grant shall include not more than two percent (2%) for educational purposes to promote the spaying and neutering of dogs and cats.
- (2) Not more than two percent (2%) of the fund each year may be used for the promotion of the Indiana pet friendly license plate under IC 9-18-47.
- (3) Not more than five percent (5%) of the fund each year may be used for administrative purposes related to the committee.

Sec. 23. (a) As part of the application for a grant from the pet friendly trust fund, an applicant must submit the following information to the committee by a date each year to be determined by the committee:

- (1) A detailed description of the applicant organization's mission and activities.
- (2) The number of dogs and cats:
 - (A) received;
 - (B) adopted;
 - (C) spayed and neutered;
 - (D) returned to owner; and
 - (E) euthanized;

by the applicant organization within the last two (2) calendar years before the submission of the application.

- (3) A plan for spay and neuter educational effort, if applicable.

(b) An applicant organization that does not have a spay or neuter program in existence at the time of application for funds must submit a plan for the establishment of a spay or neuter program at the time of the grant application.

Sec. 24. (a) Organizations or individuals eligible to receive a grant from the committee from funds in the Indiana pet friendly trust fund include the following:

- (1) A shelterless humane organization.
- (2) A private sheltered humane organization.
- (3) Animal care and control facilities administered by a governmental unit (as defined in IC 36-1-2-23).

(4) Spay and neuter assistance organizations.

(5) A veterinarian licensed to practice veterinary medicine under IC 15-5-1.1-11 who provides spay and neuter services.

(b) Breeders of dogs and cats who have spay and neuter programs are not eligible to receive a grant from the committee.

Sec. 25. (a) Before June 30 of each year, an organization that was a recipient of grant funds during the preceding calendar year shall submit to the committee an accountability report of the use and expenditure of the grant funds.

(b) The committee shall review the accountability reports and shall require a grant recipient found not to be in compliance with the terms of the grant to repay the amount of the funds received not in compliance with the terms of the grant.

(c) A grant recipient found not to be in compliance with the terms of a grant is not eligible for future grant funds under this chapter.

SECTION 7. IC 9-18-50 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]:

Chapter 50. Korean War Veteran License Plates

Sec. 1. The bureau shall design and issue a passenger vehicle license plate that designates the vehicle as being registered to:

- (1) an individual who served as a member of the armed forces of the United States during the Korean War; or
- (2) the surviving spouse of an individual described in subdivision (1).

Sec. 2. An Indiana resident who is described in section 1 of this chapter may apply for and receive one (1) or more Korean War veteran license plates.

Sec. 3. A Korean War veteran license plate may be displayed only on a vehicle registered by an individual described in section 1 of this chapter.

SECTION 8. IC 9-18-51 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]:

Chapter 51. Broad Ripple Village Association Trust License Plates

Sec. 1. The bureau of motor vehicles shall design and issue a Broad Ripple Village Association trust license plate. The Broad Ripple Village Association trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

Sec. 2. After December 31, 2002, a person who is eligible to register a vehicle under this title is eligible to receive a Broad Ripple Village Association trust license plate under this chapter upon doing the following:

- (1) Completing an application for a Broad Ripple Village Association trust license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for a Broad Ripple Village Association trust license plate are as follows:

- (1) The appropriate fee under IC 9-29-5-38(a).
- (2) An annual fee of twenty-five dollars (\$25).

(b) The bureau shall collect the annual fee referred to in subsection (a)(2).

(c) The annual fee referred to in subsection (a)(2) shall be deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The Broad Ripple Village Association trust fund is established.

(b) 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 trust funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for purposes of this section.

(c) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) On June 30 of each year, the commissioner shall distribute the money from the fund to the Broad Ripple Village Association, Inc.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 9. IC 9-18-52 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]:

Chapter 52. National Association for Stock Car Auto Racing (NASCAR) Trust License Plates

Sec. 1. The bureau of motor vehicles shall design and issue a National Association for Stock Car Auto Racing (NASCAR) trust license plate. The National Association for Stock Car Auto Racing (NASCAR) trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

Sec. 2. After December 31, 2002, a person who is eligible to register a vehicle under this title is eligible to receive a National Association for Stock Car Auto Racing (NASCAR) trust license plate under this chapter upon doing the following:

- (1) Completing an application for a National Association for Stock Car Auto Racing (NASCAR) trust license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for a National Association for Stock Car Auto Racing (NASCAR) trust license plate are as follows:

- (1) The appropriate fee under IC 9-29-5-38(a).
- (2) An annual fee of twenty-five dollars (\$25).

(b) The bureau shall collect the annual fee referred to in subsection (a)(2).

(c) The annual fee referred to in subsection (a)(2) shall be deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The National Association for Stock Car Auto Racing (NASCAR) trust fund is established.

(b) 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 trust funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for purposes of this section.

