



Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Twenty-sixth Meeting Day

Monday Afternoon

February 26, 2001

The House convened at 1:00 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor Stuart Robertson, Faith Presbyterian Church, West Lafayette, the guest of Representative Sue W. Scholer.

The Pledge of Allegiance to the Flag was led by Representative Timothy N. Brown.

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 191: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 1, 49, 50, 80, 96, 126, 133, 181, 226, 235, 248, 269, and 293 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 141, 231, 306, 346, 394, 435, 436, 453, 454, 459, 466, 489, 505, 517, and 525 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 House Concurrent Resolutions 23, 24, 26, 30, 31, 32, 33, and 35 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:55 p.m. with the Speaker in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1083, 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 39, delete ".,".

Page 3, line 39, reset in roman "and may not include".

Page 3, line 39, after "and" insert "**may or**".

Page 3, reset in roman line 40.

(Reference is to HB 1083 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 1.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1208, 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 Education, to which was referred House Bill 1417, 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 Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1609, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 11, delete "either of the following:" and insert "**an employee of a school corporation (as defined in IC 20-8.1-1-1) whose employment is not dependent upon the holding of a license or permit as described in IC 20-6.1.**".

Page 6, delete lines 12 through 16.

Page 6, line 17, delete "the following:" and insert "**a school corporation, as defined in IC 20-7.5-1-2.**".

Page 6, delete lines 18 through 21.

Page 6, line 29, delete "good".

Page 6, line 33, after "alcohol" insert "**in a state of intoxication**".

Page 6, line 33, delete "drugs" and insert "**a controlled substance (as set forth in IC 35-48-2).**".

Page 6, line 34, before "consuming" delete "or".

Page 6, line 34, delete "drugs" and insert "**a controlled substance**".

Page 6, line 35, after "vehicles" insert ",".

Page 6, line 35, delete "during work hours." and insert "**or while driving a commercial motor vehicle committing a disqualifying offense under IC 9-24-6-8.**".

Page 6, line 38, delete "Incarceration following the conviction of a misdemeanor" and insert "**Conduct endangering the safety of students.**".

Page 6, delete line 39.

Page 6, after line 42, begin a new line block indented and insert "**(10) Commission of child molesting (IC 35-42-4-3), child exploitation (IC 35-42-4-4), vicarious sexual gratification (IC 35-42-4-5), child solicitation (IC 35-42-4-6), child seduction (IC 35-42-4-7), or sexual misconduct with a minor (IC 35-42-4-9).**".

Page 7, line 15, delete "in the following manner" and insert "**before suspension or discharge**".

Page 7, line 16, delete "and".

Page 7, line 16, delete "cause:" and insert "**cause as enumerated in IC 20-17-1-6(1) through IC 20-17-1-6(7), IC 20-17-1-6(9), and**".

Page 7, line 17, delete "(1) Before suspension or discharge, the employee".

Page 7, run in lines 16 through 17.

Page 7, line 18, delete "(A)", begin a new line block indented and insert:

"(1)".

Page 7, line 20, delete "(i)", begin a new line double block indented and insert:

"(A)".

Page 7, line 21, delete "(ii)", begin a new line double block indented and insert:

"(B)".

Page 7, line 22, delete "(B)" begin a new line block indented and insert:

"(2)".

Page 7, delete lines 25 through 36.

Page 8, line 11, after "if" insert ":",

Page 8, line 11, before "the" begin a new line block indented and insert:

"(1)".

Page 8, line 13, delete "suspension." and insert "**suspension; or (2) the suspension is for just cause as enumerated in IC 20-17-1-6(8) and IC 20-17-1-6(10).**".

Page 8, line 13, begin a new line blocked left beginning with "In".

Page 8, line 14, delete "1" and insert "**1(1)**".

(Reference is to HB 1609 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1737, 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 13, delete "IC 9-30-5-3(b) or".

Page 2, line 2, delete "IC 9-30-5-3(b)".

Page 2, line 3, delete "or".

Page 2, between lines 8 and 9, begin a new paragraph and insert: "**SECTION 2. IC 9-30-5-1, AS AMENDED BY P.L.1-2000, SECTION**

7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) A person who operates a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath;

commits a Class C misdemeanor.

(b) **A person who operates a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol but less than ten-hundredths (0.10) gram of alcohol per:**

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath;

commits a Class A misdemeanor if the person operates the motor vehicle with at least one (1) passenger less than eighteen (18) years of age in the vehicle.

(c) **A person who operates a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:**

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath;

commits a Class D felony if the person operates the motor vehicle with at least one (1) passenger less than eighteen (18) years of age in the vehicle.

(d) A person who operates a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(1) one hundred (100) milliliters of the person's blood; or

(2) two hundred ten (210) liters of the person's breath;

commits a Class A misdemeanor.

(e) (e) A person who operates a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body commits a Class C misdemeanor. **However, the offense is a Class A misdemeanor if the person operates the motor vehicle with at least one (1) passenger less than eighteen (18) years of age in the vehicle.**

(f) (f) It is a defense to subsection (e) (e) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 3. IC 9-30-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A person who operates a vehicle while intoxicated commits a Class A misdemeanor. **However, the offense is a class D felony if the person operates the motor vehicle with at least one (1) passenger less than eighteen (18) years of age in the vehicle.**

Page 2, line 13, after "intoxicated" insert ":",

Page 2, line 13, reset in roman "and".

Page 2, line 14, reset in roman "(2) the previous conviction of operating while intoxicated".

Page 2, line 14, delete "that".

Page 2, line 16, delete "; or" and insert ".".

Page 2, delete lines 17 through 42.

Page 4, line 2, delete "1(b)" and insert "**1(c) or 1(d)**".

Page 4, line 10, delete "child" and insert "**passenger**".

Page 4, delete lines 23 through 29.

Page 4, line 30, delete "(i)" and insert "(h)".

Page 4, line 33, delete "(j)" and insert "(i)".

Page 5, line 1, reset in roman "or".

Page 5, line 2, delete "that".

Page 5, line 2, reset in roman "to".

Page 6, line 5, delete "child" and insert "passenger".

Page 6, line 6, delete "In addition to" and insert "As part of".

Page 6, line 16, delete "operating while intoxicated causing" and insert "an offense under section 5 of this chapter."

Page 6, delete line 17.

Page 7, line 42, delete "IC 9-30-5-3(a)(2), operating a vehicle" and insert "IC 9-30-5-1 or IC 9-30-5-2 with at least one (1) passenger less than eighteen (18) years of age in the vehicle:

(1) while having an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per one hundred (100) milliliters of the person's blood, or two hundred ten (210) liters of the person's breath (IC 9-30-5-1(c)); or

(2) while having a previous conviction under IC 9-30-5-1 or IC 9-30-5-2".

Page 8, delete line 1.

Page 8, line 2, delete "eighteen (18) years of age in the vehicle".

Page 8, line 23, delete "IC 9-30-5-3" and insert "IC 9-30-5-1, IC 9-30-5-2".

Renumber all SECTIONS consecutively.

(Reference is to HB 1737 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 2104, 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 line 16.

Page 1, line 17, delete "(2)" and insert "(1)".

Page 2, line 1, delete "(3)" and insert "(2)".

(Reference is to HB 2104 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Concurrent Resolution 6, 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 0.

MOSES, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1001

Representative Bauer called down Engrossed House Bill 1001 for third reading:

A BILL FOR AN ACT concerning state and local administration and to make an appropriation.

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

Roll Call 192: yeas 81, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks and Simpson.

Engrossed House Bill 1028

Representative V. Smith called down Engrossed House Bill 1028 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 193: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators .

Engrossed House Bill 1040

Representative Oxley called down Engrossed House Bill 1040 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

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

Roll Call 194: yeas 78, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Skillman and Hume.

Representative Bauer was excused.

Engrossed House Bill 1047

Representative Duncan called down Engrossed House Bill 1047 for third reading:

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

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

Roll Call 195: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Jackman.

Engrossed House Bill 1066

Representative Crooks called down Engrossed House Bill 1066 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 196: yeas 82, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Lanane.

Engrossed House Bill 1099

Representative Stilwell called down Engrossed House Bill 1099 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

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

Roll Call 197: yeas 84, nays 12. 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 Harrison and Hume.

Engrossed House Bill 1123

Representative Fry called down Engrossed House Bill 1123 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

Roll Call 198: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Riegsecker.

Representative Bauer was again present.

Engrossed House Bill 1193

Representative Kromkowski called down Engrossed House Bill 1193 for third reading:

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

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

Roll Call 199: yeas 96, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Harrison and Craycraft.

Engrossed House Bill 1197

Representative Kromkowski called down Engrossed House Bill 1197 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 200: yeas 91, nays 5. 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 C. Lawson.

Engrossed House Bill 1216

Representative Bischoff called down Engrossed House Bill 1216 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 201: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server, Nugent, Lewis, and Lanane.

Engrossed House Bill 1367

Representative Weinzapfel called down Engrossed House Bill 1367 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

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

Roll Call 202: yeas 70, nays 26. 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 .

Engrossed House Bill 1368

Representative Weinzapfel called down Engrossed House Bill 1368 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 203: yeas 98, 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. Meeks and Craycraft.

Engrossed House Bill 1386

Representative Herndon called down Engrossed House Bill 1386 for third reading:

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

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

Roll Call 204: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, L. Lutz, and Craycraft.

Engrossed House Bill 1856

Representative Dobis called down Engrossed House Bill 1856 for third reading:

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

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

HOUSE MOTION
(Amendment 1856-1)

Mr. Speaker: I move that Engrossed House Bill 1856 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 1, line 2 delete [EFFECTIVE JANUARY 1, 2002] and insert [EFFECTIVE JANUARY 1, 2003].

DOBIS

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1856, begs leave to report that said bill has been amended as directed.

DOBIS

Report adopted.

The question then was, Shall the bill pass?

Representatives Gregg and Welch were excused from voting. Roll Call 205: yeas 70, nays 27. 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 Wheeler, Landske, R. Young, and Rogers.

Representative Frizzell was excused.

Engrossed House Bill 1392

Representative Hasler called down Engrossed House Bill 1392 for third reading:

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

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

passage. The question was, Shall the bill pass?

Roll Call 206: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Merritt.

Engrossed House Bill 1401

Representative Avery called down Engrossed House Bill 1401 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 207: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and L. Lutz.

Engrossed House Bill 1415

Representative T. Adams called down Engrossed House Bill 1415 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 208: yeas 80, nays 15. 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 .

Engrossed House Bill 1418

Representative Leuck called down Engrossed House Bill 1418 for third reading:

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

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

Roll Call 209: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman and R. Young.

Engrossed House Bill 1424

Representative Bauer called down Engrossed House Bill 1424 for third reading:

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

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

Roll Call 210: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks, Alexa, and Server.

Engrossed House Bill 1459

Representative Pelath called down Engrossed House Bill 1459 for third reading:

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

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

passage. The question was, Shall the bill pass?

Representative Murphy was excused from voting. Roll Call 211: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller and Gard.

Engrossed House Bill 1478

Representative Porter called down Engrossed House Bill 1478 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 212: 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 Bray and Howard.

Engrossed House Bill 1480

Representative Bauer called down Engrossed House Bill 1480 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 213: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Borst and Simpson.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1122, 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 26, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1128, 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, strike "No one" and insert "**A student**".

Page 1, line 10, after "may" insert "**not**".

Page 1, line 10, delete "person" and insert "**student**".

Page 1, line 11, after "completed" insert ":

(1)".

Page 1, line 11, delete "." and insert ", **including a unit of Indiana history; and**

(2) a one (1) semester course in United States government, including a unit of state and local government.".

Page 1, line 12, delete "A public secondary school student shall complete a one (1)".

Page 1, delete line 13.

Page 1, line 14, delete "(d)".

Page 1, run in lines 12 through 14.

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

"SECTION 2. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding IC 20-10.1-4-3, as amended by this act, the requirements in

IC 20-10.1-4-3, as amended by this act, that a student complete:

- (1) a unit of Indiana history; and
- (2) a unit of state and local government;

in order to receive a high school diploma do not apply to students who graduate before August 1, 2003.

(b) This SECTION expires June 30, 2004.

SECTION 3. [EFFECTIVE JULY 1, 2001] (a) The state department of education shall, not later than January 1, 2002, under IC 4-22-2, amend 511 IAC 6-7-6 to conform to IC 20-10.1-4-3, as amended by this act.

(b) This SECTION expires June 30, 2002."

(Reference is to HB 1128 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1206, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 23, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1310, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning violent crime victims compensation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6.1-35.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 10, 1999 (RETROACTIVE)]: **Sec. 35.5. (a) If:**

- (1) at least two (2) claimants suffer injuries or damages based on the same violent crime;
- (2) the injuries and damages suffered and the rationale for awarding money to the claimants under this chapter are substantially similar for all the claimants; and
- (3) at least one (1) of the claimants receives a greater award from the division under this chapter than any of the other claimants;

all of the claimants are entitled to receive an amount of money under this chapter that is equal to the highest award received by any of the claimants under this chapter.

(b) If a claimant believes the claimant is entitled to receive additional money from the fund as described in subsection (a), the claimant may file an application under this section with the division to receive the additional money to which the claimant is entitled.

SECTION 2. An emergency is declared for this act.

(Reference is to HB 1310 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 2.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1383, 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 17, delete "delivered." and insert "delivered, including any unique or special features."

Page 3, line 16, delete "delivered." and insert "delivered, including any unique or special features."

Page 4, line 9, delete "delivered;" and insert "delivered, including any unique or special features."

Page 5, line 4, delete "a service" and insert "the loan finance".

Page 5, line 4, after "charge" insert "authorized by section 28 of this chapter accrues at a rate".

Page 5, line 5, delete "monthly service" and insert "loan finance".

Page 5, line 5, delete "accrues".

Page 5, delete lines 23 through 30.

Page 5, delete lines 36 through 41, begin a new paragraph and insert:

"(b) A law enforcement official may obtain or receive records and information described in subsection (a) relating to pawnbroking transactions for use in the official law enforcement purpose of investigating crime."

Renumber all SECTIONS accordingly.

(Reference is to HB 1383 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 Education, to which was referred House Bill 1409, 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 "fourteen" and insert "twelve (12)".

Page 1, line 4, delete "(14)".

Page 1, line 9, delete "Four (4)" and insert "Two (2)".

Page 1, line 10, after "chapter." insert "The student members are nonvoting members."

Page 1, line 11, reset in roman "six (6)".

Page 1, line 11, delete "seven (7)".

Page 1, line 12, reset in roman "six (6)".

Page 1, line 13, delete "eight (8)" and insert "voting".

Page 1, line 14, reset in roman "six (6)".

Page 1, line 14, delete "eight (8)" and insert "voting".

Page 3, line 1, delete "Sate" and insert "State".

Page 3, between lines 4 and 5, begin a new line block indented and insert:

"(6) One (1) adult member representing the Indiana Federation of Teachers.

(7) One (1) adult member representing the Indiana Association of School Principals."

Page 3, line 33, delete "of" and insert "that is equivalent to the grade point average that is required by the applicant's school for participation in extracurricular activities."

Page 3, delete line 34.

Page 3, delete lines 37 through 42.

Page 4, line 1, delete "(B)" and insert "(A)".

Page 4, line 3, delete "(C)" and insert "(B)".

Page 4, line 4, delete "(D)" and insert "(C)".

Page 4, line 5, delete "(E)" and insert "(D)".

Page 4, line 6, delete "(F)" and insert "(E)".

Page 4, line 7, delete "(G)" and insert "(F)".

Page 4, line 16, delete "four (4)" and insert "two (2)".

Page 4, line 18, delete "is enrolled in grade nine (9)." and insert "attends school in a school corporation that is located:

(A) north of U.S. Highway 40; and

(B) in an Indiana county that is different than the Indiana county in which the school corporation that is attended by the member described in subdivision (2) is located."

Page 4, line 19, delete "is enrolled in grade ten (10)." and insert "attends school in a school corporation that is located:

(A) south of U.S. Highway 40; and

(B) in an Indiana county that is different than the Indiana county in which the school corporation that is attended by the member described in subdivision (1) is located."

One (1) student member must attend school in a school corporation with an ADM (as defined in IC 21-3-1.6-1.1) that is greater than the median ADM determined by the department of education under subsection (f) and the other student member must attend school in a school corporation with an ADM that is not more than the median ADM determined by the department of education under subsection (f).

(f) The department of education shall annually determine the median ADM of the school corporations in Indiana."

Page 4, delete lines 20 through 21.

(Reference is to HB 1409 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1455, 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 7.1-3-21-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) As used in this section, "wall" means a wall of a building. The term does not include a boundary wall.

(b) Except as provided in subsection (c), the commission shall not issue a permit for a premises if a wall of the premises is situated within two hundred (200) feet from a wall of a school or church, if no permit has been issued for the premises under the provisions of Acts 1933, Chapter 80.

(c) This subsection applies to a county having a population of more than one hundred eight thousand nine hundred fifty (108,950) but less than one hundred twelve thousand (112,000) the commission shall not issue a permit for a premises if a wall of the premises is situated within two hundred (200) feet from a wall of a school or church unless:

(1) the permit is a beer dealer or wine dealer permit for a grocery store

(2) the main entrance of the grocery store and the main entrance of the school or church face different streets or roads;

(3) there is a physical barrier between the grocery store and the school or church that prevents a person from moving between the two (2) properties; and

(4) a wall of the grocery store is not situated within one hundred (100) feet from a wall of the school or church.

(c) This section does not apply to premises if:

(1) a wall of the premises is situated within two hundred (200) feet from a wall of a church; and

(2) the commission determines that the church does not object to the issuance of the permit for the premises.

If the church tenders a waiver and it is accepted by the commission, subsection (b) does not apply to the permit premises on a subsequent renewal or transfer of ownership. The commission shall base its determination under subdivision (2) on the written statement or statements of the authorized representative of the church.

SECTION 2. IC 7.1-4-4.5-3, AS AMENDED BY P.L.201-1999, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The hard cider excise tax shall be paid by the holder of a vintner's permit, a farm winery permit, a wine wholesaler's permit, a beer wholesaler's permit, a dining car wine permit, or a boat wine permit on the hard cider to which the tax is applicable and that is manufactured or imported by the person into this state. However, an item may only be taxed once for hard cider excise tax purposes.

SECTION 3. IC 7.1-5-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. ~~Employment of Minors Prohibited.~~ **Except as provided in section 13 of this chapter,** it is a Class B misdemeanor for a person to employ a minor in or about a place where alcoholic beverages are sold, furnished, or given away

for consumption either on or off the licensed premises, in a capacity which requires or allows the minor to sell, furnish, or otherwise deal in alcoholic beverages.

SECTION 4. IC 7.1-5-7-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. ~~Employment of Minors:~~ **Exceptions: The provisions of IC 1971, 7.1-5-7-12, shall Section 12 of this chapter does not prohibit the following:**

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

(A) selling;

(B) furnishing, **other than serving;**

(C) consuming; or

(D) otherwise dealing in;

alcoholic beverages. ~~Not shall the provisions of IC 1971, 7.1-5-7-12, prohibit~~

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

(3) A person ~~at least nineteen (19) years of age but less than twenty-one (21) years of age~~ from serving alcoholic beverages in a dining area or family room of a restaurant or hotel:

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

(B) ~~under the supervision of a person who is at least twenty-one (21) years of age and is present at the restaurant or hotel.~~

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

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) ~~Not later than December 31, 2001, the alcoholic beverage commission shall report to the legislative council a recommendation to improve the quota allocations of alcoholic beverage permits.~~

(b) **This SECTION expires January 1, 2002.**

SECTION 6. **An emergency is declared for this act.**

(Reference is to HB 1455 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, 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:

Delete the committee report of the Public Health Committee adopted February 8, 2001.

Page 1, line 3, strike "subsection (c)," and insert "**subsections (c) and (d),**"

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:

"(d) **The examinations under subsection (a)(10) are not required until the state department determines that there are sufficient funds in the newborn screening fund from appropriations from the general assembly and gifts and grants to the fund for the state department to pay for the cost of the tests performed under subsection (a)(10).**

SECTION 2. 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 may not assess 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; and
- (2) the fee assessed by each designated laboratory for testing under section 2(a)(1) through 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 3. IC 16-41-17-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) The newborn screening fund is established for the purpose of carrying out this chapter. The state department shall administer the fund.