(c) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) On June 30 of each year, the commissioner shall distribute the money from the fund to the commission for a drug free Indiana established by IC 5-2-6-16.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 10. IC 9-18-53 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]:

Chapter 53. Domestic Violence Trust License Plates

Sec. 1. The bureau of motor vehicles shall design and issue a domestic violence trust license plate. The domestic violence trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

Sec. 2. After December 31, 2002, a person who is eligible to register a vehicle under this title is eligible to receive a domestic violence trust license plate under this chapter upon doing the following:

- (1) Completing an application for a domestic violence trust license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for a domestic violence trust license plate are as follows:

- (1) The appropriate fee under IC 9-29-5-38(a).
- (2) An annual fee of twenty-five dollars (\$25).

(b) The annual fee described in subsection (a)(2) shall be collected by the bureau and deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The Indiana domestic violence trust fund is established.

(b) 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 trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) On June 30 of each year the commissioner shall distribute the money from the fund to the Indiana Coalition Against Domestic Violence.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 11. IC 9-18-54 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]:

Chapter 54. Indiana University Purdue University at Fort Wayne Trust License Plates

Sec. 1. The bureau of motor vehicles shall design and issue an Indiana University Purdue University at Fort Wayne trust license plate. The Indiana University Purdue University at Fort Wayne trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

Sec. 2. After December 31, 2002, a person who is eligible to register a vehicle under this title is eligible to receive an Indiana University Purdue University at Fort Wayne trust license plate under this chapter upon doing the following:

- (1) Completing an application for an Indiana University Purdue University at Fort Wayne trust license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for an Indiana University Purdue University at Fort Wayne trust license plate are as follows:

- (1) The appropriate fee under IC 9-29-5-38(a).
- (2) An annual fee of twenty-five dollars (\$25).

(b) The bureau shall collect the annual fee referred to in subsection (a)(2).

(c) The annual fee referred to in subsection (a)(2) shall be deposited in the fund established by section 4 of this chapter.

Sec. 4. (a) The Indiana University Purdue University at Fort Wayne trust fund is established.

(b) 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 trust funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) On June 30 of each year, the commissioner shall distribute the money from the fund to the Indiana University Purdue University at Fort Wayne Foundation.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 12. [EFFECTIVE JANUARY 1, 2003] (a) The initial terms of office for the seven (7) individuals appointed to the pet friendly trust fund committee established by IC 9-18-49-11, as added by this act, are as follows:

- (1) The members appointed under IC 9-18-49-12(2) and IC 9-18-49-12(5) through IC 9-18-49-12(7), all as added by this act, for a term of two (2) years.
- (2) The members appointed under IC 9-18-49-12(1), IC 9-18-49-12(3), and IC 9-18-49-12(4), all as added by this act, for a term of one (1) year.

(b) The initial terms begin January 1, 2003.

(c) This SECTION expires January 1, 2005.

SECTION 13. [EFFECTIVE JANUARY 1, 2003] (a) The pet friendly trust fund committee established by IC 9-18-49-11, as added by this act, shall design and approve a grant application form for the Indiana pet friendly trust fund not later than June 30, 2003.

(b) The pet friendly trust fund committee established by IC 9-18-49-11, as added by this act, shall design and approve an accountability report of the use and expenditure of funds received from the Indiana pet friendly trust fund not later than June 30, 2003.

(c) This SECTION expires December 31, 2003.

SECTION 14. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 9-18-25-16, the bureau of motor vehicles shall issue a special group license plate under IC 9-18-36 (Indiana girl scout trust license plate).

(b) This SECTION expires January 1, 2005.

SECTION 15. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 2091 as introduced.)

and when so amended that said bill do pass.
Committee Vote: yeas 10, nays 1.

Report adopted.

COOK, Chair

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 2096, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 5 and 6, begin a new line block indented and insert:

"(13) A psychologist licensed under IC 25-33."

Page 2, between lines 28 and 29, begin a new line block indented and insert:

"(13) A psychologist licensed under IC 25-33."

Page 5, delete lines 11 through 12.

Page 5, line 13, delete "renewal;"

Page 5, run in lines 10 and 13.

Page 5, line 14, delete "(C)" and insert "(B)".

Page 5, delete lines 23 through 24.

Page 5, run in lines 22 and 25.

Page 5, line 26, reset in roman "(3)".

Page 5, line 26, delete "(4)".

Page 5, line 35, after "'O.T.R.'" strike "or".

Page 5, line 35, after "'C.O.T.A'" insert ", 'OT/L', or 'OTA/L'".

Page 10, line 23, after "performance" insert "; **excluding the practice of psychology (as defined in IC 25-33-1-2)**".

Page 10, line 27, after "not" insert ":

(A) diagnose conditions of the eye or "

Page 10, line 27, delete "." insert ", **including glasses, contact lenses, and low vision devices; or**

(B) prescribe, fabricate, or fit hearing aids."

Page 10, line 32, after "occupation" insert ", **if the occupational therapist has had appropriate additional education and training**".

Page 12, delete lines 9 through 32, begin a new paragraph and insert:

"(b) Notwithstanding subsection (a), the occupational therapy committee and the health professions bureau are:

(1) not required to issue a wall license to a licensed person described in subsection (a); and

(2) not required to issue a new pocket license to a licensed person described in subsection (a) until the license renewal period beginning December 1, 2002."

Page 12, line 33, delete "(d)" and insert "(c)".

(Reference is to HB 2096 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 2.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 2117, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 3 through 7, begin a new paragraph and insert:
"SECTION 2. IC 36-2-11-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 26. (a) This section does not apply to an instrument executed before July 1, 2002.

(b) A person may not present for recording by the county recorder a mortgage instrument that discloses a Social Security number."

(Reference is to HB 2117 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 2126, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, after "Workers" insert **"and School Psychologists"**.

Page 1, line 6, delete "worker" and insert **"workers and school psychologists"**.

Page 1, line 9, delete "." and insert **"or school psychologist."**

Page 1, line 11, after "workers" insert **"and school psychologists"**.

Page 1, line 14, after "workers" insert **"and school psychologists"**.

Page 1, line 16, after "workers" insert **"and school psychologists"**.

Page 2, line 23, after "workers" insert **"and school psychologists"**.

Page 2, line 26, delete "worker" and insert **"workers and school psychologists"**.

Page 2, line 27, after "workers" insert **"and school psychologists"**.

Page 2, line 29, after "school" insert ":

(i)"

Page 2, line 29, after "ratio" insert **"; and**

(ii) school psychologist/student ratio;".

Page 2, line 29, begin a new line double block indented beginning with "for".

Page 3, line 3, delete "worker" and insert **"workers and school psychologists"**.

Page 3, line 7, after "lower" insert ":

(A)"

Page 3, line 7, after "ratios" insert **"; and**

(B) student/school psychologist ratios;".

Page 3, line 7, begin a new line single block indented beginning with "where".

(Reference is to HB 2126 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

PORTER, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1135, 1382, 1401, 1487, 1647, 1648, 1750, 1895, and 2091 had been referred to the Committee on Ways and Means.

Reassignments

The Speaker announced the following reassignment:

House Bill 1805 from the Committee on Courts and Criminal Code to the Committee on Ways and Means.

House Bill 1811 from the Committee on Roads and Transportation to the Committee on Ways and Means.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1233, Roll Call 40, on February 8, 2001. In support of this petition, I submit the following reason:

"I was present but unable to reach the voting machine. I inadvertently did not vote when I intended to vote Yea."

HINKLE

There being a constitutional majority voting in favor of the petition, the petition was adopted. *[Journal Clerk's note: this changes the vote tally for Roll Call 40 to 94 yeas, 0 nays. The corrected roll call is printed with this Journal.]*

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that

Representatives Crawford, Becker, and Day be added as coauthors of House Bill 1004.

HASLER

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

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representative Atterholt be added as coauthor of House Bill 1009.

COOK

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

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1044.

DENBO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Stevenson, Alderman, Goeglein, Cherry, Pelath, Cook, and L. Lawson be added as coauthors of House Bill 1089.

DUNCAN

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

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Scholer, Aguilera, McClain, Duncan, Hinkle, Bischoff, and Murphy be added as coauthors of House Bill 1095.

COOK

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

HOUSE MOTION

Mr. Speaker: I move that Representative Liggett be added as coauthor of House Bill 1097.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Cook, Alderman, and Mock be added as coauthors of House Bill 1099.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Mock, Goodin, and McClain be added as coauthors of House Bill 1155.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be removed as coauthor of House Bill 1170.

LIGGETT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Crosby, Klinker, Leuck, Welch, Summers, Dickinson, Budak, Becker, Richardson, and Duncan be added as coauthors of House Bill 1172.

L. LAWSON

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

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representative Goeglein be added as coauthors of House Bill 1186.

DAY

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

HOUSE MOTION

Mr. Speaker: I move that Representative Liggett be added as coauthor of House Bill 1201.

D. YOUNG

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives D. Young, Turner, Kruse, Ulmer, and Herndon be added as coauthors of House Bill 1222.

STURTZ

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

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Welch, Kruse, Steele, Atterholt, Pond, M. Smith, Bischoff, Crooks, Avery, T. Adams, and Ayres be added as coauthors of House Bill 1234.

LEUCK

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

HOUSE MOTION

Mr. Speaker: I move that Representatives Bischoff and Ruppel be added as coauthors of House Bill 1235.

LEUCK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives V. Smith and Dickinson be added as coauthors of House Bill 1251.