(b) The expenses of the newborn screening program shall be paid from money in the fund. **The expenses of performing the tests under section 2(a)(10) of this chapter shall be paid from money in the fund subject to section 2(d) of this chapter.**

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

(d) **The fund consists of appropriations from the general assembly, fees assessed under this chapter, and gifts and grants to the fund.**

SECTION 4. [EFFECTIVE JULY 1, 2001] (a) The state department of health shall develop the following:

- (1) **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) **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) Except as provided in subsection (c), 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 designate one (1) or more qualified laboratories 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. 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) **The state department of health may not designate a laboratory 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, until funds have been received by the state department of health to pay for the tests under IC 16-41-17-2(a)(10), as amended by this act.**

(d) **The state department of health shall apply for a grant through the federal Public Health Service Act and any other federal grants available to expand or improve programs to provide screening, testing, or other specialty services for newborns or children at risk of disorders detectable through the use of tandem mass spectrometry.**

(e) **This SECTION expires July 1, 2006."**

(Reference is to HB 1487 as introduced, and as amended by the committee report of the Public Health Committee on February 8, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 26, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1509, 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 20, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1525, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-26-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 0.5. As used in this article, "CMRS" has the meaning set forth in IC 36-8-16.5-5.

SECTION 2. IC 5-26-1-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 0.6. As used in this article, "CMRS provider" has the meaning set forth in IC 36-8-16.5-6.

SECTION 3. IC 5-26-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. As used in this article, "exchange access facility" has the meaning set forth in IC 36-8-16-3.

SECTION 4. IC 5-26-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.5. As used in this article, "IDACS" means the Indiana data and communications system described in IC 5-2-5-12.

SECTION 5. IC 5-26-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.5. As used in this article, "service supplier" has the meaning set forth in IC 36-8-16-4(a).

SECTION 6. IC 5-26-1-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.6. As used in this article, "service user" has the meaning set forth in IC 36-8-16-4(b).

SECTION 7. IC 5-26-1-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4.8. As used in this article, "surcharge" means the integrated communications emergency system surcharge imposed by IC 5-26-4-2.**

SECTION 8. IC 5-26-4-1, AS ADDED BY P.L.117-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The integrated public safety communications fund is established to be used only to carry out the purposes of this article. The fund shall be administered by the commission.

(b) The fund consists of:

- (1) appropriations from the general assembly;
- (2) gifts;
- (3) federal grants;
- (4) fees and contributions from user agencies that the commission considers necessary to maintain and operate the system;
- (5) funds collected through the integrated communications emergency system surcharge; and**
- ~~(6)~~ **(6) money from any other source permitted by law.**

(c) 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. ~~Interest that accrues from these investments shall be deposited in the fund.~~

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

SECTION 9. IC 5-26-4-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2. (a) Except as provided in section 3 of this chapter, the commission shall, subject to approval by the budget agency after review by the budget committee, assess a monthly integrated communications emergency system surcharge of forty-five cents (\$0.45) on the following:**

- (1) Each CMRS mobile telephone number that has a billing address in Indiana.**
- (2) Each exchange facility in Indiana.**

(b) The money collected from the surcharge may only be used to pay for the following:

- (1) The development of the system.**
- (2) Maintenance of the system.**
- (3) Matching grants for local or state government enhancements to the system.**
- (4) Matching grants for local or state public safety user equipment.**
- (5) Connectivity for state and local users of IDACS.**
- (6) Salaries and other administrative expenses of the commission.**

(c) A surcharge may not be assessed under this chapter after June 30, 2006.

SECTION 10. IC 5-26-4-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3. A CMRS telephone number or exchange access facility is exempt from the integrated communications emergency system surcharge if the subscriber is any of the following:**

- (1) The federal government or an agency of the federal government.**
- (2) The state or an agency or instrumentality of the state.**
- (3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.**

SECTION 11. IC 36-8-16.5-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 29. **Except as provided in IC 5-26-4-2, an additional fee relating to the provision of wireless 911 service may not be levied by a state agency or local unit of government.**

Renumber all SECTIONS consecutively.

(Reference is to HB 1525 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 1.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, 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 be amended as follows:

Page 1, line 3, reset in roman "(a)".

Page 2, reset in roman lines 2 through 3.

Page 2, line 4, reset in roman "described in section 3(2)(D) of this chapter is equal to".

Page 2, line 4, after "to" insert "**one hundred ten percent (110%) of**".

Page 2, line 4, reset in roman "the maximum".

Page 2, reset in roman lines 5 through 6.

(Reference is to HB 1692 as printed February 9, 2001.) and when so amended that said bill do pass.

Committee Vote: yeas 25, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1786, 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 amendment in the committee report adopted by the House Labor and Employment Committee to HB 1786 February 13, 2001.

Page 11, delete lines 13 through 26, in the committee report adopted by the House Labor and Employment Committee to HB 1786 February 13, 2001.

(Reference is to the committee report adopted by the House Labor and Employment Committee to HB 1786 on February 13, 2001.) and when so amended 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 1811, 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 6-2.5-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) Each retail merchant who dispenses gasoline or special fuel from a metered pump shall, in the manner prescribed in IC 6-2.5-6, report to the department the following information:

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

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

(3) That portion of the amount described in subdivision (2) which represents state and federal taxes imposed under IC 6-2.5, IC 6-6-1.1, or Section 4081 of the Internal Revenue Code.

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

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

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

(b) Concurrently with filing the report, the retail merchant shall remit the state gross retail tax in an amount which equals one twenty-first (1/21) of the gross receipts, including state gross retail taxes but excluding Indiana and federal gasoline and special fuel taxes, received by the retail merchant from the sale of the gasoline and

special fuel that is covered by the report and on which the retail merchant was required to collect state gross retail tax. The retail merchant shall remit that amount regardless of the amount of state gross retail tax which he has actually collected under this chapter. However, the retail merchant is entitled to deduct and retain the amounts prescribed in subsection (c), IC 6-2.5-6-10, and IC 6-2.5-6-11.

(c) A retail merchant is entitled to deduct from the amount of state gross retail tax required to be remitted under subsection (b) an amount equal to:

- (1) the sum of the prepayment amounts made during the period covered by the retail merchant's report; minus
- (2) the sum of prepayment amounts collected by the retail merchant, in the merchant's capacity as a qualified distributor, during the period covered by the retail merchant's report.

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

(d) The department shall study the reports and remittances submitted under this section and report its findings to the House ways and means standing committee and the Senate finance standing committee before July 1, 2002. This subsection expires July 1, 2002.

SECTION 2. IC 6-6-1.1-502 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 502. (a) Except as provided in subsection (b), at the time of filing each monthly report, each distributor shall pay to the administrator the full amount of tax due under this chapter for the preceding calendar month, computed as follows:

- (1) Enter the total number of invoiced gallons of gasoline received during the preceding calendar month.
- (2) Subtract the number of gallons for which deductions are provided by sections 701 through 705 of this chapter from the number of gallons entered under subdivision (1).
- (3) Subtract the number of gallons reported under section 501(3) of this chapter.
- (4) Multiply the number of invoiced gallons remaining after making the computation in subdivisions (2) and (3) by the tax rate prescribed by section 201 of this chapter to compute that part of the gasoline tax to be deposited in the highway, road, and street fund under section 802(2) of this chapter or in the motor fuel tax fund under section 802(3) of this chapter.
- (5) Multiply the number of gallons subtracted under subdivision (3) by the tax rate prescribed by section 201 of this chapter to compute that part of the gasoline tax to be deposited in the fish and wildlife fund under section 802(1) of this chapter.

(b) If the department determines that a distributor's:

- (1) estimated monthly gasoline tax liability for the current year; or
- (2) average monthly gasoline tax liability for the preceding year; exceeds ten thousand dollars (\$10,000), the distributor shall pay the monthly gasoline taxes due by electronic fund transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the tax is due.

(c) The department shall study the remittances under this section and report its findings to the House ways and means standing committee and the Senate finance standing committee before July 1, 2002. This subsection expires July 1, 2002.

SECTION 7. IC 6-6-2.5-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 36. (a) All suppliers required to remit the special fuel tax shall remit the special fuel taxes due by electronic fund transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the tax is due.

(b) The department shall study the remittances under this section and report its findings to the House ways and means standing committee and the Senate finance standing committee before July 1, 2002. This subsection expires July 1, 2002.

SECTION 4. IC 6-6-4.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The department shall deposit

revenue collected under sections 4 and 12 of this chapter in the state highway fund (IC 8-23-9-54).

(b) The department shall deposit revenue collected under section 4.5 of this chapter as follows:

- (1) Forty-five and one-half percent (45.5%) in the state highway fund (IC 8-23-9-54).
- (2) Forty-five and one-half percent (45.5%) in the motor vehicle highway account (IC 8-14-1).
- (3) Nine percent (9%) in the motor carrier regulation fund administered by the department.

(c) The department shall deposit revenue collected under section 13 of this chapter as follows:

- (1) Thirty-five percent (35%) in the motor vehicle highway account (IC 8-14-1).
- (2) Sixty-five percent (65%) in the state highway fund (IC 8-23-9-54).

(d) The department shall study the revenue described in this section and report its findings to the House ways and means standing committee and the Senate finance standing committee before July 1, 2002. This subsection expires July 1, 2002.

Renumber all SECTIONS consecutively.

(Reference is to HB 1811 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1852, 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 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1866, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, delete "five percent (105%)" and insert "**seven percent (107%)**".

Page 2, line 37, delete "ninety percent (90%)" and insert "**one hundred percent (100%)**".

Page 2, delete lines 38 through 42.

Page 3, delete line 1.

Page 3, line 2, delete "(9)" and insert "**(8)**".

Page 3, line 8, delete "(10)" and insert "**(9)**".

Page 3, line 14, delete "(11)" and insert "**(10)**".

Page 3, line 32, delete "days (150)" and insert "**(150) days**".

Page 3, line 39, delete "(12)" and insert "**(11)**".

Page 4, line 20, delete "(13)" and insert "**(12)**".

Page 4, line 23, delete "(14)" and insert "**(13)**".

Page 4, line 27, delete "(15)" and insert "**(14)**".

Page 4, line 36, delete "(16)" and insert "**(15)**".

Page 5, line 36, delete "(17)" and insert "**(16)**".

Page 5, between lines 38 and 39, begin a new paragraph and insert: "SECTION 2. [EFFECTIVE UPON PASSAGE] (a) **The definitions in this SECTION apply throughout SECTIONS 3 through 8 of this act.**

(b) "**Bed**" refers to a comprehensive care bed.

(c) "**Fund**" refers to the eldercare trust fund established by this act.

(d) "**Health facility**" refers to a health facility that is licensed under IC 16-28 as a comprehensive care facility.

(e) "**Office**" refers to the office of Medicaid policy and planning.

(f) "**Patient day**" refers to a patient day as reported on:

- (1) a health facility's Medicaid cost report if the facility

participates in the Medicaid program; or

(2) the form developed by the office under this act if the facility does not participate in the Medicaid program.

(g) This SECTION expires August 1, 2003.

SECTION 3. [EFFECTIVE JULY 1, 2001] (a) The eldercare trust fund is established. The fund consists of the money deposited in the fund from the reimbursement allowance collected under this act.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) Interest that accrues from investing the money in the fund shall be deposited in the fund.

(d) The money in the fund shall be used to pay the state's share of the costs to supplement and enhance reimbursement to nursing facilities for Medicaid services provided under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.) as required by SECTION 1 of this act.

(e) The money in the fund may not be used to reduce or replace the amount of state money that otherwise is being paid as of July 1, 2001, or that otherwise would be paid after July 1, 2001, if this act had not been enacted to reimburse nursing facilities for Medicaid services provided under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.).

(f) All federal financial participation that is obtained due to the expenditure required by subsection (d) shall be expended to supplement and enhance reimbursement to nursing facilities for Medicaid services provided under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.) as required by SECTION 1 of this act.

(g) If federal financial participation becomes unavailable to match money from the fund for the purpose of supplementing and enhancing reimbursement to nursing facilities for Medicaid services provided under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.), the office shall cease collection of the reimbursement allowance under this act and refund all of the money remaining in the fund.

(h) This SECTION expires August 1, 2003.

SECTION 4. [EFFECTIVE AUGUST 1, 2001] (a) The office shall collect a reimbursement allowance from each health facility of four dollars and sixty-five cents (\$4.65) for each patient day in the health facility. The office shall deposit the money collected in the eldercare trust fund.

(b) This SECTION expires August 1, 2003.

SECTION 5. [EFFECTIVE JULY 1, 2001] (a) This SECTION applies only to health facilities that participate in the Medicaid program.

(b) The office shall do the following:

(1) Determine the number of patient days for each health facility for the previous Medicaid cost reporting period.

(2) Determine the amount of the annual reimbursement allowance for each health facility based upon the number of patient days. The reimbursement allowance shall be adjusted on an annual basis effective the first day of the second calendar quarter following the end of the facility's Medicaid cost reporting year.

(3) Notify each health facility each year not later than thirty (30) days after receipt of the facility's cost report of the amount of the annual reimbursement allowance.

(4) Withhold one-twelfth (1/12) of each health facility's annual reimbursement allowance each month through the Medicaid claims payment system. The annual reimbursement allowance shall be collected against the claims for service dates that coincide with the period that the allowance is in effect.

(c) The reimbursement allowance collected under this act is considered an allowable cost for Medicaid reimbursement purposes in the administrative rate component.

(d) The office may not begin collection of the reimbursement allowance under this act before the office calculates and begins paying new reimbursement rates under SECTION 1 of this act.

(e) This SECTION expires August 1, 2003.

SECTION 6. [EFFECTIVE JULY 1, 2001] (a) This SECTION applies only to health facilities that do not participate in the Medicaid program.

(b) The office shall develop and distribute to each health facility subject to this SECTION a form that will collect the following data:

(1) Total number of beds in the health facility.

(2) Number of patient days during the previous tax reporting period.

(c) Each health facility shall complete and submit the form on an annual basis not later than ninety (90) days after the end of the facility's tax reporting period. The period for this report is equal to the facility's tax reporting period.

(d) The office shall do the following:

(1) Determine the amount of the annual reimbursement allowance for each health facility based upon the number of patient days during the previous tax reporting period. The reimbursement allowance shall be adjusted on an annual basis effective the first day of the second calendar quarter following the end of the facility's tax reporting year.

(2) Notify each health facility each year not later than thirty (30) days after receipt of the facility's form of the amount of the annual reimbursement allowance.

(e) Each facility shall pay one-twelfth (1/12) of the facility's annual reimbursement allowance to the office not later than the tenth day of each month beginning in August 2001 and ending in July 2003.

(f) This SECTION expires August 1, 2003.

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies only to health facilities that participate in the Medicaid program.

(b) Before July 1, 2001, the office shall do the following:

(1) Determine the number of patient days for each health facility for the previous Medicaid cost reporting period.

(2) Determine the amount of the annual reimbursement allowance for each health facility based upon the number of patient days.

(3) Notify each health facility of the amount of the annual reimbursement allowance.

(c) This SECTION expires July 1, 2001.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies only to health facilities that do not participate in the Medicaid program.

(b) Before June 1, 2001, the office shall develop and distribute to each health facility subject to this SECTION a form that will collect the following data:

(1) Total number of beds in the health facility.

(2) Number of patient days during the previous tax reporting period.

(c) Before June 15, 2001, each health facility shall complete and submit the form. The period for this report is equal to the facility's tax reporting period.

(d) Before July 1, 2001, the office shall do the following:

(1) Determine the amount of the annual reimbursement allowance for each health facility based upon the number of patient days during the previous tax reporting period.

(2) Notify each health facility of the amount of the annual reimbursement allowance.

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

Page 6, line 1, delete "SECTION 1 of".

Page 6, line 7, delete "SECTION 1 of".

Page 6, line 25, after "." insert "The state's rate setting contractor shall include in the calculation of:

(1) the administrative medians for rate effective dates of July 1, 2001, through September 30, 2002; and

(2) each provider's reimbursement rates with rate effective dates of July 1, 2001, through September 30, 2002;

the initial amount of the reimbursement allowance that the provider will pay under this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1866 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 4.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1909, 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 20, nays 5.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1930, 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 8, reset in roman "or".

Page 1, line 9, reset in roman "private".

Page 1, line 14, after "standards" insert "(as defined in **IC 20-10.1-16-1**)".

Page 1, line 17, after "for" insert "**high school**".

Page 1, line 17, delete "." and insert "**or for a general educational development diploma under IC 20-10.1-12.1.**".

Page 2, line 23, after "standards" insert "(as defined in **IC 20-10.1-16-1**)".

Page 2, line 25, after "for" insert "**high school**".

Page 2, line 34, delete "not".

Page 2, line 34, after "private" insert "**or public**".

Page 3, line 10, delete "not".

Page 3, line 11, after "private" insert "**or public**".

Page 3, line 15, delete "not".

Page 3, line 16, after "private" insert "**or public**".

(Reference is to HB 1930 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, 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 1, line 10, delete "who".

Page 1, line 11, after "(1)" insert "**who**".

Page 1, line 13, after "(2)" insert "**who**".

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

Page 2, line 3, delete "and".

Page 2, line 4, after "(4)" insert "**who**".

Page 2, line 5, after ";" insert "**and**

(5) whose family income does not exceed two hundred percent (200%) of the federal income poverty level for the same size family;".

(Reference is to HB 1938 as printed February 9, 2001.)

and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1952, 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 8, delete "six (6)" and insert "**seven (7)**".

Page 1, line 10, strike "three (3)" and insert "**four (4)**".

Page 1, line 12, delete "six" and insert "**seven (7)**".

Page 1, line 13, delete "(6)".

Page 1, line 15, strike "three (3)" and insert "**four (4)**".

Page 2, line 10, strike "one (1)" and insert "**two (2)**".

Page 2, delete lines 28 through 30.

Page 2, line 35, delete "not including".

Page 2, line 36, delete "the chairman".

Page 2, line 39, after "the" insert "**appointing authority of a unit that created a housing authority with five (5) commissioners before July 1, 2001, shall appoint the following not later than August 1, 2001:**

(1) One (1) commissioner who is a resident of a housing project under the jurisdiction of the housing authority, who serves an initial term of one (1) year, and who may be reappointed.

(2) One (1) commissioner who serves an initial term of two (2) years, and may be reappointed."

Page 2, delete lines 40 through 42.

Page 3, delete lines 1 through 3.

(Reference is to HB 1952 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 Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1973, 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 1 and 2 begin a new paragraph and insert:

"SECTION 2. IC 15-4-10-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 11.5. As used in this chapter "unit" means eighty thousand (80,000) kernels.**"

Page 5, line 42, strike "(b)" and insert "(c)".

Page 6, line 1, delete "three-tenths" and insert "**one-half**".

Page 6, line 1, delete "(0.3%)" and insert "**(0.5%)**".

Page 6, line 2, strike "imposed" and insert "**permitted**".

Page 6, line 4, after "once" delete "." and insert ", **and may be imposed and collected only if the producer of the corn indicates the desire to be assessed under the procedures described in subsection (b).**".

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

"**(b) Annually, and in conjunction with the producer's first settlement with the first purchaser, the first purchaser shall have the producer complete and sign a form, in writing, indicating the producer's desire to participate in or decline the assessment permitted by subsection (a). The first purchaser shall keep an annual record of each producer's desire to participate in or decline the assessment, as indicated on the completed form. The office of the commissioner of agriculture shall prescribe the form to be used under this subsection.**"

Page 6, line 6, strike "(b)" and insert "(c)".

Page 6, line 6, delete "three-tenths of one" and insert "**fifty (50) cents per unit**".

Page 6, line 7, delete " percent (0.3%) of the sale price per bag".

Page 6, line 12, strike "(c) The" and insert "**(d) If the producer indicates the desire to be assessed under the procedure described in subsection (b), the**".

Page 6, line 21, strike "(d)" and insert "(e)".

Page 6, between lines 25 and 26, begin a new paragraph and insert: "**(f) The authority to collect assessments under subsections (a) and (c) expires July 1, 2006.**".

Page 6, delete lines 26 through 42.

Page 7, delete lines 1 through 5.

Renumber all SECTIONS consecutively.

(Reference is to HB 1973 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 2.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 2026, 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 14, delete "IC 24-42.5" and insert "IC 16-42.5".

Page 4, line 8, delete "information, and the state department may" and insert "**information.**".

Page 4, delete line 9.

Page 4, line 10, after "4." insert "(a)".

Page 4, line 10, delete "impose prior authorization" and insert "**post on its Internet website the following information:**

(1) The names and other pertinent information of the manufacturers or labelers that entered into a rebate agreement as described in section 1 of this chapter.

(2) The names and other pertinent information of the manufacturers or labelers that did not enter into a rebate agreement as described in section 1 of this chapter.

(b) The state department may publish all or part of the information described in subsection (a) in any newspaper of general circulation published in Indiana."

Page 4, delete lines 11 through 14.

Page 6, line 41, delete "Emergency Pricing for Prescription Drugs" and insert "**Terms of Rebate Agreement**".

Page 6, line 42, delete "Not later than July 1, 2004, the state department shall" and insert "**A rebate agreement entered into under IC 16-42.5-3-1 must include a verification by the manufacturer or labeler that the price negotiated in the rebate agreement complies with this article.**

(b) The state department may perform an audit of any manufacturer or labeler who has entered into a rebate agreement to determine whether the manufacturer or labeler complied with subsection (a). The state department may contract with an independent individual or organization to carry out the department's duties under this subsection. A manufacturer or labeler shall provide information that the state department may reasonably require to enable it to determine whether the manufacturer or labeler is in compliance with this chapter.

(c) If the state department or its agent determines that a manufacturer or labeler has not complied with subsection (a), the state department shall require the manufacturer or labeler to do the following:

(1) Refund to the state department the difference between the price offered to the state by the rebate agreement and the lowest price offered by the manufacturer or labeler as determined by the state department's negotiating formula under IC 16-42.5-3 and IC 16-42.5-4.

(2) Promptly pay the costs of the audit.

(d) The state may hire counsel to collect any amount, including attorney's fees and the cost of collection, under subsection (c) that is not promptly paid.

(e) The state department shall deposit any money collected under subsection (c) into the Rx dedicated fund."

Delete pages 7 through 8.

(Reference is to HB 2026 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 10.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 2085, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, after "2000," insert "**and who is at least sixty (60) years of age**".

Page 1, line 10, delete "salary" and insert "**pension benefit**".

Page 1, line 11, after "trooper" insert "**retiring July 1, 2001, with twenty-five (25) years of service**".

(Reference is to HB 2085 as introduced.)
and when so amended 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 2091, 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 1.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 2100, 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:

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

Page 1, line 5, delete "develop an immunization data registry." and insert "**have an immunization data registry developed by delegating the authority for the development of the registry to a nonprofit agency that, working in conjunction with the state department of health under IC 16-38-5-1, demonstrates the ability to generate matching funds sufficient to develop the registry.**".

Page 1, line 7, delete " with the recipient's specific" and insert "**However, the parent or guardian of a child may elect not to have the child's immunization records included in the immunization data registry if the parent completes and files with the office a written exemption form prescribed by the office.**".

Page 1, delete line 8.

Page 1, line 13, delete "or a provider" and insert "**, a provider, or a nonprofit agency**".

Page 1, line 15, delete "or provider" and insert "**, the provider, or the nonprofit agency**".

Page 2, line 6, delete "State" and insert "**States**".

Page 2, delete lines 14 through 19.

Page 2, line 20, delete "(c)" and insert "**(b)**".

(Reference is to HB 2100 as printed February 1, 2001.)
and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 2146, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-36 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

ARTICLE 36. State Museums Commission

Chapter 1. Definitions

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

Sec. 2. "Chief executive officer" means the chief executive officer of the state museum.

Sec. 3. "Commission" means the Indiana state museums commission established under IC 4-36-2.

Sec. 4. "Council" refers to the historic sites advisory council

established under IC 4-36-6.

Sec. 5. "Foundation" refers to the state museum foundation or its successors.

Sec. 6. "Fund" refers to the museums fund established under IC 4-36-4.

Sec. 7. "Museums" refers to the state museum and the historic sites.

Sec. 8. "Person" means an individual, a partnership, a corporation, a limited liability company, an unincorporated association, or a governmental entity.

Sec. 9. "State museum" refers to the Indiana state museum located in the White River state park.

Chapter 2. State Museums Commission

Sec. 1. (a) The state museums commission is established.

(b) The commission is a public body corporate and politic. The commission is separate from the state, but the exercise by the commission of its powers constitutes an essential governmental function.

(c) The commission may sue and be sued and plead and be impleaded.

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

(1) The governor, or the governor's designee, who shall serve as chair.

(2) Six (6) persons appointed by the governor, not more than two (2) of whom may be from the same county.

(3) Three (3) persons appointed by the foundation, each of whom must be residents of different counties.

(b) The members of the commission other than the governor shall be appointed for terms of three (3) years.

(c) The members appointed by the governor may be reappointed or replaced by the governor.

(d) The members appointed by the foundation may be reappointed or replaced by the foundation.

(e) Six (6) members of the commission constitute a quorum. The affirmative votes of at least six (6) members are required to take any action other than to adjourn a meeting of the commission.

(f) The commission may select a vice chairperson who may serve a term of one (1) year.

Sec. 3. (a) The commission is not required to pay any taxes or assessments upon any property acquired or used by the commission under this article, or upon the income from that property.

(b) The following are exempt from taxation in Indiana under IC 6-8-5:

(1) Bonds issued under this article.

(2) Interest on bonds issued under this article.

(3) The proceeds received by a holder from the sale of the bonds issued under this article to the extent of the holder's cost of acquisition, or proceeds received upon redemption before maturity or proceeds received at maturity, and the receipt of the interest and proceeds.

Sec. 4. The title to all of the following shall be held in the name of the state of Indiana:

(1) Property constituting the museums.

(2) Property used in connection with the museums.

(3) Property acquired by the commission.

Sec. 5. Members appointed by the governor or the foundation are not liable in an individual capacity, except to the state, for any act done or omitted in connection with the performance of duties under this article.

Sec. 6. (a) The commission is exempt from the following:

(1) The requirements of IC 4-13-2-20 requiring payment in arrears.

(2) The procurement requirements under IC 5-22, except that the disposition of surplus personal property shall be handled under IC 5-22-22.

(b) Surplus real property of the commission shall be disposed of under IC 4-20.5-7.

Chapter 3. Powers and Duties of the Commission

Sec. 1. The commission shall do the following:

(1) Collect, preserve, and interpret artifacts and materials reflecting the cultural and natural history of Indiana.

(2) Prepare and maintain a statewide inventory of these artifacts and materials.

(3) Collect and interpret artifacts from outside Indiana.

(4) Operate and administer the state museum and historic sites.

(5) Maintain accreditation of the state museum.

(6) Uphold the highest professional and ethical standards as adopted by the American Association of Museums.

(7) Adopt a code of ethics, subject to the approval of the governor, for its employees, or submit to the jurisdiction and rules of the state ethics commission.

(8) Cause an independent financial audit of the commission to be performed annually.

Sec. 2. The commission may do the following:

(1) Qualify the museums for federal and other aid to preserve historic property, materials, items, sites, and memorials.

(2) Provide information on historic property, materials, items, sites, and memorials within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.

(3) Advise and assist local museums, historical associations, historic district commissions, historic commissions, and other interested groups or persons in Indiana.

(4) Develop a program of interpretation, outreach, and publication regarding any of the state's historical, architectural, and archeological resources.

(5) Assist in the professional development of the museums' staffs.

(6) Develop a plan to meet the physical, program, financial, and staffing needs of the museums for both the immediate and long range future, monitor the plan at regular intervals, and ensure that the museums follow the plan.

(7) Donate, or make short term loans of, artifacts in the museums' collections to other public or nonprofit museums or historical societies located in Indiana.

(8) Adopt an official seal.

(9) Adopt bylaws.

(10) Adopt rules under IC 4-22-2 to carry out the purposes of this article.

(11) Acquire by grant, purchase, gift, devise, lease, or otherwise hold, use, sell, lease, manage, operate, clear, improve, encumber, transfer, convey, exchange, or dispose of:

(A) real and personal property and any interest in real or personal property;

(B) facilities;

(C) money or stocks; and

(D) any right or interest necessary or useful for carrying out the commission's powers and duties under this article.

(12) Procure insurance against any loss in connection with its operations.

(13) Employ persons or consultants as may be required in the judgment of the commission and pay their compensation from funds available to the commission.

(14) Enter into contracts, agreements, or other documents with any person necessary to accomplish the purposes of this article.

(15) Borrow funds as set forth in IC 4-13.5-4.

(16) Issue revenue bonds of the commission, payable solely from revenues, as set forth in IC 4-13.5-4, or from the proceeds of bonds issued under this article and earnings thereon, to carry out the purposes of this article.

(17) Fix and collect rents, admission charges, entrance fees, tolls, and other user charges for the museums, restaurants, or other facilities.

(18) Establish policies for the governance and management of the staffs of the museums.

(19) Hold meetings under IC 5-14-1.5 at the times and places in Indiana that are prescribed by its bylaws.

(20) Hire, fix the compensation of, review the performance of, and dismiss the following:

(A) A chief executive officer, who shall be the director of museums.

(B) A chief administrative officer, who shall generally supervise the work of the commission and the work of the museums.

(21) Establish standards and criteria for the acquisition of historic properties and for the preservation, restoration, administration and operation of the sites and structures acquired by the commission and accept or refuse to accept an offered gift of historic property that would be administered by the commission.

(22) Review and approve annually a budget prepared by the chief executive officer for the operation and maintenance of the museums and the operation of the commission.

(23) Submit a budget to the budget agency and request and receive appropriations from the general assembly.

(24) Pay royalties or license fees or charges for exhibits, artifacts, art work, or materials.

(25) Do any and all acts and things necessary, proper, or convenient to carry out this article.

(26) Own copyrights, trademarks, and service marks and enforce its rights with respect to ownership.

(27) Make or sell the following:

(A) Pictures, models, books, and other representations of the museums, their artifacts, and exhibits.

(B) Souvenirs, crafts, art, videotapes, digital video discs, and other merchandise.

(28) Maintain museum shops and restaurants on property that the commission manages and at other locations.

(29) Employ persons for the museum shops and restaurants.

(30) Contract with a corporation, firm, or nonprofit organization for the management of the museum shops, facility rental, and restaurants.

(31) Establish programs relating to the museums, exhibits, artifacts or other appropriate topics and collect fees for the following:

(A) Guest speaker or instructor programs.

(B) Educational or informational opportunities such as trips and tours.

Chapter 4. Museums Fund

Sec. 1. (a) The museums fund is established. The fund shall be administered by the commission.

(b) The commission may invest the money in the fund not currently needed to meet the obligations of the fund in a manner consistent with policies adopted by the commission.

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

(d) The commission may spend the money in the fund for the following purposes:

(1) Maintenance or repair of properties managed by the commission.

(2) Maintenance, repair, and acquisition of the following:

(A) Exhibits, programming, and related expenses.

(B) Appropriate artifacts.

(C) Appropriate memorabilia and merchandise.

Sec. 2. The following applies to the fund:

(1) Proceeds from admission and user fees, sales at museum shops, facility rentals, restaurant sales and any other monies generated by the museums shall be deposited in the fund.

(2) Gifts of money or the proceeds from the sale of gifts donated to the state museum shall be deposited in the fund.

(3) All money accruing to the fund is appropriated continuously for the purposes of this article.

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

Sec. 3. The chief executive officer shall report annually to the commission on the activities, revenues, expenditures, and profits of the museum shops, facility rental, and restaurants.

Chapter 5. Personnel Administration and Retirement

Sec. 1. (a) The commission may:

(1) develop a separate personnel system for employees of the commission; and

(2) establish the rights and duties of its employees, including

a pay scale and benefit package.

(b) If the commission does not adopt a personnel system under this section, its employees are subject to the state personnel system under IC 4-15-1.8.

Sec. 2. The commission may:

(1) develop a retirement program for employees of the commission; or

(2) require employees of the commission to be members of the public employees retirement fund under IC 5-10.3-7.

Sec. 3. (a) The chief executive officer and controller or fiscal agent of the museums shall, before entering upon the discharge of their duties, provide surety bonds each in the sum of one hundred thousand dollars (\$100,000), conditioned for the faithful performance of such duties as may be imposed upon them by law.

(b) Persons required to give a bond under this article are entitled to furnish as surety any surety company authorized to transact business in Indiana that meets the approval of the commission.

(c) The premium on any bond required under this chapter shall be paid by the commission.

Sec. 4. All employees of the commission employed within a classification covered by a labor agreement to which the state is a party shall continue to remain subject to the terms and conditions of the agreement and any successor labor agreements entered into by the state.

Chapter 6. Historic Sites Advisory Council

Sec. 1. The historic sites advisory council is established to make recommendations to the commission regarding the maintenance, operation, and enhancement of the historic sites and their programs.

Sec. 2. The council consists of the following members:

(1) The president of each historic site's friends group or foundation.

(2) The chief executive officer, who shall act as chair.

(3) Two (2) members of the commission, designated by the chair of the commission.

Sec. 3. (a) Each member of the council is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures established by the state department of administration and approved by the budget agency.

(b) Each member of the council who is not a state employee is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

Sec. 4. The council shall do the following:

(1) Recommend to the commission policies, procedures, and practices regarding the maintenance and operation of the historic sites.

(2) Review and assist in the development of statewide outreach programs for the historic sites and make recommendations with respect to these programs to the commission.

(3) Review and evaluate the programs and operations of the historic sites and make recommendations with respect to those matters to the commission.

(4) Review the budget needs and requests of the historic sites and make recommendations to the commission with respect to those needs and requests.

(5) Promote the welfare of the historic sites.

Sec. 5. (a) The council shall meet at least quarterly as follows:

(1) One (1) quarterly meeting shall be held in the northern region of Indiana.

(2) One (1) quarterly meeting shall be held in the central region of Indiana.

(3) Two (2) quarterly meetings shall be held in the southern region of Indiana.

(b) A report of each meeting and recommendations to the commission shall be prepared following each meeting and provided to the commission.

SECTION 2. IC 10-7-2-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 34. (a) The commission shall employ an individual who is responsible for the care and preservation of all personal property owned by the commission that has historic significance.

(b) The individual employed by the commission under subsection (a) must meet the qualifications set by the ~~division~~ of state museums

and historic sites of the department of natural resources commission.

SECTION 3. IC 14-8-2-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 77. "Division" has the following meaning:

- (1) For purposes of IC 14-9-8, the meaning set forth in IC 14-9-8-2.
- ~~(2) For purposes of IC 14-20-1, the meaning set forth in IC 14-20-1-2.~~
- ~~(3) (2)~~ For purposes of IC 14-21-1, the meaning set forth in IC 14-21-1-6.
- ~~(4) (3)~~ For purposes of IC 14-22, the division of fish and wildlife.
- ~~(5) (4)~~ For purposes of IC 14-24, the division of entomology and plant pathology.
- ~~(6) (5)~~ For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-4.
- ~~(7) (6)~~ For purposes of IC 14-37, the division of oil and gas.

SECTION 4. IC 14-8-2-107, AS AMENDED BY P.L.160-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 107. "Fund" has the following meaning:

- (1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.
- (2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.
- (3) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.
- (4) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.
- (5) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.
- (6) For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.
- (7) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.
- (8) For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.
- (9) For purposes of IC 14-19-4, the meaning set forth in IC 14-19-4-1.
- (10) For purposes of IC 14-19-5, the meaning set forth in IC 14-19-5-1.
- ~~(11) For purposes of IC 14-20-1, the meaning set forth in IC 14-20-1-3.~~
- ~~(12) (11)~~ For purposes of IC 14-20-11, the meaning set forth in IC 14-20-11-2.
- ~~(13) (12)~~ For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.
- ~~(14) (13)~~ For purposes of IC 14-22-4, the meaning set forth in IC 14-22-4-1.
- ~~(15) (14)~~ For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.
- ~~(16) (15)~~ For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.
- ~~(17) (16)~~ For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.
- ~~(18) (17)~~ For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.
- ~~(19) (18)~~ For purposes of IC 14-23-8, the meaning set forth in IC 14-23-8-1.
- ~~(20) (19)~~ For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.
- ~~(21) (20)~~ For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.
- ~~(22) (21)~~ For purposes of IC 14-25-11-19, the meaning set forth in IC 14-25-11-19.
- ~~(23) (22)~~ For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.
- ~~(24) (23)~~ For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.
- ~~(25) (24)~~ For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.
- ~~(26) (25)~~ For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(27) (26)~~ For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(28) (27)~~ For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(29) (28)~~ For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(30) (29)~~ For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 5. IC 14-8-2-124 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 124. "Historic property", for purposes of IC ~~14-20-1~~ and IC 14-21-1, means:

- (1) a historic site;
- (2) a historic structure; or
- (3) other personal or real property located on or in a ~~historic~~ **historic** site or historic structure.

SECTION 6. IC 14-8-2-125 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 125. "Historic site", for purposes of IC ~~14-20-1~~ and IC 14-21-1, means a site that is important to the general, archeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana. The term includes adjacent property that is necessary for the preservation or restoration of the site.

SECTION 7. IC 14-8-2-126 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 126. "Historic structure", for purposes of IC ~~14-20-1~~ and IC 14-21-1, means a structure that is important to the general, archeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana. The term includes adjacent property that is necessary for the preservation or restoration of the structure.

SECTION 8. IC 14-8-2-202 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 202. (a) "Person" means, except as provided in subsections (b) through (j), an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, or a corporation.

(b) "Person", for purposes of IC 14-12-2, has the meaning set forth in IC 14-12-2-3.

(c) "Person", for purposes of IC 14-16, IC 14-24, IC 14-26-2, IC 14-28-1, IC 14-28-3, IC 14-29-6, and IC 14-38-2, means an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, a corporation, other legal entity, the state, or an agency, a political subdivision, or another instrumentality of the state.

(d) "Person", for purposes of IC 14-12-1, IC 14-12-2, IC ~~14-20-1~~, IC 14-21, IC 14-25 through IC 14-29, except as otherwise provided in this section, IC 14-33, IC 14-34, and IC 14-37, means an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, a corporation, or a governmental entity.

(e) "Person", for purposes of IC 14-22-31.5, has the meaning set forth in IC 14-22-31.5-2.

(f) "Person", for purposes of IC 14-25-3, has the meaning set forth in IC 14-25-3-1.

(g) "Person", for the purposes of IC 14-25-7, has the meaning set forth in IC 14-25-7-5.

(h) "Person", for purposes of IC 14-34, means an individual, a partnership, a limited liability company, an association, a society, a joint stock company, a firm, a company, a corporation, or other business organization.

(i) "Person", for purposes of IC 14-38-1, has the meaning set forth in IC 14-38-1-2.

(j) "Person", for purposes of IC 14-24-12, has the meaning set forth in IC 14-24-12-4.

SECTION 9. IC 14-8-2-208, AS AMENDED BY P.L.160-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 208. "Political subdivision" has the following meaning:

(1) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-2.

~~(2) For purposes of IC 14-20-1, the meaning set forth in IC 14-20-1-4.~~

~~(3) For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-2.~~

SECTION 10. IC 14-8-2-258 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 258. "Site", for purposes of IC ~~14-20-1~~ and IC 14-21, includes the following:

- (1) An aboriginal mound, a fort, an earthwork, a village location, a burial ground, a ruin, a mine, a cave, a battleground, a shipwreck, or other similar location on land or under water.
- (2) A location that contains or did contain a structure.

SECTION 11. IC 14-8-2-268 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 268. "Structure", for purposes of IC ~~14-20-1~~ and IC 14-21, means a manmade construction.

SECTION 12. IC 14-9-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The following divisions are established within the department:

- (1) Accounting.
- (2) Administrative support services.
- (3) Budget.
- (4) Engineering.
- (5) Entomology and plant pathology.
- (6) Fish and wildlife.
- (7) Forestry.
- (8) Historic preservation and archeology.
- (9) Human resources.
- (10) Internal audit.
- (11) Land acquisition.
- (12) Law enforcement.
- (13) Management information systems.
- (14) Nature preserves.
- (15) Oil and gas.
- (16) Outdoor recreation.
- (17) Public information and education.
- (18) Reclamation.
- (19) Reservoir management.
- (20) Safety and training.
- (21) Soil conservation.
- ~~(22) State museums and historic sites.~~
- ~~(23) (22) State parks.~~
- ~~(24) (23) Water.~~

SECTION 13. IC 14-10-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties of the department under the following:

- (1) IC 14-9.
- (2) This article.
- (3) IC 14-11.
- (4) IC 14-12-2.
- (5) IC 14-14.
- (6) IC 14-17-3.
- (7) IC 14-18, except IC 14-18-6 and IC 14-18-8.
- (8) IC 14-19-1, IC 14-19-4, and IC 14-19-5.
- (9) IC ~~14-20-1~~.
- ~~(10) IC 14-21.~~
- ~~(11) (10) IC 14-22-3, IC 14-22-4, and IC 14-22-5.~~
- ~~(12) (11) IC 14-23-1.~~
- ~~(13) (12) IC 14-25, except IC 14-25-8-3, IC 14-25-11, and IC 14-25-13.~~
- ~~(14) (13) IC 14-26.~~
- ~~(15) (14) IC 14-27.~~
- ~~(16) (15) IC 14-28.~~
- ~~(17) (16) IC 14-29.~~
- ~~(18) (17) IC 14-35-1, IC 14-35-2, and IC 14-35-3.~~

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the secretary of state.

SECTION 14. IC 14-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter applies to the property managers of each of the following divisions of the department:

- (1) State parks.
- (2) Forestry.
- (3) Fish and wildlife.
- (4) Reservoir management.
- ~~(5) State museums and historic sites.~~

SECTION 15. IC 14-12-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) The Indiana heritage trust project committee is established.

(b) The project committee consists of the following sixteen (16) members:

- (1) The director of the division of fish and wildlife.
- (2) The director of the division of forestry.
- (3) The director of the division of nature preserves.
- (4) The director of the division of state parks.
- (5) The director of the division of outdoor recreation.
- (6) The ~~director~~ **chief executive officer** of the ~~division of state museums and historic sites.~~ **commission.**
- (7) Ten (10) individuals appointed by the governor:
 - (A) who are residents of Indiana;
 - (B) who have a demonstrated interest or experience in:
 - (i) conservation of natural resources; or
 - (ii) management of public property;
 - (C) each of whom resides in a different congressional district; and
 - (D) who represent the following:
 - (i) The environmentalist community.
 - (ii) The academic community.
 - (iii) Organized hunting and fishing groups.
 - (iv) The forest products community.
 - (v) The parks and recreation community.

SECTION 16. IC 14-21-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. The division may do the following:

- (1) Recommend the purchase, lease, or gift of historic property of archeological importance and make recommendations to the director, council, and commission regarding policies affecting the operation and administration of these sites and structures by the section of historic sites of the ~~division of state museums and historic sites.~~ **commission.**
- (2) Prepare and review planning and research studies relating to archeology.
- (3) Conduct a program of education in archeology, either within the division or in conjunction with an institution of higher education.
- (4) Inspect and supervise an archeological field investigation authorized by this chapter.

SECTION 17. IC 14-21-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) This section does not apply to real property that is owned by a state educational institution (as defined in IC 20-12-0.5-1).

(b) The Indiana department of administration shall notify the division of a proposed transfer of real property owned by the state at the earliest planning stage and no later than ninety (90) days before the date of the proposed transfer.

(c) The division shall inspect the property and notify the Indiana department of administration of the location of each historic site or historic structure on the property.

(d) Real property owned by the state may not be sold or transferred until the division has stated in writing that the property does not, to the best of the division's knowledge, contain a historic site or historic structure.

(e) If the Indiana department of administration receives notice of a historic site or historic structure on the property, the Indiana department of administration shall reserve control of the appropriate historic property by means of a covenant or an easement contained in the transferring instrument.

(f) The ~~division of state museums and historic sites~~ **commission** shall administer property reserved under subsection (e).

SECTION 18. IC 35-43-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 5. A person who knowingly or intentionally alters, without a permit, historic property located on property owned or leased by the state commits a Class B misdemeanor.**

SECTION 19. [EFFECTIVE JULY 1, 2001] (a) **The definitions in IC 4-36, as added by this act, apply throughout this SECTION.**

(b) **All real property, personal property, and artifacts of the**

division of state museums and historic sites is transferred from the division of state museums and historic sites to the commission.

(c) Rules that concern the division of state museums and historic sites that were adopted by the natural resources commission shall be treated as rules applying to the commission.

(d) All powers, duties, assets, and liabilities of the department of natural resources regarding the division of state museums and historic sites and artifacts of the division of state museums and historic sites that are attributable to the division of state museums and historic sites are transferred to the commission.

(e) A reference to the department of natural resources in a statute or rule concerning the division of state museums and historic sites shall be treated as a reference to the commission.

(f) Notwithstanding IC 4-36-2-2(b), as added by this act, the initial appointments to the commission under IC 4-36-2-2 shall be staggered as follows:

(1) Two (2) persons appointed by the governor and one (1) person appointed by the foundation shall be appointed to serve a one (1) year term ending June 30, 2002.

(2) Two (2) persons appointed by the governor and one (1) person appointed by the foundation shall be appointed to serve a two (2) year term ending June 30, 2003.

SECTION 20. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 14-8-2-266; IC 14-8-2-283; IC 14-20-1.

(Reference is to HB 2146 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 2147, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-22-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter does not apply to the following:

(1) Rules adopted by the department of state revenue.

(2) Rules adopted by the state board of tax commissioners.

(3) Rules adopted under IC 13-14-9 by the department of environmental management or a board that has rulemaking authority under IC 13.

(4) A rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions.

(5) A rule that is required to receive or maintain:

(A) delegation;

(B) primacy; or

(C) approval;

for state implementation or operation of a federally mandated program.

(6) A rule that is required to begin or continue receiving federal funding for the implementation or operation of a program.

SECTION 2. IC 4-22-2.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as provided in subsection (b), an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. **The expiration date of a rule under this section is extended each time that a rule amending an unexpired rule takes effect. The rule, as amended, expires on January 1 of the seventh year after the year in which the amendment takes effect.**

(b) An administrative rule that:

(1) was adopted under IC 4-22-2; and

(2) is in force on December 31, 1995; and

(3) is not amended by a rule that takes effect after December 31, 1995, and before January 1, 2002;

expires not later than January 1, 2002.

SECTION 3. IC 13-14-9.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter does not apply to the following:

(1) A rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions.

(2) A rule that is required to receive or maintain:

(A) delegation;

(B) primacy; or

(C) approval;

for state implementation or operation of a federally mandated program.

(3) A rule that is required to begin or continue receiving federal funding for the implementation or operation of a program.

SECTION 4. IC 13-14-9.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as provided in subsection (b), an administrative rule adopted under IC 13-14-9 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. **The expiration date of a rule under this section is extended each time that a rule amending an unexpired rule takes effect. The rule, as amended, expires on January 1 of the seventh year after the year in which the amendment takes effect.**

(b) An administrative rule that:

(1) was adopted under a provision of IC 13; that has been repealed by a recodification of IC 13; and

(2) is in force on December 31, 1995; and

(3) is not amended by a rule that takes effect after December 31, 1995, and before January 1, 2002;

expires not later than January 1, 2002.

(Reference is to HB 2147 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 1.

MOSES, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 27, 2001, at 10:00 a.m.

WELCH

Motion prevailed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:30 p.m. with the Speaker Pro Tempore, Representative Dobis, in the Chair.

Representative Behning was excused.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1511

Representative Friend called down Engrossed House Bill 1511 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 214: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wheeler and Lewis.

Engrossed House Bill 1540

Representative Fry called down Engrossed House Bill 1540 for third reading:

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

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

Roll Call 215: yeas 56, nays 40. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Server.

Engrossed House Bill 1549

Representative Dumezich called down Engrossed House Bill 1549 for third reading:

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

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

Roll Call 216: 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 Weatherwax, Rogers, and Landske.

Engrossed House Bill 1554

Representative Crooks called down Engrossed House Bill 1554 for third reading:

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

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

HOUSE MOTION (Amendment 1554-2)

Mr. Speaker: I move that Engrossed House Bill 1554 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 17, line 24, reset in roman "obligations,".
(Reference is to HB 1554 as reprinted February 20, 2001.)

CROOKS

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1554, begs leave to report that said bill has been amended as directed.

CROOKS

Report adopted.

The question then was, Shall the bill pass?

Roll Call 217: 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 Long, Mrvan, and Paul.

Engrossed House Bill 1556

Representative Kromkowski called down Engrossed House Bill

1556 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

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

Roll Call 218: yeas 66, nays 26. 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 Harrison and Craycraft.

Engrossed House Bill 1577

Representative Cochran called down Engrossed House Bill 1577 for third reading:

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

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

Roll Call 219: 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 .

Engrossed House Bill 1611

Representative Mellinger called down Engrossed House Bill 1611 for third reading:

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

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

Roll Call 220: yeas 92, 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 Gard.

Engrossed House Bill 1627

Representative Welch called down Engrossed House Bill 1627 for third reading:

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

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

Roll Call 221: yeas 62, nays 34. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Skillman, Blade, Johnson, and Antich.

Engrossed House Bill 1635

Representative Welch called down Engrossed House Bill 1635 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 222: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Clark and Simpson.

Engrossed House Bill 1638

Representative Kuzman called down Engrossed House Bill 1638 for

third reading:

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

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

Roll Call 223: yeas 66, nays 28. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Clark and Lewis.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

SB 1 — Sturtz, Yount (Commerce, Economic Development and Technology)

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

SB 4 — Cook, Wolkins (Rules and Legislative Procedures)

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

SB 8 — Welch, T. Brown, Goodin, C. Brown (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning blood and breath alcohol concentrations.

SB 14 — Lytle (Roads and Transportation)

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

SB 32 — Mellinger (Agriculture, Natural Resources and Rural Development)

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

SB 33 — Sturtz (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 46 — Sturtz, Foley (Judiciary)

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

SB 49 — Crawford, Budak (Public Health)

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

SB 50 — Klinker, Alderman (Human Affairs)

A BILL FOR AN ACT concerning human services.

SB 63 — Dvorak, D. Young, Goeglein, GiaQuinta (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 71 — Tincher (Ways and Means)

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

SB 72 — Denbo, Steele, M. Smith (Agriculture, Natural Resources and Rural Development)

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

SB 77 — Cheney, Murphy (Education)

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

SB 80 — Sturtz, Foley (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 83 — Crawford, Budak (Public Health)

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

SB 93 — Weinzapfel (Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 96 — Kuzman, Alderman (Public Policy, Ethics and Veterans Affairs)

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

SB 97 — Budak, Turner, Dvorak (Public Policy, Ethics and Veterans Affairs)

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

SB 101 — Mellinger, Herndon (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 106 — Crawford, Atterholt (Education)

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

SB 121 — Weinzapfel, Wolkins, Kruzan (Environmental Affairs)

A BILL FOR AN ACT concerning environmental law.

SB 122 — Herrell, Saunders (Ways and Means)

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

SB 123 — Porter, Scholer, Pond (Ways and Means)

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

SB 126 — Hasler (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 131 — Lytle (Agriculture, Natural Resources and Rural Development)

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

SB 133 — Kuzman, D. Young (Rules and Legislative Procedures)

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

SB 134 — Stevenson, Goeglein (Rules and Legislative Procedures)

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

SB 137 — Crawford (Education)

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

SB 141 — Moses, T. Brown, GiaQuinta, Pond (Judiciary)

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

SB 151 — Sturtz, Dillon (Agriculture, Natural Resources and Rural Development)

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

SB 152 — Sturtz (Agriculture, Natural Resources and Rural Development)

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

SB 153 — Lytle, Foley (Public Policy, Ethics and Veterans Affairs)

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

- SB 154** — Lytle, Cherry (Agriculture, Natural Resources and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 158** — Lytle, Espich (Agriculture, Natural Resources and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 160** — Lytle, Steele, Cherry (Agriculture, Natural Resources and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.
- SB 164** — Dvorak, D. Young, Burton (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 165** — Porter, Scholer, Pond (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.
- SB 166** — V. Smith, Scholer (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 170** — Crosby (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and environmental law.
- SB 173** — Ayres, Stevenson (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 174** — Kuzman, Foley (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning technical corrections.
- SB 176** — Lytle, Cherry (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 178** — Welch, Buell (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 181** — Tincher, Foley (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 186** — Bischoff (Agriculture, Natural Resources and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 188** — Gregg (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- SB 194** — Bodiker (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 196** — Bodiker (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- SB 199** — Tincher, Buell (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.
- SB 205** — Denbo, Torr (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- SB 206** — Steele, Richardson (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 214** — Moses, Buell (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 215** — C. Brown (Public Health)
A BILL FOR AN ACT concerning health and to make an appropriation.
- SB 216** — Crawford (Human Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.
- SB 218** — Hasler (Public Policy, Ethics and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 226** — Weinzapfel, Wolkins (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 231** — Crosby, Friend, Herrell, M. Smith (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- SB 233** — Bodiker, Yount (Rules and Legislative Procedures)
A BILL FOR AN ACT concerning utilities and transportation.
- SB 235** — Herrell, Wolkins (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning sanitation.
- SB 236** — Weinzapfel, Wolkins (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 237** — Kromkowski, Whetstone (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- SB 238** — Stevenson, Dumezich (Rules and Legislative Procedures)
A BILL FOR AN ACT concerning transportation.
- SB 240** — Bischoff, Dumezich (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- SB 248** — Sturtz, Foley (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 255** — Sturtz, Lytle (Agriculture, Natural Resources and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- SB 260** — Kromkowski, Buell (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- SB 263** — Stilwell, D. Young (Human Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- SB 268** — Weinzapfel, Richardson (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.
- SB 269** — Crosby, Mannweiler (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

- SB 270** — C. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- SB 273** — Weinzapfel, Wolkins (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 280** — C. Brown, Frizzell (Public Health)
A BILL FOR AN ACT concerning health.
- SB 281** — Crawford (Rules and Legislative Procedures)
A BILL FOR AN ACT concerning corrections.
- SB 293** — Dvorak, Avery (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 306** — Crawford, Murphy (Ways and Means)
A BILL FOR AN ACT concerning Medicaid.
- SB 308** — C. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.
- SB 310** — Pelath (Insurance, Corporations and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- SB 312** — C. Brown, Dillon, Welch (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 313** — C. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 317** — Fry, McClain (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.
- SB 319** — Crooks, Ripley, Goeglein (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 321** — Weinzapfel, Wolkins (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 337** — Hasler (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- SB 339** — Weinzapfel, Wolkins (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 346** — Bodiker (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning veterans and to make an appropriation.
- SB 352** — Crooks, Ripley (Insurance, Corporations and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations; consumer sales and credit.
- SB 361** — Lytle, Foley (Public Policy, Ethics and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- SB 365** — Pelath, Becker (Insurance, Corporations and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- SB 368** — Crosby, Goeglein (Rules and Legislative Procedures)
A BILL FOR AN ACT concerning human services.
- SB 371** — Thompson, Buck (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- SB 376** — C. Brown, Goeglein, Hasler, Frizzell (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 386** — Bodiker (Insurance, Corporations and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- SB 389** — Kromkowski (Ways and Means)
A BILL FOR AN ACT concerning taxation.
- SB 394** — Weinzapfel, Wolkins, Goodin (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 395** — Kromkowski, Whetstone (Elections and Apportionment)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- SB 405** — Mellinger, M. Smith (Insurance, Corporations and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations; consumer sales and credit.
- SB 408** — Weinzapfel, Wolkins (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 418** — Cook, McClain (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- SB 424** — Grubb, Friend (Agriculture, Natural Resources and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.
- SB 427** — Bauer, Espich (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 432** — Klinker, Scholer (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 435** — Lytle, Friend (Public Policy, Ethics and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.
- SB 436** — Crawford, Goeglein, GiaQuinta, Pond (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 441** — Aguilera, Hinkle (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 444** — Bischoff (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 453** — Bodiker (Labor and Employment)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 454** — Welch (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 456 — M. Smith (Agriculture, Natural Resources and Rural Development)

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

SB 459 — C. Brown, Becker (Public Health)

A BILL FOR AN ACT concerning human services.

SB 465 — Crawford, Becker (Ways and Means)

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

SB 466 — Dvorak, D. Young (Courts and Criminal Code)

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

SB 489 — Crooks, Ripley (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

SB 490 — Cochran, Friend, Klinker (Ways and Means)

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

SB 505 — Porter (Education)

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

SB 517 — Sturtz, Foley (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 525 — Welch, Scholer, Mannweiler (Ways and Means)

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

SB 526 — Kuzman, Torr (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

SB 574 — Sturtz, Ayres (Courts and Criminal Code)

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

SB 582 — Kuzman, Ripley (Judiciary)

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

SB 583 — Bodiker (Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:20 p.m. with the Speaker in the Chair.

Representatives Behning and Frizzell were present. Representative Hasler was excused for the rest of the day.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1671

Representative M. Smith called down Engrossed House Bill 1671 for third reading:

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

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

Roll Call 224: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Altling.

Engrossed House Bill 1863

Representative Crawford called down Engrossed House Bill 1863 for third reading:

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

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

Roll Call 225: yeas 94, nays 3. 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 .

Engrossed House Bill 2014

Representative Porter called down Engrossed House Bill 2014 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 226: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers and Breaux.

Engrossed House Bill 1781

Representative Harris called down Engrossed House Bill 1781 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and controlled substances.

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

Roll Call 227: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, Antich, and Rogers.

Engrossed House Bill 1788

Representative Liggett called down Engrossed House Bill 1788 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

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

Roll Call 228: yeas 67, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and R. Meeks.

Engrossed House Bill 1799

Representative Cheney called down Engrossed House Bill 1799 for third reading:

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

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

Roll Call 229: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and Breaux.

Engrossed House Bill 1873

Representative C. Brown called down Engrossed House Bill 1873 for third reading:

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

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

Roll Call 230: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard, Alexa, Rogers, and S. Smith.

Engrossed House Bill 1967

Representative Herrell called down Engrossed House Bill 1967 for third reading:

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

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

Roll Call 231: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard, Johnson, and Craycraft.

Engrossed House Bill 2037

Representative Cochran called down Engrossed House Bill 2037 for third reading:

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

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

Roll Call 232: yeas 94, nays 3. 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 Sipes and Simpson.

Engrossed House Bill 1683

Representative Porter called down Engrossed House Bill 1683 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 233: yeas 53, nays 45. 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 Breaux and Howard.

Engrossed House Bill 2088

Representative Klinker called down Engrossed House Bill 2088 for third reading:

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

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

Roll Call 234: yeas 71, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Riegsecker, Rogers, Miller, and Simpson.

Engrossed House Bill 2130

Representative Klinker called down Engrossed House Bill 2130 for third reading:

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

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

Roll Call 235: yeas 92, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Skillman, Blade, Alting, and Rogers.

Engrossed House Bill 2148

Representative Kuzman called down Engrossed House Bill 2148 for third reading:

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

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

Roll Call 236: 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 Paul.

Engrossed House Bill 1388

Representative Bottorff called down Engrossed House Bill 1388 for third reading:

A BILL FOR AN ACT 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 237: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lewis, Clark, Sipes, and Merritt.

Engrossed House Bill 1629

Representative Welch called down Engrossed House Bill 1629 for third reading:

A BILL FOR AN ACT concerning local government.

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

Roll Call 238: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Skillman, Blade, Johnson, and Antich.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1277, 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 7 and 8 begin a new paragraph and insert:

"Sec. 2. "Animal distributor" means a person who buys and sells animals at wholesale, but does not sell animals as pets directly to individual consumers."

Page 1, line 8, delete "2" and insert "3".

Page 1, line 10, delete "3" and insert "4".

Page 1, delete line 16.

Page 1, line 17, delete "(7)" and insert "(6)".

Page 2, line 1, delete "(8)" and insert "(7)".

Page 2, line 2, delete "(9)" and insert "(8)".

Page 2, line 19, delete "park or" and insert "park,".

Page 2, line 20, delete "zoo;" and insert "zoo, or other facility".

Page 4, line 14, delete "agent" and insert "employees".

Page 5, between lines 3 and 4 begin a new paragraph and insert:

"(b) If a person fails to timely submit a renewal application and pay a renewal fee, the board shall send the person notification of the delinquent application and fee. If the board does not receive the renewal application and fee within fifteen (15) days after the date notice was mailed to the person, the person's license becomes invalid without any further action being taken by the board."

Page 5, delete lines 4 through 6.

Page 5, line 13, delete "A pet store operator shall" and insert "The board shall adopt standards that require a pet store operator to".

Page 5, line 31, after "age" delete "," and insert "and".

Page 5, line 31, delete ", and weight".

Page 8, after line 15, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding IC 15-9-3, as added by this act, the operator of a pet store that is operating before July 1, 2001, may continue to operate the pet store without a license issued under IC 15-9-3 pending the processing of an application for a license under this SECTION.

(b) The operator of a pet store described in subsection (a) may submit to the Indiana state board of animal health an application for a license to operate a pet store under IC 15-9-3. The operator must submit the application before September 1, 2001. The Indiana state board of animal health may allow an operator to submit an application on or after September 1, 2001, for good cause.

(c) The operator of a pet store described in subsection (a) shall cease operating the pet store if:

(1) the operator fails to submit an application within the time set forth in subsection (b); or

(2) The Indiana state board of animal health notifies the operator that the board has rejected an application submitted by the operator under this SECTION.

(d) This SECTION expires January 1, 2002."

(Reference is to HB 1277 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1385, 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 20, line 22, strike "or".

Page 20, line 23, delete "." and insert ";".

Page 20, between lines 23 and 24, begin a new line block indented and insert:

"(4) the person reasonably believes that the power of attorney is not valid under Indiana law and provides the attorney in fact with a written statement describing the legal and factual basis for asserting that the power of attorney is not valid under Indiana law; or

(5) the person reasonably believes that the power of attorney does not grant the attorney in fact with authority to perform the transaction requested and provides the attorney in fact with a written statement describing the reason the person believes the power of attorney is deficient under Indiana law."

(Reference is to HB 1385 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

STURTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1757, 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, reset in roman line 17.

Page 2, line 1, reset in roman "(1) persons who mined".

Page 2, line 1, after "and" insert "or".

Page 2, line 1, reset in roman "sold commercial asbestos; and".

Page 2, reset in roman lines 2 through 5.

Page 2, line 6, reset in roman "(e)".

Page 2, line 6, delete "(d)".

Page 2, line 8, reset in roman "(f)".

Page 2, line 8, delete "(e)".

(Reference is to HB 1757 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

STURTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1947, 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, after line 11, begin new paragraph and insert:

"(d) This section does not limit any rights granted under Indiana common law."

(Reference is to HB 1947 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

STURTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1972, 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 15, delete "immediately".

(Reference is to HB 1972 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

STURTZ, 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 1058, 1071, 1130, 1170, 1178, 1195, 1199, 1211, 1228, 1248, 1257, 1342, 1351, 1381, 1510, 1532, 1599, 1602, 1767, 1792, 1821, 1846, 1869, 1891, 1892, 1925, 2086, and 2116.

House Bill 1007

Pursuant to House Rule 143, the author of House Bill 1007, Representative Hasler, granted consent for the coauthor, Representative Becker, to call the bill down for second reading. Representative Becker called down House Bill 1007 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1007-1)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

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

"SECTION 1. IC 9-21-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. Except when a special hazard exists that requires lower speed for compliance with section 1 of this chapter, the slower speed limit specified in this section or established as authorized by section 3 of this chapter is the maximum lawful speed. A person may not drive a vehicle on a highway at a speed in excess of the following maximum limits:

- (1) Thirty (30) miles per hour in an urban district.
- (2) **With the permission of the Indiana department of transportation, Fifty-five (55) sixty (60) miles per hour**, except as provided in subdivisions (1), (3), and (4).
- (3) **With the approval of the Indiana department of transportation, Sixty-five (65) seventy (70) miles per hour** on a highway on the national system of interstate and defense highways located outside of an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000), except as provided in subdivision (4).
- (4) Sixty (60) miles per hour for a vehicle (other than a bus) having a declared gross weight greater than twenty-six thousand (26,000) pounds on a highway on the national system of interstate and defense highways located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).
- (5) Fifteen (15) miles per hour in an alley."

Renumber all SECTIONS consecutively.
(Reference is to HB 1007 as printed February 22, 2001.)

WOLKINS

Representative Moses rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1007 a bill pending before the House. After discussion, Representative Moses withdrew the point of order.

The question was on the motion of Representative Wolkins. Motion prevailed. The bill was ordered engrossed.

House Bill 1043

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

HOUSE MOTION (Amendment 1043-22)

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

- Page 1, delete lines 8 through 9.
Page 1, line 10, delete "3" and insert "2".
Page 1, line 10, delete "5" and insert "4".
Page 1, line 10, delete "a person" and insert "**the state or a municipal corporation**".
Page 2, line 6, delete "Sec 4." and insert "**Sec. 3.**".
Page 2, line 6, delete "a party" and insert "**the state or a municipal corporation**".
Page 2, line 7, delete "3(1) or 3(2)" and insert "**(2)(1) or (2)(2)**".
Page 2, line 13, delete "5" and insert "4".
Page 2, line 13, delete "a".
Page 2, line 14, delete "person" and insert "**the state or a municipal corporation**".
Page 2, line 18, delete "a person" and insert "**the state or a municipal corporation**".
Page 2, line 19, delete "a person or to".
Page 2, line 20, delete "a person" and insert "**the state or a municipal corporation**".
Page 2, between lines 23 and 24, begin a new line block indented and insert:

"(4) **Personal injury or death, if the action arises from the state's claim or a municipal corporation's claim for subrogation.**"

(Reference is to HB 1043 as printed February 22, 2001.)

DVORAK

Motion failed.

HOUSE MOTION (Amendment 1043-2)

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

Page 2, between lines 23 and 24, begin a new paragraph and insert: "**Sec. 6. This chapter does not apply to a consolidated city.**"

(Reference is to HB 1043 as printed February 22, 2001.)

V. SMITH

Upon request of Representatives V. Smith and Day, the Speaker ordered the roll of the House to be called. Roll Call 239: yeas 13, nays 76. Motion failed.

HOUSE MOTION (Amendment 1043-3)

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

Page 2, between lines 23 and 24, begin a new paragraph and insert: "**Sec. 6. This chapter does not apply to a city having a population of more than thirty-three thousand eight hundred fifty (33,850) but less than thirty-three thousand nine hundred (33,900).**"

(Reference is to HB 1043 as printed February 22, 2001.)

V. SMITH

Upon request of Representatives V. Smith and Day, the Speaker ordered the roll of the House to be called. Roll Call 240: yeas 14, nays 78. Motion failed.

HOUSE MOTION (Amendment 1043-4)

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A person desiring a license to carry a handgun shall apply:

- (1) to the chief of police or corresponding law enforcement officer of the municipality in which he resides;
- (2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which he resides after he has obtained an application form prescribed by the superintendent; or
- (3) if he is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which he has a regular place of business or employment.

(b) The law enforcement agency which accepts an application for a handgun license shall collect a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued. Except as provided in subsection (g), the fee shall be:

- (1) deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund; and
- (2) used by the agency for the purpose of:
 - (A) training law enforcement officers in the proper use of firearms or other law enforcement duties; or
 - (B) purchasing for the law enforcement officers employed by the law enforcement agency firearms or firearm related equipment, or both.

The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain concerning the applicant his name, full address, length of residence in the community, whether his residence is located within the limits of any city or town, occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether his license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's

official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with his recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation he deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with his complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant has a proper reason for carrying a handgun and is of good character and reputation and a proper person to be so licensed, he shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years. This license shall be valid for a period of four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) is under eighteen (18) years of age;
- (3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged; or
- (5) **has not participated in handgun safety education as approved by the superintendent or the superintendent's designee.**

In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter. **In addition, the superintendent shall adopt a policy specifying the criteria for adequate handgun safety education under subdivision (5). The handgun safety education criteria adopted by the superintendent should include information sufficient to advise a licensee that a handgun can be dangerous.**

(g) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(Reference is to HB 1043 as printed February 22, 2001.)

V. SMITH

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

The question was on the motion of Representative V. Smith. Upon request of Representatives V. Smith and Day, the Speaker ordered the roll of the House to be called. Roll Call 241: yeas 25, nays 70. Motion failed.

HOUSE MOTION
(Amendment 1043-5)

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-47-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) This section applies only to firearms which are not required to be registered in the National Firearms Registration and Transfer Record.

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause if a return has not already occurred under the terms of IC 35-33-5. If the rightful ownership is not known, the law enforcement agency holding the firearm shall make a reasonable attempt to ascertain the rightful ownership and cause the return of the firearm. However, nothing in this chapter shall be construed as requiring the return of firearms to rightful owners who have been convicted for the misuse of firearms. In such cases, the court may provide for the return of the firearm in question or order that the firearm be at once delivered:

- (1) except as provided in subdivision (2), to the sheriff's department of the county in which the offense occurred; or
- (2) to the city or town police force that confiscated the firearm, if:

- (A) a member of the city or town police force confiscated the firearm; and
- (B) the city or town has a population of more than two thousand five hundred (2,500) and less than two hundred fifty thousand (250,000).

(c) The receiving law enforcement agency shall dispose of firearms under subsection (b), at the discretion of the law enforcement agency, not more than one hundred twenty (120) days following receipt by use of any of the following procedures:

- (1) Public sale of the firearms to the general public as follows:
 - (A) Notice of the sale shall be:
 - (i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and
 - (ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days prior to the sale.
 - (B) Disposition of the firearm shall be by public auction in a place, **other than on county property, that is** convenient to the general public, with disposition going to the highest bidder. However, no firearm shall be transferred to any bidder if that bidder is not lawfully eligible to receive and possess firearms according to the laws of the United States and Indiana.
 - (C) All handguns transferred under this subdivision shall also be transferred according to the transfer procedures set forth in this article.
 - (D) Money collected pursuant to the sales shall first be used to defray the necessary costs of administering this subdivision with any surplus to be:

(i) deposited into the receiving law enforcement agency's firearms training fund, if the law enforcement agency is a county law enforcement agency, or into a continuing education fund established under IC 5-2-8-2, if the law enforcement agency is a city or town law enforcement agency; and

(ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties, if the law enforcement agency is a county law enforcement agency, or for law enforcement purposes, if the law enforcement agency is a city or town law enforcement agency.

(E) A public sale of firearms under this subdivision may not be held on county property (as defined in IC 36-2-21-2).

- (2) Sale of the firearms to a licensed firearms dealer as follows:
 - (A) Notice of the sale must be:
 - (i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and
 - (ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days before the sale.
 - (B) Disposition of the firearm shall be by auction with

disposition going to the highest bidder who is a licensed firearms dealer.

(C) Money collected from the sales shall first be used to defray the necessary costs of administering this subdivision and any surplus shall be:

- (i) deposited into the receiving law enforcement agency's firearms training fund or other appropriate training activities fund; and
- (ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties.

(D) A sale of firearms under this subdivision may not be held on county property (as defined in IC 36-2-21-2).

- (3) Sale or transfer of the firearms to another law enforcement agency.
- (4) Release to the state police department laboratory or other forensic laboratory administered by the state or a political subdivision (as defined in IC 36-1-2-13) for the purposes of research, training, and comparison in conjunction with the forensic examination of firearms evidence.
- (5) Destruction of the firearms.

(d) Notwithstanding the requirement of this section mandating disposal of firearms not more than one hundred twenty (120) days following receipt, the receiving law enforcement agency may at its discretion hold firearms it may receive until a sufficient number has accumulated to defray the costs of administering this section if a delay does not exceed one hundred eighty (180) days from the date of receipt of the first firearm in the sale lot. In any event, all confiscated firearms shall be disposed of as promptly as possible.

(e) When a firearm is delivered to the state police department laboratory or other forensic laboratory under subsection (c)(4) and the state police department laboratory or other forensic laboratory determines the laboratory has no further need for the firearm in question, the laboratory shall return the firearm to the law enforcement agency for disposal under subsection (c).

SECTION 2. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 21. Firearm and Weapon Sales on County Property

Sec. 1. (a) This chapter applies to all counties.

(b) This chapter does not apply to a purchase made by a:

- (1) county, for a county employee; or
- (2) county sheriff's department, for a member of the county sheriff's department.

Sec. 2. As used in this chapter, "county property" means:

- (1) a building or other structure owned or rented by a county; and
- (2) the grounds adjacent to and owned or rented in common with a building or other structure owned or rented by a county.

Sec. 3. (a) The sale of:

- (1) a firearm (as defined in IC 35-47-1-5);
- (2) a bomb;
- (3) a grenade;
- (4) a deadly weapon (as defined in IC 35-41-1-8);
- (5) a shotgun (as defined in IC 35-47-1-11);
- (6) ammunition for a firearm;
- (7) a component of a firearm;
- (8) an anti-tank rocket launcher;
- (9) a flamethrower;
- (10) a missile designed to destroy aircraft in flight; or
- (11) a torpedo;

is prohibited on county property.

(b) A gun show (as defined in IC 35-47-1-5.5) may not be held on county property.

Sec. 4. (a) A resident of a county that violates this chapter has a private right of action to:

- (1) enforce and prevent violation of this chapter; and
- (2) restrain or enjoin, temporarily or permanently, the county from violating this chapter.

(b) For purposes of obtaining relief sought under this section, it is not necessary to allege or prove irreparable harm or injury to a

person or property.

(c) A county that violates this chapter is liable to a county resident who brings an action under this chapter for reasonable attorney's fees and court costs if judgment is entered by the court against the county.

(Reference is to HB 1043 as printed February 22, 2001.)

V. SMITH

Upon request of Representatives V. Smith and Day, the Speaker ordered the roll of the House to be called. Roll Call 242: yeas 15, nays 76. Motion failed.

HOUSE MOTION

(Amendment 1043-6)

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-47-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.5. "Automatic weapon" or "semiautomatic weapon" means a weapon that shoots, is designed to shoot, or can be readily restored to shoot automatically more than one (1) shot, without manual reloading, by a single function of the trigger.**

SECTION 2. IC 35-47-5-8, AS AMENDED BY P.L.104-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 8. (a) A person who owns or possesses: knowingly or intentionally:**

- (1) manufactures;
- (2) imports into Indiana;
- (3) sells;
- (4) purchases;
- (5) possesses; or
- (6) transfers possession of;

a machine gun, or an automatic weapon, a semiautomatic weapon, or ammunition for any of these weapons commits a Class C felony.

(2)(b) A person who knowingly or intentionally owns or possesses a bomb or anti-tank rocket launcher commits a Class C felony.

(Reference is to HB 1043 as printed February 22, 2001.)

V. SMITH

Upon request of Representatives V. Smith and Day, the Speaker ordered the roll of the House to be called. Roll Call 243: yeas 12, nays 81. Motion failed.

HOUSE MOTION

(Amendment 1043-7)

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-47-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2. (a) This section applies only to firearms which are not required to be registered in the National Firearms Registration and Transfer Record.**

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause if a return has not already occurred under the terms of IC 35-33-5. If the rightful ownership is not known the law enforcement agency holding the firearm shall make a reasonable attempt to ascertain the rightful ownership and cause the return of the firearm. However, nothing in this chapter shall be construed as requiring the return of firearms to rightful owners who have been convicted for the misuse of firearms. In such cases, the court may provide for the return of the firearm in question or order that the firearm be at once delivered:

- (1) except as provided in subdivision (2), to the sheriff's department of the county in which the offense occurred; or
- (2) to the city or town police force that confiscated the firearm, if:

(A) a member of the city or town police force confiscated the firearm; and

(B) the city or town has a population of more than two thousand five hundred (2,500) and less than two hundred

fifty thousand (250,000).

(c) The receiving law enforcement agency shall dispose of firearms under subsection (b) at the discretion of the law enforcement agency; not more than one hundred twenty ~~five (120)~~ **(125)** days following receipt the date the law enforcement agency receives the firearms by use of any of the following procedures:

(1) Public sale of the firearms to the general public as follows:

(A) Notice of the sale shall be:

- (i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and
- (ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days prior to the sale.

(B) Disposition of the firearm shall be by public auction in a place convenient to the general public; with disposition going to the highest bidder. However, no firearm shall be transferred to any bidder if that bidder is not lawfully eligible to receive and possess firearms according to the laws of the United States and Indiana.

(C) All handguns transferred under this subdivision shall also be transferred according to the transfer procedures set forth in this article.

(D) Money collected pursuant to the sales shall first be used to defray the necessary costs of administering this subdivision with any surplus to be:

- (i) deposited into the receiving law enforcement agency's firearms training fund; if the law enforcement agency is a county law enforcement agency; or into a continuing education fund established under IC 5-2-8-2; if the law enforcement agency is a city or town law enforcement agency; and
- (ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties; if the law enforcement agency is a county law enforcement agency; or for law enforcement purposes; if the law enforcement agency is a city or town law enforcement agency.

(2) Sale of the firearms to a licensed firearms dealer as follows:

(A) Notice of the sale must be:

- (i) posted for ten (10) days in the county courthouse in a place readily accessible to the general public; and
- (ii) advertised in the principal newspaper of the county for two (2) days in an advertisement that appears in the newspaper at least five (5) days before the sale.

(B) Disposition of the firearm shall be by auction with disposition going to the highest bidder who is a licensed firearms dealer.

(C) Money collected from the sales shall first be used to defray the necessary costs of administering this subdivision and any surplus shall be:

- (i) deposited into the receiving law enforcement agency's firearms training fund or other appropriate training activities fund; and
- (ii) used by the agency exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties.

(3) Sale or transfer of the firearms to another law enforcement agency.

(4) Release to the state police department laboratory or other forensic laboratory administered by the state or a political subdivision (as defined in IC 36-1-2-13) for the purposes of research, training, and comparison in conjunction with the forensic examination of firearms evidence.

(5) Destruction of ~~destroying~~ the firearms.

(d) Notwithstanding the requirement of this section mandating disposal of firearms not more than one hundred twenty ~~five (120)~~ **(125)** days following receipt, the receiving law enforcement agency may at its discretion hold firearms it may receive until a sufficient number has accumulated to defray the costs of administering this section if a delay does not exceed one hundred eighty (180) days from the date of receipt of the first firearm ~~in the sale to~~ **by the law**

enforcement agency. In any event, all confiscated firearms shall be ~~disposed of~~ **destroyed** as promptly as possible.

~~(e) When a firearm is delivered to the state police department laboratory or other forensic laboratory under subsection (c)(4) and the state police department laboratory or other forensic laboratory determines the laboratory has no further need for the firearm in question; the laboratory shall return the firearm to the law enforcement agency for disposal under subsection (c):~~

(Reference is to HB 1043 as printed February 22, 2001.)

V. SMITH

Upon request of Representatives V. Smith and Day, the Speaker ordered the roll of the House to be called. Roll Call 244: yeas 15, nays 72. Motion failed.

HOUSE MOTION
(Amendment 1043-8)

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A person desiring a license to carry a handgun ~~shall~~ **must:**

(1) apply:

- (1) ~~(A)~~ **(A)** to the chief of police or corresponding law enforcement officer of the municipality in which ~~he the person~~ **the person** resides;
- (2) ~~(B)~~ **(B)** if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which ~~he the person~~ **the person** resides after ~~he the person~~ **the person** has obtained an application form prescribed by the superintendent; or
- (3) ~~(C)~~ **(C)** if ~~he the person~~ **the person** is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which ~~he the person~~ **the person** has a regular place of business or employment; **and**

(2) provide documentary evidence that the person has successfully completed a handgun safety training course conducted under standards established by the superintendent.

(b) The law enforcement agency which accepts an application for a handgun license shall collect a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued. Except as provided in subsection (g), the fee shall be:

- (1) deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund; and
- (2) used by the agency for the purpose of:
 - (A) training law enforcement officers in the proper use of firearms or other law enforcement duties; or
 - (B) purchasing for the law enforcement officers employed by the law enforcement agency firearms, or firearm related equipment, or both.

The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain concerning the applicant ~~his the applicant's~~ **the applicant's** name, full address, length of residence in the community, whether ~~his the applicant's~~ **the applicant's** residence is located within the limits of any city or town, occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether ~~his the applicant's~~ **the applicant's** license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with ~~his the officer's~~ **the officer's** recommendation for approval or disapproval and one (1) set of legible

and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation ~~he~~ **the superintendent** deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with ~~his~~ **the officer's** complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant has a proper reason for carrying a handgun and is of good character and reputation and a proper person to be so licensed, ~~he~~ **the superintendent** shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years. This license shall be valid for a period of four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) is under eighteen (18) years of age;
- (3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(g) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

SECTION 2. IC 35-47-2.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this chapter, "dealer" includes any person:

- (1) licensed under 18 U.S.C. 923;
- (2) **who sells, rents, swaps, barters, leases, trades, provides for valuable consideration, or transfers a handgun to another person at a gun show.**

SECTION 3. IC 35-47-2.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. A dealer may not sell, rent, trade, or transfer from the dealer's inventory a handgun to a person until the dealer has done all of the following:

- (1) Obtained from the prospective purchaser written consent to a criminal history check, as specified in section 3 of this chapter.
- (2) Provided the state police department with the prospective purchaser's name, birth date, gender, race, Social Security number, and any other identification required of the prospective purchaser.
- (3) Requested and received criminal history information from the state police department by means of:
 - (A) a telephone call; or
 - (B) other electronic means.

- (4) **Waited at least seven (7) business days after the date the dealer provided the state police department with the information required under subdivision (2).**

SECTION 4. IC 35-47-2.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The state police department shall provide its response to a requesting dealer under

section 6 of this chapter during the dealer's call, or by return call without delay.

(b) If a criminal history check indicates that a prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the division of mental health, the state police department has ~~until the end of the next seven (7) business day of the state police department days~~ to advise the dealer that the records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law.

(c) If a dealer:

- (1) is not advised of a prohibition **by the state police department** before the end of ~~the next seven (7) business day of the state police department;~~ **days as described in subsection (b) and section 4(4) of this chapter;** and
- (2) has fulfilled the ~~other~~ requirements of section 4 of this chapter;

the dealer may immediately complete the sale or transfer and may not be considered in violation of this chapter with respect to the sale or transfer.

~~(d) In case of electronic failure or other circumstances beyond the control of the state police department, the dealer shall be advised immediately of the reason for the delay and be given an estimate of the length of the delay. However, after a notification under this subsection, the state police department shall inform the requesting dealer whether state police department records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law not later than:~~

- ~~(1) the end of the next business day of the state police department following correction of the problem that caused the delay; or~~
- ~~(2) three (3) business days of the state police department;~~

~~whichever is earlier.~~

~~(e) A dealer that fulfills the requirements of section 4 of this chapter and is told by the state police department that a response will not be available under subsection (d) may immediately complete the sale or transfer and may not be considered in violation of this chapter with respect to the sale or transfer.~~

SECTION 5. IC 35-47-2.5-11.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11.3. (a) **Notwithstanding section 1(3) of this chapter, this section applies to Indiana residents licensed to carry handguns under IC 35-47-2-3.**

(b) **A person may not purchase or otherwise obtain for valuable consideration more than two (2) handguns during a calendar month.**

(c) **A person who knowingly or intentionally violates this section commits a Class A misdemeanor.**

(Reference is to HB 1043 as printed February 22, 2001.)

V. SMITH

Upon request of Representatives V. Smith and Day, the Speaker ordered the roll of the House to be called. Roll Call 245: yeas 14, nays 76. Motion failed.

HOUSE MOTION (Amendment 1043-9)

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A person desiring a license to carry a handgun shall apply:

- (1) to the chief of police or corresponding law enforcement officer of the municipality in which he resides;
- (2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which he resides after he has obtained an application form prescribed by the superintendent; or
- (3) if he is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which he has a regular place of business or employment.

(b) The law enforcement agency ~~which that~~ accepts an application for a handgun license shall collect a ten dollar (\$10) application fee ~~from the applicant, five dollars (\$5) of which shall be refunded to the applicant by the law enforcement agency~~ if the license is not issued. Except as provided in subsection (g), the fee shall be:

- (1) deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund; and
- (2) used by the agency for the purpose of:

- (A) training law enforcement officers in the proper use of firearms or other law enforcement duties; or
- (B) purchasing for the law enforcement officers employed by the law enforcement agency firearms, or firearm related equipment, or both.

The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain concerning the applicant his name, full address, length of residence in the community, whether his residence is located within the limits of any city or town, occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether his license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with his recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make ~~whatever~~ further investigation. ~~he deems necessary. Whenever disapproval is recommended, the officer to whom the application is made recommends disapproval of the application, the officer~~ shall provide the superintendent and the applicant with his complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant has a proper reason for carrying a handgun and is of good character and reputation and a proper person ~~to be so licensed, he (as defined in IC 35-47-1-7), the superintendent~~ shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. ~~A copy shall be retained by the superintendent. The superintendent shall retain a copy~~ for at least four (4) years. This license shall be valid for a ~~period of~~ four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) is under eighteen (18) years of age;
- (3) is under twenty-three (23) years of age ~~if the person and~~ has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), ~~the superintendent may issue a license to carry a handgun may be issued to a person who has~~

~~been acquitted upon the person's acquittal~~ of the specific offense charged or ~~if upon dismissal of the charges for the specific offense. are dismissed.~~ The superintendent shall prescribe all forms to be used in ~~connection with~~ the administration of this chapter.

(g) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(h) A license to carry a handgun may not be more than two and one-fourth (2 1/4) inches in length by three and one-half (3 1/2) inches in width.

(i) The superintendent shall prescribe specifications for the form of a license issued under this section.

SECTION 2. IC 35-47-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) A person who violates section 3, 4, 5, 14, 15, or 16 of this chapter commits a Class B misdemeanor.

(b) A person who violates section 7, 17, or 18 of this chapter commits a Class C felony.

(c) A person who violates section 1 ~~or 25~~ of this chapter commits a Class A misdemeanor. However, ~~the offense violation of section 1 of this chapter~~ is a Class C felony:

- (1) if the offense is committed:
 - (A) on or in school property;
 - (B) within one thousand (1,000) feet of school property; or
 - (C) on a school bus; or
- (2) if the person:
 - (A) has a prior conviction of any offense under:
 - (i) this subsection; or
 - (ii) subsection (d); or
 - (B) has been convicted of a felony within fifteen (15) years before the date of the offense.

(d) A person who violates section 22 of this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior conviction of any offense under this subsection or subsection (c), or if the person has been convicted of a felony within fifteen (15) years before the date of the offense.

SECTION 3. IC 35-47-2-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 25. **Whenever a person seeks to secure delivery of ammunition for a handgun from another person, the following requirements must be met:**

- (1) **The recipient of the handgun ammunition must present to the transferor of the handgun ammunition:**
 - (A) **the recipient's license issued under this chapter if the recipient is required to obtain a license to carry a handgun; and**
 - (B) **a copy of the federal handgun transfer application form for each handgun that the recipient:**
 - (i) possesses; and
 - (ii) may use with the ammunition the recipient seeks to procure.
- (2) **The transferor of handgun ammunition:**
 - (A) **shall record:**
 - (i) **the full name and serial number listed on the recipient's license;**
 - (ii) **the manufacturer's serial number for the handgun listed on each federal handgun transfer application form provided by the recipient; and**
 - (iii) **the amount, type, and brand name of ammunition to be transferred;**
 - (B) **must receive all the information required under subdivision (1) before transferring the ammunition; and**
 - (C) **must forward a copy of the information received under subdivision (1) to the superintendent after the transferor delivers the ammunition to the recipient.**

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) **The superintendent of the state police department shall adopt rules under IC 4-22-2 to implement IC 35-47-2-3, as amended by this act, before July 1, 2001.**

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

SECTION 5. [EFFECTIVE JULY 1, 2001] IC 35-47-2-3, as amended

by this act, applies to licenses to carry handguns that are issued or renewed under IC 35-47-2 after June 30, 2001.

SECTION 6. An emergency is declared for this act.
(Reference is to HB 1043 as printed February 22, 2001.)

V. SMITH

Upon request of Representatives V. Smith and Day, the Speaker ordered the roll of the House to be called. Roll Call 246: yeas 14, nays 79. Motion failed.

HOUSE MOTION
(Amendment 1043-10)

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

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2001] (a) As used in this section, "committee" refers to the interim study committee on legal actions involving firearms and ammunition manufacturers, trade associations, and sellers established by subsection (b).

(b) There is established the interim study committee on legal actions involving firearms and ammunition manufacturers, trade associations, and sellers. The committee shall study legal actions involving firearms and ammunition manufacturers, trade associations, and sellers.

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

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

(e) This SECTION expires January 1, 2002.

(Reference is to HB 1043 as printed February 22, 2001.)

V. SMITH

Upon request of Representatives V. Smith and Day, the Speaker ordered the roll of the House to be called. Roll Call 247: yeas 16, nays 76. Motion failed.

HOUSE MOTION
(Amendment 1043-11)

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

Page 2, between lines 23 and 24, begin a new paragraph and insert: "Sec. 6. This chapter does not apply to a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000).".

(Reference is to HB 1043 as printed February 22, 2001.)

V. SMITH

Upon request of Representatives V. Smith and Day, the Speaker ordered the roll of the House to be called. Roll Call 248: yeas 17, nays 74. Motion failed.

Representative Summers was excused for the rest of the day.

HOUSE MOTION
(Amendment 1043-12)

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A person ~~desiring who seeks to obtain~~ a license to carry a handgun shall apply:

- (1) to the chief of police or corresponding law enforcement officer of the municipality in which ~~he the person~~ resides;
- (2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which ~~he the person~~ resides after ~~he the person~~ has obtained an application form prescribed by the superintendent; or
- (3) if ~~he the person~~ is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which ~~he the person~~ has a regular place of business or employment.

(b) The law enforcement agency which accepts an application for a handgun license shall collect a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued. Except as provided in subsection (g), the fee shall be:

- (1) deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund; and
- (2) used by the agency for the purpose of:
 - (A) training law enforcement officers in the proper use of firearms or other law enforcement duties; or
 - (B) purchasing for the law enforcement officers employed by the law enforcement agency firearms, or firearm related equipment, or both.

The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain ~~concerning the applicant applicant's his~~ name, full address, length of residence in the community, whether ~~his the applicant's~~ residence is located within the limits of any city or town, occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether ~~his the applicant's~~ license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with ~~his the~~ recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation ~~he deems the superintendent believes~~ necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with ~~his~~ complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant has a proper reason for carrying a handgun and is of good character and reputation and a proper person to be so licensed, ~~he the superintendent~~ shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years. This license shall be valid for a period of four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent, after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) is under ~~eighteen (18) twenty-one (21)~~ years of age;
- (3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in

connection with the administration of this chapter.

(g) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

SECTION 2. IC 35-47-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) Except an individual acting within a parent-minor child or guardian-minor protected person relationship or any other individual who is also acting in compliance with IC 35-47-10, a person may not sell, give, or in any other manner transfer the ownership or possession of a handgun or assault weapon (as defined in IC 35-50-2-11) to any person under ~~eighteen (18)~~ **twenty-one (21)** years of age.

(b) It is unlawful for a person to sell, give, or in any manner transfer the ownership or possession of a handgun to another person who the person has reasonable cause to believe:

(1) has been:

- (A) convicted of a felony; or
- (B) adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person seeking to obtain ownership or possession of the handgun is less than twenty-three (23) years of age;

(2) is a drug abuser;

(3) is an alcohol abuser; or

(4) is mentally incompetent.

SECTION 3. [EFFECTIVE JULY 1, 2001] (a) **IC 35-47-2-3, as amended by this act, does not apply to a license to carry a handgun that was issued before July 1, 2001, to a person less than twenty-one (21) years of age.**

(b) **This SECTION expires July 1, 2004.**

(Reference is to HB 1043 as printed February 22, 2001.)

V. SMITH

Upon request of Representatives V. Smith and Day, the Speaker ordered the roll of the House to be called. Roll Call 249: yeas 14, nays 76. Motion failed.

HOUSE MOTION
(Amendment 1043-16)

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

Replace the effective date in SECTION 1 with "[EFFECTIVE JULY 1, 2004]".

Replace the effective date in SECTION 2 with "[EFFECTIVE JULY 1, 2004]".

Page 2, line 25, delete "the effective" and insert "**June 30, 2004.**".

Page 2, delete lines 26 through 27.

(Reference is to HB 1043 as printed February 22, 2001.)

V. SMITH

Upon request of Representatives V. Smith and Day, the Speaker ordered the roll of the House to be called. Roll Call 250: yeas 19, nays 71. Motion failed. The bill was ordered engrossed.

House Bill 1054

Representative Stilwell called down House Bill 1054 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1054-1)

Mr. Speaker: I move that House Bill 1054 be amended to read as follows:

Page 1, line 2, after "18." insert "(a)".

Page 1, line 3, delete "arising from" and insert "**for**".

Page 1, after line 8, begin a new paragraph and insert:

"(b) A cause of action for an unfair claim settlement practice specified in section 4.5 of this chapter may not be commenced until:

- (1) the complaining party files a complaint that specifies the unfair claim settlement practice complained of with the commissioner under section 5.6 of this chapter;**
- (2) not less than ninety (90) days have passed since the complaint was filed under subdivision (1);**
- (3) any applicable appeals procedures, including the appeals procedures required under IC 27-8-17, IC 27-13-10, and**

IC 27-13-10.1 have been exhausted; and

(4) any additional administrative remedies have been exhausted.

However, the complaining party may commence a cause of action before the complaint filed under subdivision (1) is resolved by the commissioner if at least ninety (90) days have passed since the complaint was filed and the appeals procedures under subdivision (3) have been exhausted.

(c) This section does not prohibit the commencement of any other cause of action of an insured."

(Reference is to HB 1054 as printed February 22, 2001.)

STILWELL

The Speaker ordered a division of the House and appointed Representatives Kruzan and Bosma to count the yeas and nays. Yeas 53, nays 39. Motion prevailed.

HOUSE MOTION
(Amendment 1054-2)

Mr. Speaker: I move that House Bill 1054 be amended to read as follows:

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

"SECTION 1. IC 27-2-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 20. Grievance Procedures for Property and Casualty Insurers

Sec. 1. As used in this chapter, "commissioner" refers to the insurance commissioner appointed under IC 27-1-1-2.

Sec. 2. As used in this chapter, "covered individual" means an individual who is entitled to coverage under a policy of property and casualty insurance. The term includes a third party who has been damaged by an action of an insurer or an insured.

Sec. 3. As used in this chapter, "department" refers to the department of insurance.

Sec. 4. As used in this chapter, "external grievance" means the independent review under IC 27-2-21 of a grievance filed under this chapter.

Sec. 5. As used in this chapter, "grievance" means any dissatisfaction expressed by or on behalf of a covered individual regarding an unfair claim settlement practice described in IC 27-4-1-4.5 for which the covered individual has a reasonable expectation that action will be taken to resolve or reconsider the matter that is the subject of dissatisfaction.

Sec. 6. As used in this chapter, "grievance procedure" means a written procedure established and maintained by an insurer for filing, investigating, and resolving grievances and appeals.

Sec. 7. As used in this chapter, "insured" means an individual in whose name a policy of property and casualty insurance is issued.

Sec. 8. As used in this chapter, "insurer" means an insurer (as defined in IC 27-1-2-3) that delivers or issues for delivery a policy of property and casualty insurance in Indiana.

Sec. 9. As used in this chapter, "policy of property and casualty insurance" means an insurance policy that provides one (1) or more of the kind of insurance described in Class 2 or Class 3 of IC 27-1-5-1.

Sec. 10. An insurer shall establish and maintain a grievance procedure that complies with the requirements of this chapter for the resolution of grievances initiated by a covered individual.

Sec. 11. The commissioner may examine the grievance procedure of any insurer.

Sec. 12. An insurer shall maintain all grievance records received by the insurer after the most recent examination of the insurer's grievance procedure by the commissioner.

Sec. 13. (a) An insurer shall provide timely, adequate, and appropriate notice to each insured of:

- (1) the grievance procedure required under this chapter;**
- (2) the external grievance procedure required under IC 27-2-21;**
- (3) information on how to file:**
 - (A) a grievance under this chapter; and**
 - (B) a request for an external grievance review under**

IC 27-2-21; and

(4) a toll free telephone number through which a covered individual may contact the insurer at no cost to the covered individual to obtain information and to file grievances.

(b) An insurer shall prominently display on all notices to covered individuals the toll free telephone number and the address at which a grievance or request for external grievance review may be filed.

Sec. 14. (a) A covered individual may file a grievance orally or in writing.

(b) An insurer shall make available to covered individuals a toll free telephone number through which a grievance may be filed. The toll free telephone number must:

- (1) be staffed by a qualified representative of the insurer;
- (2) be available for at least forty (40) hours per week during normal business hours; and
- (3) accept grievances in the languages of the major population groups served by the insurer.

(c) A grievance is considered to be filed on the first date it is received, either by telephone or in writing.

Sec. 15. (a) An insurer shall establish procedures to assist covered individuals in filing grievances.

(b) A covered individual may designate a representative to file a grievance for the covered individual and to represent the covered individual in a grievance under this chapter.

Sec. 16. (a) An insurer shall establish written policies and procedures for the timely resolution of grievances filed under this chapter. The policies and procedures must include the following:

- (1) An oral or a written acknowledgment of the grievance to the covered individual within five (5) business days after receipt of the grievance.
- (2) Documentation of the substance of the grievance and any actions taken.
- (3) An investigation of the substance of the grievance.
- (4) Notification to the covered individual of the disposition of the grievance and the right to appeal.
- (5) Standards for timeliness in:
 - (A) responding to grievances; and
 - (B) providing notice to covered individuals of:
 - (i) the disposition of the grievance; and
 - (ii) the right to appeal.

(b) An insurer shall appoint at least one (1) individual to resolve a grievance.

(c) A grievance must be resolved as expeditiously as possible, but not more than twenty (20) business days after the grievance is filed. If an insurer is unable to make a decision regarding the grievance within the twenty (20) day period due to circumstances beyond the insurer's control, the insurer shall:

- (1) before the twentieth business day, notify the covered individual in writing of the reason for the delay; and
- (2) issue a written decision regarding the grievance within an additional ten (10) business days.

(d) An insurer shall notify a covered individual in writing of the resolution of a grievance within five (5) business days after completing an investigation. The grievance resolution notice must include the following:

- (1) A statement of the decision reached by the insurer.
- (2) A statement of the reasons, policies, and procedures that are the basis of the decision.
- (3) Notice of the covered individual's right to appeal the decision.
- (4) The department, address, and telephone number through which a covered individual may contact a qualified representative to obtain additional information about the decision or the right to appeal.

Sec. 17. (a) An insurer shall establish written policies and procedures for the timely resolution of appeals of grievance decisions. The procedures for registering and responding to oral and written appeals of grievance decisions must include the following:

- (1) Written or oral acknowledgment of the appeal not more than five (5) business days after the appeal is filed.
- (2) Documentation of the substance of the appeal and the

actions taken.

(3) Investigation of the substance of the appeal.

(4) Notification to the covered individual:

- (A) of the disposition of an appeal; and
- (B) that the covered individual may have the right to further remedies allowed by law.

(5) Standards for timeliness in:

- (A) responding to an appeal; and
- (B) providing notice to covered individuals of:
 - (i) the disposition of an appeal; and
 - (ii) the right to initiate an external grievance review under IC 27-2-21.

(b) An appeal of a grievance decision must be resolved not later than forty-five (45) days after the appeal is filed.

(c) An insurer shall notify a covered individual in writing of the resolution of an appeal of a grievance decision within five (5) business days after completing the investigation. The appeal resolution notice must include the following:

- (1) A statement of the decision reached by the insurer.
- (2) A statement of the reasons, policies, and procedures that are the basis of the decision.
- (3) Notice of the covered individual's right to further remedies allowed by law, including the right to external grievance review by an independent review organization under IC 27-2-21.
- (4) The department, address, and telephone number through which a covered individual may contact a qualified representative to obtain more information about the decision or the right to an external grievance review.

Sec. 18. (a) An insurer shall each year file with the commissioner a description of the grievance procedure of the insurer established under this chapter, including:

- (1) the total number of grievances handled through the procedure during the preceding calendar year;
- (2) a compilation of the causes underlying those grievances; and
- (3) a summary of the final disposition of those grievances.

(b) The information required by subsection (a) must be filed with the commissioner on or before March 1 of each year. The commissioner shall:

- (1) make the information required to be filed under this section available to the public; and
- (2) prepare an annual compilation of the data required under subsection (a) that allows for comparative analysis.

(c) The commissioner may require any additional reports as are necessary and appropriate for the commissioner to carry out the commissioner's duties under this article.

Sec. 19. The department may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. IC 27-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 21. External Review of Grievances for Property and Casualty Insurers

Sec. 1. As used in this chapter, "appeal" means the procedure described in IC 27-2-20-17.

Sec. 2. As used in this chapter, "commissioner" refers to the insurance commissioner appointed under IC 27-1-1-2.

Sec. 3. As used in this chapter, "covered individual" has the meaning set forth in IC 27-2-20-2.

Sec. 4. As used in this chapter, "department" refers to the department of insurance.

Sec. 5. As used in this chapter, "external grievance" means the independent review under this chapter of a grievance filed under IC 27-2-20.

Sec. 6. As used in this chapter, "grievance" has the meaning set forth in IC 27-2-20-5.

Sec. 7. As used in this chapter, "grievance procedure" has the meaning set forth in IC 27-2-20-6.

Sec. 8. As used in this chapter, "insured" has the meaning set forth in IC 27-2-20-7.

Sec. 9. As used in this chapter, "insurer" has the meaning set

forth in IC 27-2-20-8.

Sec. 10. As used in this chapter, "policy of property and casualty insurance" has the meaning set forth in IC 27-2-20-9.

Sec. 11. An insurer shall establish and maintain an external grievance procedure for the resolution of external grievances regarding an adverse determination made by an insurer or an agent of an insurer regarding coverage under a policy of property and casualty insurance.

Sec. 12. (a) An external grievance procedure established under section 11 of this chapter must:

- (1) allow a covered individual or a covered individual's representative to file a written request with the insurer for an external grievance review of the insurer's appeal resolution under IC 27-2-20-17 not more than forty-five (45) days after the covered individual is notified of the resolution; and
- (2) provide for a external grievance review.

A covered individual may file not more than one (1) external grievance of an insurer's appeal resolution under this chapter.

(b) Subject to the requirements of subsection (d), when a request is filed under subsection (a), the insurer shall:

- (1) select a different independent review organization for each external grievance filed under this chapter from the list of independent review organizations that are certified by the department under section 18 of this chapter; and
- (2) rotate the choice of an independent review organization among all certified independent review organizations before repeating a selection.

(c) The independent review organization chosen under subsection (b) shall assign a review professional who is knowledgeable about the subject matter of the grievance for resolution of an external grievance.

(d) The independent review organization and the review professional conducting the external review under this chapter may not have a material professional, familial, financial, or other affiliation with any of the following:

- (1) The insurer.
- (2) Any officer, director, or management employee of the insurer.
- (3) The provider of the service that is the subject of the grievance.
- (4) The facility at which the service would be provided.

However, the review professional may have an affiliation under which the review professional provides services to covered individuals of the insurer, if the affiliation is disclosed to the covered individual and the insurer before commencing the review and neither the covered individual nor the insurer objects.

(e) A covered individual may be required to pay not more than twenty-five dollars (\$25) of the costs associated with the services of an independent review organization under this chapter. All additional costs must be paid by the insurer.

Sec. 13. (a) A covered individual who files an external grievance under this chapter:

- (1) shall not be subject to retaliation for exercising the covered individual's right to an external grievance under this chapter;
- (2) shall be permitted to use the assistance of other individuals, including service providers, attorneys, friends, and family members throughout the review process;
- (3) shall be permitted to submit additional information relating to the proposed service throughout the review process; and
- (4) shall cooperate with the independent review organization by:

- (A) providing any requested claim related information; or
- (B) authorizing the release of necessary claim related information.

(b) An insurer shall cooperate with an independent review organization selected under section 12(b) of this chapter by promptly providing any information requested by the independent review organization.

Sec. 14. (a) An independent review organization shall, not more than fifteen (15) business days after the appeal is filed, make a determination to uphold or reverse the insurer's appeal resolution

under IC 27-2-20-17 based on information gathered from the covered individual or the covered individual's designee, the insurer, and the service provider, and any additional information that the independent review organization considers necessary and appropriate.

(b) When making the determination under this section, the independent review organization shall apply:

- (1) standards of decision making that are based on objective evidence; and
- (2) the terms of the covered individual's policy of property and casualty insurance.

(c) The independent review organization shall notify the insurer and the covered individual of the determination made under this section within seventy-two (72) hours after making the determination.

Sec. 15. A determination made under section 14 of this chapter is binding on the insurer.

Sec. 16. (a) If, at any time during an external review performed under this chapter, the covered individual submits information to the insurer that is relevant to the insurer's resolution of the covered individual's appeal of a grievance decision under IC 27-2-20-17 and that was not considered by the insurer under IC 27-2-20:

- (1) the insurer may reconsider the resolution under IC 27-2-20-17; and
- (2) if the insurer chooses to reconsider, the independent review organization shall cease the external review process until the reconsideration under subsection (b) is completed.

(b) An insurer reconsidering the resolution of an appeal of a grievance decision due to the submission of information under subsection (a) shall reconsider the resolution under IC 27-2-20-17 based on the information and notify the covered individual of the insurer's decision within fifteen (15) days after the information is submitted.

(c) If the decision reached under subsection (b) is adverse to the covered individual, the covered individual may request that the independent review organization resume the external review under this chapter.

(d) If an insurer to which information is submitted under subsection (a) chooses not to reconsider the insurer's resolution under IC 27-2-20-17, the insurer shall forward the submitted information to the independent review organization not more than two (2) business days after the insurer's receipt of the information.

Sec. 17. This chapter does not add to or otherwise change the terms of coverage included in a policy of property and casualty insurance.

Sec. 18. (a) The department shall establish and maintain a process for annual certification of independent review organizations.

(b) The department shall certify a number of independent review organizations determined by the department to be sufficient to fulfill the purposes of this chapter.

(c) An independent review organization must meet the following minimum requirements for certification by the department:

- (1) Review professionals assigned by the independent review organization to perform external grievance reviews under this chapter must be knowledgeable about the subject matter of the grievance.
- (2) The independent review organization must have a quality assurance mechanism to ensure:
 - (A) the timeliness and quality of reviews;
 - (B) the qualifications and independence of review professionals;
 - (C) the confidentiality of claim related records and other review materials; and
 - (D) the satisfaction of covered individuals with the procedures utilized by the independent review organization, including the use of covered individual satisfaction surveys.
- (3) The independent review organization must file with the department the following information on or before March 1 of each year:
 - (A) The number and percentage of determinations made in favor of covered individuals.
 - (B) The number and percentage of determinations made in

favor of insurers.

(C) The average time to process a determination.

(D) Any other information required by the department.

The information required under this subdivision must be specified for each insurer for which the independent review organization performed reviews during the reporting year.

(4) Any additional requirements established by the department.

(d) The department may not certify an independent review organization that is one (1) of the following:

(1) A professional or trade association of service providers or a subsidiary or an affiliate of a professional or trade association of service providers.

(2) An insurer or a subsidiary or an affiliate of an insurer.

(e) The department may suspend or revoke an independent review organization's certification if the department finds that the independent review organization is not in substantial compliance with the certification requirements under this section.

(f) The department shall make available to insurers a list of all certified independent review organizations.

(g) The department shall make the information provided to the department under subsection (c)(3) available to the public in a format that does not identify individual covered individuals.

Sec. 19. Except as provided in section 18(g) of this chapter, documents and other information created or received by the independent review organization or the review professional in connection with an external grievance review under this chapter:

(1) are not public records;

(2) may not be disclosed under IC 5-14-3; and

(3) must be treated in accordance with confidentiality requirements of state and federal law.

Sec. 20. (a) An insurer shall each year file with the commissioner a description of the grievance procedure established by the insurer under this chapter, including:

(1) the total number of external grievances handled through the procedure during the preceding calendar year;

(2) a compilation of the causes underlying those grievances; and

(3) a summary of the final disposition of those grievances; for each independent review organization used by the insurer during the reporting year.

(b) The information required by subsection (a) must be filed with the commissioner on or before March 1 of each year. The commissioner shall:

(1) make the information required to be filed under this section available to the public; and

(2) prepare an annual compilation of the data required under subsection (a) that allows for comparative analysis.

(c) The commissioner may require any additional reports that are necessary and appropriate for the commissioner to carry out the commissioner's duties under this article.

Sec. 21. (a) An independent review organization is immune from civil liability for actions taken in good faith in connection with an external review under this chapter.

(b) The work product or determination, or both, of an independent review organization under this chapter are admissible in a judicial or administrative proceeding. However, the work product or determination, or both, do not, without other supporting evidence, satisfy a party's burden of proof or persuasion concerning any material issue of fact or law.

Sec. 22. The department may adopt rules under IC 4-22-2 to implement this chapter."

Page 1, line 2, after "18." insert "(a)".

Page 1, after line 8, begin a new paragraph and insert:

"(b) A cause of action described in subsection (a) may not be commenced until the internal and external grievance procedures established under IC 27-2-20, IC 27-2-21, IC 27-8-28, and IC 27-8-29 have been exhausted.

SECTION 4. IC 27-8-17-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) A utilization review agent shall make available upon request to an enrollee at the time an adverse utilization review determination is made, and to a provider of record

upon request:

(1) a written description of the appeals procedure by which an enrollee or a provider of record may obtain a review of a appeal the utilization review determination by the utilization review agent; and

(2) in the case of an enrollee covered under an accident and sickness policy or a health maintenance organization contract described in subsection (d), notice that the enrollee has the right to appeal the utilization review determination under IC 27-8-28 or IC 27-13-10 and the toll free telephone number that the enrollee may call to request a review of the determination or obtain further information about the right to appeal.

(b) The appeals procedure provided by a utilization review agent must meet the following requirements:

(1) On appeal, the determination not to certify an admission, a service, or a procedure as necessary or appropriate must be made by a health care provider licensed in the same discipline as the provider of record.

(2) The determination of the appeal of a utilization review determination not to certify an admission, service, or procedure must be completed within thirty (30) days after:

(A) the appeal is filed; and

(B) all information necessary to complete the appeal is received.

(c) A utilization review agent shall provide an expedited appeals process for emergency or life threatening situations. The determination of an expedited appeal under the process required by this subsection shall be made by a physician and completed within forty-eight (48) hours after:

(1) the appeal is initiated; and

(2) all information necessary to complete the appeal is received by the utilization review agent.

(d) If an enrollee is covered under an accident and sickness insurance policy (as defined in IC 27-8-28-1) or a contract issued by a health maintenance organization (as defined in IC 27-13-1-19), the enrollee's exclusive right to appeal a utilization review determination is provided under IC 27-8-28 or IC 27-13-10, respectively.

(e) A utilization review agent shall make available upon request a written description of the appeals procedure that an enrollee or provider of record may use to obtain a review of a utilization review determination by the utilization review agent.

SECTION 5. IC 27-8-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 28. Internal Grievance Procedures

Sec. 1. (a) As used in this chapter, "accident and sickness insurance policy" means an insurance policy that provides one (1) or more of the kinds of insurance described in Class 1(b) and Class 2(a) of IC 27-1-5-1.

(b) The term does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy issued as an individual policy.

(5) A limited benefit health insurance policy issued as an individual policy.

(6) A short term insurance plan that:

(A) may not be renewed; and

(B) has a duration of not more than six (6) months.

(7) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement without regard to the actual expense of the confinement.

(8) Worker's compensation or similar insurance.

Sec. 2. As used in this chapter, "commissioner" refers to the insurance commissioner appointed under IC 27-1-1-2.

Sec. 3. As used in this chapter, "covered individual" means an individual who is covered under an accident and sickness insurance policy. The term includes a third party who has been damaged by an

action of an insurer.

Sec. 4. As used in this chapter, "department" refers to the department of insurance.

Sec. 5. As used in this chapter, "external grievance" means the independent review under IC 27-8-29 of a grievance filed under this chapter.

Sec. 6. As used in this chapter, "grievance" means any dissatisfaction expressed by or on behalf of a covered individual regarding:

- (1) a determination that a service or proposed service is not appropriate or medically necessary;
- (2) a determination that a service or proposed service is experimental or investigational;
- (3) the availability of participating providers;
- (4) the handling or payment of claims for health care services;
- (5) matters pertaining to the contractual relationship between:
 - (A) a covered individual and an insurer; or
 - (B) a group policyholder and an insurer; or
- (6) an unfair claim settlement practice described in IC 27-4-1-4.5;

and for which the covered individual has a reasonable expectation that action will be taken to resolve or reconsider the matter that is the subject of dissatisfaction.

Sec. 7. As used in this chapter, "grievance procedure" means a written procedure established and maintained by an insurer for filing, investigating, and resolving grievances and appeals.

Sec. 8. As used in this chapter, "insured" means:

- (1) an individual whose employment status or other status except family dependency is the basis for coverage under a group accident and sickness insurance policy; or
- (2) in the case of an individual accident and sickness insurance policy, the individual in whose name the policy is issued.

Sec. 9. As used in this chapter, "insurer" means any person who delivers or issues for delivery an accident and sickness insurance policy or certificate in Indiana.

Sec. 10. An insurer shall establish and maintain a grievance procedure that complies with the requirements of this chapter for the resolution of grievances initiated by a covered individual.

Sec. 11. The commissioner may examine the grievance procedure of any insurer.

Sec. 12. An insurer shall maintain all grievance records received by the insurer after the most recent examination of the insurer's grievance procedure by the commissioner.

Sec. 13. (a) An insurer shall provide timely, adequate, and appropriate notice to each insured of:

- (1) the grievance procedure required under this chapter;
- (2) the external grievance procedure required under IC 27-8-29;
- (3) information on how to file:
 - (A) a grievance under this chapter; and
 - (B) a request for an external grievance review under IC 27-8-29; and
- (4) a toll free telephone number through which a covered individual may contact the insurer at no cost to the covered individual to obtain information and to file grievances.

(b) An insurer shall prominently display on all notices to covered individuals the toll free telephone number and the address at which a grievance or request for external grievance review may be filed.

Sec. 14. (a) A covered individual may file a grievance orally or in writing.

(b) An insurer shall make available to covered individuals a toll free telephone number through which a grievance may be filed. The toll free telephone number must:

- (1) be staffed by a qualified representative of the insurer;
- (2) be available for at least forty (40) hours per week during normal business hours; and
- (3) accept grievances in the languages of the major population groups served by the insurer.

(c) A grievance is considered to be filed on the first date it is received, either by telephone or in writing.

Sec. 15. (a) An insurer shall establish procedures to assist

covered individuals in filing grievances.

(b) A covered individual may designate a representative to file a grievance for the covered individual and to represent the covered individual in a grievance under this chapter.

Sec. 16. (a) An insurer shall establish written policies and procedures for the timely resolution of grievances filed under this chapter. The policies and procedures must include the following:

- (1) An acknowledgment of the grievance, oral or in writing, to the covered individual within five (5) business days after receipt of the grievance.
- (2) Documentation of the substance of the grievance and any actions taken.
- (3) An investigation of the substance of the grievance, including any aspects involving clinical care.
- (4) Notification to the covered individual of the disposition of the grievance and the right to appeal.
- (5) Standards for timeliness in:
 - (A) responding to grievances; and
 - (B) providing notice to covered individuals of:
 - (i) the disposition of the grievance; and
 - (ii) the right to appeal;

that accommodate the clinical urgency of the situation.

(b) An insurer shall appoint at least one (1) individual to resolve a grievance.

(c) A grievance must be resolved as expeditiously as possible, but not more than twenty (20) business days after the grievance is filed. If an insurer is unable to make a decision regarding the grievance within the twenty (20) day period due to circumstances beyond the insurer's control, the insurer shall:

- (1) before the twentieth business day, notify the covered individual in writing of the reason for the delay; and
- (2) issue a written decision regarding the grievance within an additional ten (10) business days.

(d) An insurer shall notify a covered individual in writing of the resolution of a grievance within five (5) business days after completing an investigation. The grievance resolution notice must include the following:

- (1) A statement of the decision reached by the insurer.
- (2) A statement of the reasons, policies, and procedures that are the basis of the decision.
- (3) Notice of the covered individual's right to appeal the decision.
- (4) The department, address, and telephone number through which a covered individual may contact a qualified representative to obtain additional information about the decision or the right to appeal.

Sec. 17. (a) An insurer shall establish written policies and procedures for the timely resolution of appeals of grievance decisions. The procedures for registering and responding to oral and written appeals of grievance decisions must include the following:

- (1) Written or oral acknowledgment of the appeal not more than five (5) business days after the appeal is filed.
- (2) Documentation of the substance of the appeal and the actions taken.
- (3) Investigation of the substance of the appeal, including any aspects of clinical care involved.
- (4) Notification to the covered individual:
 - (A) of the disposition of an appeal; and
 - (B) that the covered individual may have the right to further remedies allowed by law.
- (5) Standards for timeliness in:
 - (A) responding to an appeal; and
 - (B) providing notice to covered individuals of:
 - (i) the disposition of an appeal; and
 - (ii) the right to initiate an external grievance review under IC 27-8-29;

that accommodate the clinical urgency of the situation.

(b) In the case of an appeal of a grievance decision described in section 6(1) or 6(2) of this chapter, an insurer shall appoint a panel of one (1) or more qualified individuals to resolve an appeal. The panel must include one (1) or more individuals who:

- (1) have knowledge in the medical condition, procedure, or treatment at issue;
 - (2) are licensed in the same profession and have a similar specialty as the provider who proposed or delivered the health care procedure, treatment, or service;
 - (3) are not involved in the matter giving rise to the appeal or in the initial investigation of the grievance; and
 - (4) do not have a direct business relationship with the covered individual or the health care provider who previously recommended the health care procedure, treatment, or service giving rise to the grievance.
- (c) An appeal of a grievance decision must be resolved:
- (1) as expeditiously as possible, reflecting the clinical urgency of the situation; and
 - (2) in any case, not later than forty-five (45) days after the appeal is filed.
- (d) An insurer shall allow a covered individual the opportunity to:
- (1) appear in person before; or
 - (2) if unable to appear in person, otherwise appropriately communicate with;

the panel appointed under subsection (b).

(e) An insurer shall notify a covered individual in writing of the resolution of an appeal of a grievance decision within five (5) business days after completing the investigation. The appeal resolution notice must include the following:

- (1) A statement of the decision reached by the insurer.
- (2) A statement of the reasons, policies, and procedures that are the basis of the decision.
- (3) Notice of the covered individual's right to further remedies allowed by law, including the right to external grievance review by an independent review organization under IC 27-8-29.
- (4) The department, address, and telephone number through which a covered individual may contact a qualified representative to obtain more information about the decision or the right to an external grievance review.

Sec. 18. An insurer may not take action against a provider solely on the basis that the provider represents a covered individual in a grievance filed under this chapter.

Sec. 19. (a) An insurer shall each year file with the commissioner a description of the grievance procedure of the insurer established under this chapter, including:

- (1) the total number of grievances handled through the procedure during the preceding calendar year;
- (2) a compilation of the causes underlying those grievances; and
- (3) a summary of the final disposition of those grievances.

(b) The information required by subsection (a) must be filed with the commissioner on or before March 1 of each year. The commissioner shall:

- (1) make the information required to be filed under this section available to the public; and
- (2) prepare an annual compilation of the data required under subsection (a) that allows for comparative analysis.

(c) The commissioner may require any additional reports as are necessary and appropriate for the commissioner to carry out the commissioner's duties under this article.

Sec. 20. The department may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 6. IC 27-8-29 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 29. External Review of Grievances

Sec. 1. As used in this chapter, "accident and sickness insurance policy" has the meaning set forth in IC 27-8-28-1.

Sec. 2. As used in this chapter, "appeal" means the procedure described in IC 27-8-28-17.

Sec. 3. As used in this chapter, "commissioner" refers to the insurance commissioner appointed under IC 27-1-1-2.

Sec. 4. As used in this chapter, "covered individual" has the meaning set forth in IC 27-8-28-3.

Sec. 5. As used in this chapter, "department" refers to the

department of insurance.

Sec. 6. As used in this chapter, "external grievance" means the independent review under this chapter of a grievance filed under IC 27-8-28.

Sec. 7. As used in this chapter, "grievance" has the meaning set forth in IC 27-8-28-6.

Sec. 8. As used in this chapter, "grievance procedure" has the meaning set forth in IC 27-8-28-7.

Sec. 9. As used in this chapter, "health care provider" means a person:

- (1) that provides physician services (as defined in IC 12-15-11-1(a)); or
- (2) who is licensed under IC 25-33.

Sec. 10. As used in this chapter, "insured" has the meaning set forth in IC 27-8-28-8.

Sec. 11. As used in this chapter, "insurer" has the meaning set forth in IC 27-8-28-9.

Sec. 12. An insurer shall establish and maintain an external grievance procedure for the resolution of external grievances regarding:

- (1) an adverse determination of appropriateness;
- (2) an adverse determination of medical necessity; or
- (3) a determination that a proposed service is experimental or investigational;

made by an insurer or an agent of an insurer regarding a service proposed by the treating health care provider.

Sec. 13. (a) An external grievance procedure established under section 12 of this chapter must:

- (1) allow a covered individual or a covered individual's representative to file a written request with the insurer for an external grievance review of the insurer's appeal resolution under IC 27-8-28-17 not more than forty-five (45) days after the covered individual is notified of the resolution; and
- (2) provide for:

(A) an expedited external grievance review for a grievance related to an illness, a disease, a condition, an injury, or a disability if the time frame for a standard review would seriously jeopardize the covered individual's:

- (i) life or health; or
 - (ii) ability to reach and maintain maximum function; or
- (B) a standard external grievance review for a grievance not described in clause (A).

A covered individual may file not more than one (1) external grievance of an insurer's appeal resolution under this chapter.

(b) Subject to the requirements of subsection (d), when a request is filed under subsection (a), the insurer shall:

- (1) select a different independent review organization for each external grievance filed under this chapter from the list of independent review organizations that are certified by the department under section 19 of this chapter; and
- (2) rotate the choice of an independent review organization among all certified independent review organizations before repeating a selection.

(c) The independent review organization chosen under subsection (b) shall assign a medical review professional who is board certified in the applicable specialty for resolution of an external grievance.

(d) The independent review organization and the medical review professional conducting the external review under this chapter may not have a material professional, familial, financial, or other affiliation with any of the following:

- (1) The insurer.
- (2) Any officer, director, or management employee of the insurer.
- (3) The health care provider or the health care provider's medical group that is proposing the service.
- (4) The facility at which the service would be provided.
- (5) The development or manufacture of the principal drug, device, procedure, or other therapy that is proposed for use by the treating health care provider.

However, the medical review professional may have an affiliation under which the medical review professional provides health care

services to covered individuals of the insurer and may have an affiliation that is limited to staff privileges at the health facility, if the affiliation is disclosed to the covered individual and the insurer before commencing the review and neither the covered individual nor the insurer objects.

(e) A covered individual may be required to pay not more than twenty-five dollars (\$25) of the costs associated with the services of an independent review organization under this chapter. All additional costs must be paid by the insurer.

Sec. 14. (a) A covered individual who files an external grievance under this chapter:

- (1) shall not be subject to retaliation for exercising the covered individual's right to an external grievance under this chapter;
- (2) shall be permitted to utilize the assistance of other individuals, including health care providers, attorneys, friends, and family members throughout the review process;
- (3) shall be permitted to submit additional information relating to the proposed service throughout the review process; and
- (4) shall cooperate with the independent review organization by:

- (A) providing any requested medical information; or
- (B) authorizing the release of necessary medical information.

(b) An insurer shall cooperate with an independent review organization selected under section 13(b) of this chapter by promptly providing any information requested by the independent review organization.

Sec. 15. (a) An independent review organization shall:

- (1) for an expedited external grievance filed under section 13(a)(2)(A) of this chapter, within three (3) business days after the external grievance is filed; or
- (2) for a standard appeal filed under section 13(a)(2)(B) of this chapter, within fifteen (15) business days after the appeal is filed;

make a determination to uphold or reverse the insurer's appeal resolution under IC 27-8-28-17 based on information gathered from the covered individual or the covered individual's designee, the insurer, and the treating health care provider, and any additional information that the independent review organization considers necessary and appropriate.

(b) When making the determination under this section, the independent review organization shall apply:

- (1) standards of decision making that are based on objective clinical evidence; and
- (2) the terms of the covered individual's accident and sickness insurance policy.

(c) The independent review organization shall notify the insurer and the covered individual of the determination made under this section:

- (1) for an expedited external grievance filed under section 13(a)(2)(A) of this chapter, within twenty-four (24) hours after making the determination; and
- (2) for a standard external grievance filed under section 13(a)(2)(B) of this chapter, within seventy-two (72) hours after making the determination.

Sec. 16. A determination made under section 15 of this chapter is binding on the insurer.

Sec. 17. (a) If, at any time during an external review performed under this chapter, the covered individual submits information to the insurer that is relevant to the insurer's resolution of the covered individual's appeal of a grievance decision under IC 27-8-28-17 and that was not considered by the insurer under IC 27-8-28:

- (1) the insurer may reconsider the resolution under IC 27-8-28-17; and
- (2) if the insurer chooses to reconsider, the independent review organization shall cease the external review process until the reconsideration under subsection (b) is completed.

(b) An insurer reconsidering the resolution of an appeal of a grievance decision due to the submission of information under subsection (a) shall reconsider the resolution under IC 27-8-28-17 based on the information and notify the covered individual of the

insurer's decision:

(1) within seventy-two (72) hours after the information is submitted, for a reconsideration related to an illness, a disease, a condition, an injury, or a disability that would seriously jeopardize the covered individual's:

- (A) life or health; or
- (B) ability to reach and maintain maximum function; or

(2) within fifteen (15) days after the information is submitted, for a reconsideration not described in subdivision (1).

(c) If the decision reached under subsection (b) is adverse to the covered individual, the covered individual may request that the independent review organization resume the external review under this chapter.

(d) If an insurer to which information is submitted under subsection (a) chooses not to reconsider the insurer's resolution under IC 27-8-28-17, the insurer shall forward the submitted information to the independent review organization not more than two (2) business days after the insurer's receipt of the information.

Sec. 18. This chapter does not add to or otherwise change the terms of coverage included in a policy, certificate, or contract under which a covered individual receives health care benefits under IC 27-8.

Sec. 19. (a) The department shall establish and maintain a process for annual certification of independent review organizations.

(b) The department shall certify a number of independent review organizations determined by the department to be sufficient to fulfill the purposes of this chapter.

(c) An independent review organization must meet the following minimum requirements for certification by the department:

(1) Medical review professionals assigned by the independent review organization to perform external grievance reviews under this chapter:

- (A) must be board certified in the specialty in which a covered individual's proposed service would be provided;
- (B) must be knowledgeable about a proposed service through actual clinical experience;
- (C) must hold an unlimited license to practice in a state of the United States; and
- (D) must not have any history of disciplinary actions or sanctions, including:

- (i) loss of staff privileges; or
- (ii) restriction on participation;

taken or pending by any hospital, government, or regulatory body.

(2) The independent review organization must have a quality assurance mechanism to ensure:

- (A) the timeliness and quality of reviews;
- (B) the qualifications and independence of medical review professionals;
- (C) the confidentiality of medical records and other review materials; and
- (D) the satisfaction of covered individuals with the procedures utilized by the independent review organization, including the use of covered individual satisfaction surveys.

(3) The independent review organization must file with the department the following information on or before March 1 of each year:

- (A) The number and percentage of determinations made in favor of covered individuals.
- (B) The number and percentage of determinations made in favor of insurers.
- (C) The average time to process a determination.
- (D) Any other information required by the department.

The information required under this subdivision must be specified for each insurer for which the independent review organization performed reviews during the reporting year.

(4) Any additional requirements established by the department.

(d) The department may not certify an independent review organization that is one (1) of the following:

- (1) A professional or trade association of health care providers or a subsidiary or an affiliate of a professional or trade

association of health care providers.

(2) An insurer, a health maintenance organization, or a health plan association, or a subsidiary or an affiliate of an insurer, health maintenance organization, or health plan association.

(e) The department may suspend or revoke an independent review organization's certification if the department finds that the independent review organization is not in substantial compliance with the certification requirements under this section.

(f) The department shall make available to insurers a list of all certified independent review organizations.

(g) The department shall make the information provided to the department under subsection (c)(3) available to the public in a format that does not identify individual covered individuals.

Sec. 20. Except as provided in section 19(g) of this chapter, documents and other information created or received by the independent review organization or the medical review professional in connection with an external grievance review under this chapter:

- (1) are not public records;
- (2) may not be disclosed under IC 5-14-3; and
- (3) must be treated in accordance with confidentiality requirements of state and federal law.

Sec. 21. (a) An insurer shall each year file with the commissioner a description of the grievance procedure established by the insurer under this chapter, including:

- (1) the total number of external grievances handled through the procedure during the preceding calendar year;
- (2) a compilation of the causes underlying those grievances; and
- (3) a summary of the final disposition of those grievances;

for each independent review organization used by the insurer during the reporting year.

(b) The information required by subsection (a) must be filed with the commissioner on or before March 1 of each year. The commissioner shall:

- (1) make the information required to be filed under this section available to the public; and
- (2) prepare an annual compilation of the data required under subsection (a) that allows for comparative analysis.

(c) The commissioner may require any additional reports that are necessary and appropriate for the commissioner to carry out the commissioner's duties under this article.

Sec. 22. (a) An independent review organization is immune from civil liability for actions taken in good faith in connection with an external review under this chapter.

(b) The work product or determination, or both, of an independent review organization under this chapter are admissible in a judicial or administrative proceeding. However, the work product or determination, or both, do not, without other supporting evidence, satisfy a party's burden of proof or persuasion concerning any material issue of fact or law.

Sec. 23. If a covered individual has the right to an external review of a grievance under Medicare, the covered individual may not request an external review of the same grievance under this chapter.

Sec. 24. The department may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 7. IC 27-13-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. A health maintenance organization or limited service health maintenance organization shall establish and maintain a grievance procedure for the resolution of grievances initiated by enrollees, and subscribers, and third parties who have been damaged by an action of the organization. The grievance procedure of a health maintenance organization or limited service health maintenance organization must:

- (1) be approved by the commissioner; and
- (2) provide for the filing of a grievance regarding an unfair claim settlement practice described in IC 27-4-1-4.5.

SECTION 8. IC 34-30-2-116.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 116.7. IC 27-2-21-21 and IC 27-8-29-22 (Concerning independent review organizations).

SECTION 9. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding

IC 27-2-20-18, IC 27-2-21-20, IC 27-8-28-19, and IC 27-8-29-21, all as added by this act, the information required under IC 27-2-20-18, IC 27-2-21-20, IC 27-8-28-19, and IC 27-8-29-21, all as added by this act, must be filed beginning March 1, 2003.

(b) This SECTION expires June 30, 2005."

Renumber all SECTIONS consecutively.

(Reference is to HB 1054 as printed February 22, 2001.)

DILLON

Motion failed. The bill was ordered engrossed.

House Bill 1341

Representative Lytle called down House Bill 1341 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1341-1)

Mr. Speaker: I move that House Bill 1341 be amended to read as follows:

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

"SECTION 1. IC 25-36.5-1-3 IS AMENDED TO READ AS FOLLOWS: Sec. 3. (a) Every person registered as a timber buyer shall file with the department an effective surety bond issued by a corporate surety authorized to engage in the business of executing surety bonds in Indiana.

(b) Instead of the bond required by subsection (a), the department may accept security in cash or a certificate of deposit under terms established by rule.

(c) The security required under subsection (a) or (b) shall be made payable upon demand to the director, subject to this chapter, for the use and benefit of the people of Indiana and for the use and benefit of any timber grower from whom the applicant purchased and who is not paid by the applicant or for the use and benefit of any timber grower whose timber has been cut by the applicant or registrant or his agents, and who has not been paid therefor.

(d) The security required under subsection (a) or (b) shall be in the principal amount of two thousand dollars (\$2,000) for an applicant who paid timber growers five thousand dollars (\$5,000) or less for timber during the immediate preceding year, and an additional one hundred dollars (\$100) for each additional one thousand dollars (\$1,000) or fraction thereof paid to timber growers for timber purchased during the preceding year, but shall not be more than twenty thousand dollars (\$20,000). In the case of an applicant not previously engaged in business as a timber buyer, the amount of such bond shall be based on the estimated dollar amount to be paid by such timber buyer to timber growers for timber purchased during the next succeeding year, as set forth in the application.

(e) The security required under subsection (a) or (b) shall not be cancelled or altered during the period for which the certificate to the applicant was issued except upon at least sixty (60) days notice in writing to the department.

(f) Security shall be in such form, contain such terms and conditions as may be approved from time to time by the director, be conditioned to secure an honest cutting and accounting for timber purchased by the registrant, secure payment to the timber growers, and insure the timber growers against all fraudulent acts of the registrant in the purchase and cutting of the timber of this state.

(g) If a timber buyer fails to pay when due any amount due a timber grower for timber purchased, or fails to pay legally determined damages for timber wrongfully cut by a timber buyer or his agent, or commits any violation of this chapter, an adjudicative proceeding on the bond for forfeiture may be commenced, and notice of the proceeding shall be provided, under IC 4-21.5-3-6. A surety or person in possession of the security provided under subsection (a) or (b) is entitled to notification of the proceeding. If a final agency action is entered by the department under this subsection against the timber buyer, the surety or other person in possession of the security shall deliver the amount of the security identified in the order. A proceeding for forfeiture of a timber buyer's bond under IC 4-21.5 is the exclusive remedy under law for the forfeiture of the bond.

(h) An owner of real estate seeking an injunction against a

person, corporation or other entity from cutting timber on their real estate is relieved from having to post a bond."

Renumber all SECTIONS consecutively.
(Reference is to HB 1341 as printed February 21, 2001.)

STEELE

HOUSE MOTION

Mr. Speaker: I move that House Bill 1341 be made a special order of business for Tuesday, February 27, 2001, at 11:00 a.m.

KRUZAN

Motion prevailed. The bill was made a special order of business..

House Bill 2102

Representative Porter called down House Bill 2102 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 2102-14)

Mr. Speaker: I move that House Bill 2102 be amended to read as follows:

Page 1, line 1, delete "1".

Page 2, between lines 27 and 28, begin a new subparagraph and insert:

"(3) A state educational institution (as defined in IC 20-12-0.5-1)."

"(4) For a charter school, the executive (as defined in IC 36-1-2-5) of a consolidated city."

"(5) For a charter school, the executive (as defined in IC 36-1-2-5) of a municipality having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000)."

"(6) For a charter school, the executive (as defined in IC 36-1-2-5) of a municipality having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000)."

Page 3, line 17, delete "that meets the following requirements:" and insert "."

Page 3, delete lines 18 through 24.

Page 4, line 3, delete "The governing body must".

Page 4, delete lines 4 through 13.

Page 7, line 15, delete ":" and insert "Indiana".

Page 7, delete lines 16 through 20.

Page 7, line 42, delete "the" and insert "a".

Page 8, delete lines 18 through 23.

Page 8, after line 17 , begin a new subparagraph and insert:

"(2) The principal, or equivalent person or body, of the charter school or regional charter school agree to enroll the student in the charter school or regional charter school."

Page 8, line 35, delete "and the affected school corporations".

Page 9, delete lines 3 through 10.

Page 9, after line 10 , begin a new subparagraph and insert:

"Sec. 3. An existing public school that is converted into a charter school remains subject to an existing collective bargaining agreement unless at least fifty-one percent (51%) of the certificated staff of the school vote to remove the school from the collective bargaining agreement."

Page 9, delete lines 18 through 19.

Page 9, between lines 19 and 20, begin a new paragraph and insert:

"Sec. 5. The following apply to teachers in a charter school:

(1) A teacher must have a four (4) year college degree from an accredited institution.

(2) At least seventy-five percent (75%) of the teachers in a charter school must hold a license to teach in a public school.

(3) Not more than twenty-five percent (25%) of a charter school's teaching staff may be individuals who:

(A) are not licensed to teach in a public school; and

(B) possess specific knowledge or skills that are critical to the mission of the charter school.

(4) A charter school teacher described in subdivision (3) is subject to:

(A) regular performance reviews; and

(B) professional development activities;

as determined and identified by the organizer."

Page 15, line 31, delete "sixty-seven percent (67%)" and insert "fifty-one percent (51%)".

Page 16, line 15, delete "The governing body must".

Page 16, delete lines 16 through 25.

(Reference is to HB 2102 as printed February 15, 2001.)

BEHNING

Upon request of Representatives Behning and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 251: yeas 45, nays 50. Motion failed. The bill was ordered engrossed.

House Bill 1589

Representative Weinzapfel called down House Bill 1589 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1589-1)

Mr. Speaker: I move that House Bill 1589 be amended to read as follows:

Page 4, between lines 36 and 37, begin a new paragraph and insert: "Sec. 9. (a) This section applies to a county that before July 1, 2001, purchased or awarded a contract for the purchase of a new voting system or an upgrade to an existing voting system that meets the requirement under section 4 of this chapter.

(b) For purposes of this chapter, a county's purchase or award of a contract for a new voting system or an upgrade to an existing voting system is eligible for reimbursement under this chapter regardless of whether the purchase or the award of the contract occurred before July 1, 2001, if:

(1) the county makes an application under section 3 of this chapter; and

(2) the county's application demonstrates that the new voting system or upgrade purchased or contracted for before July 1, 2001, meets the requirement under section 4 of this chapter."

(Reference is to HB 1589 as printed February 22, 2001.)

ESPICH

Upon request of Representatives Espich and M. Smith, the Speaker ordered the roll of the House to be called. Roll Call 252: yeas 49, nays 44. Motion prevailed. The bill was ordered engrossed.

House Bill 1779

Representative Harris called down House Bill 1779 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1779-2)

Mr. Speaker: I move that House Bill 1779 be amended to read as follows:

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

"SECTION 1. IC 8-1-1.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter:

"Council" means the advisory council to the office of utility consumer counselor created under section 7 of this chapter.

"Counselor" means the consumer counselor established under section 2 of this chapter.

"Deputy consumer counselor" means the deputy consumer counselor for Washington affairs that may be established under section 9.1 of this chapter:

"Utility" means any public utility, municipally owned utility or subscriber owned utility under the jurisdiction of the commission."

Page 4, between lines 4 and 5, begin a new paragraph and insert: "SECTION 3. IC 8-1-1.1-9.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9.3. (a) As used in this section, "advocate" refers to the deputy consumer counselor for senior citizens appointed under subsection (d).

(b) As used in this section, "senior citizen" means an Indiana resident who is:

- (1) at least sixty-five (65) years of age;
- (2) retired; and
- (3) not employed on a full-time basis.

(c) As used in this section, "