EVERY

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

HOUSE MOTION

Mr. Speaker: I move that Representatives Fry and Frizzell be added as coauthors of House Bill 1272.

MAHERN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Kuzman, Becker, Budak, and Foley be added as coauthors of House Bill 1277.

CHENEY

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

HOUSE MOTION

Mr. Speaker: I move that Representative Foley be added as coauthor of House Bill 1341.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Herrell, Pond, Welch, L. Lawson, Friend, and D. Young be added as coauthors of House Bill 1356.

DUNCAN

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

HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be added as coauthor of House Bill 1365.

WEINZAPFEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives L. Lawson and Buck be added as coauthors of House Bill 1395.

ATTERHOLT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives J. Lutz, Kruse, Dillon, T. Brown, Sturtz, Richardson, Budak, McClain, Turner, Ayres, Torr, GiaQuinta, Ulmer, Mock, Foley, Buck, Frizzell, Burton, Cherry, T. Adams, Bosma, Scholer, Crooks, Pond, Thompson, Friend, Goeglein, Ruppel, Duncan, and M. Smith be added as coauthors of House Bill 1396.

ATTERHOLT

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

HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be added as coauthor of House Bill 1430.

D. YOUNG

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Murphy be added as coauthor of House Bill 1452.

V. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tincher be added as coauthor of House Bill 1526.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives M. Smith and Torr be added as coauthors of House Bill 1553.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Grubb, Friend, Leuck, McClain, Ulmer, and Thompson be added as coauthors of House Bill 1559.

CHERRY

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

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Grubb, Friend, Leuck, McClain, Crosby, Thompson, and Sturtz be added as coauthors of House Bill 1561.

CHERRY

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

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Whetstone, Murphy, Mahern, and Stilwell be added as coauthors of House Bill 1589.

WEINZAPFEL

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

HOUSE MOTION

Mr. Speaker: I move that Representative Kruse be added as coauthor of House Bill 1591.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Summers, Porter, C. Brown, V. Smith, Crawford, Cheney, and Ayres be added as coauthors of House Bill 1641.

DICKINSON

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

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Duncan, Stevenson, Frizzell, T. Adams, Becker, Bodiker, Bosma, Budak, Buell, Burton, Cook, Crooks, Dumezich, Frenz, Goeglein, Hoffman, Klinker, Kruse, L. Lawson, J. Lutz, Mellinger, Mock, Oxley, Ruppel, Scholer, M. Smith, Stilwell, Sturtz, Torr, Turner, Ulmer, Weinzapfel, and Welch be added as coauthors of House Bill 1735.

STEELE

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

HOUSE MOTION

Mr. Speaker: I move that Representatives Aguilera and Herndon be added as coauthors of House Bill 1739.

KRUZAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Mannweiler and Mangus be added as coauthors of House Bill 1742.

KRUZAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Hasler, T. Brown, Frizzell, Goeglein, Welch, C. Brown, Moses, Crawford, Day, and Pelath be added as coauthors of House Bill 1810.

CROSBY

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

HOUSE MOTION

Mr. Speaker: I move that Representatives Goeglein and C. Brown be added as coauthors of House Bill 1813.

CROSBY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Summers, Hasler, Becker, Budak, and Frenz be added as coauthors of House Bill 1862.

CRAWFORD

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

HOUSE MOTION

Mr. Speaker: I move that Representatives Foley and D. Young be added as coauthors of House Bill 1874.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives T. Adams, Cherry, Hinkle, and Saunders be added as coauthors of House Bill 1900.

AVERY

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

HOUSE MOTION

Mr. Speaker: I move that Representative Leuck be added as coauthor of House Bill 1916.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Liggett be added as coauthor of House Bill 1962.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Porter be added as coauthors of House Bill 1971.

V. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Goodin, Scholer, Klinker, and Porter be added as coauthors of House Bill 2028.

KERSEY

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

HOUSE MOTION

Mr. Speaker: I move that Representative Budak be added as coauthor of House Bill 2031.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruzan be removed as author of House Bill 2036, Representative Cochran be substituted as author, and Representative Kruzan be added as coauthor.

KRUZAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruzan be removed as author of House Bill 2037, Representative Cochran be substituted as author, and Representative Kruzan be added as coauthor.

KRUZAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hasler, Goeglein, and Frizzell be added as coauthors of House Bill 2045.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cherry be added as coauthor of House Bill 2117.

RIPLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the Committee on Rules and Legislative Procedures be removed as author of House Bill 2145 and that Representative Crosby be added as author.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Whetstone be added as coauthor of House Joint Resolution 4.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Grubb, Friend, Leuck, and McClain be added as coauthors of House Joint Resolution 6.

CHERRY

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Day the House adjourned at 12:05 p.m., this eighth day of February, 2001, until Monday, February 12, 2001, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives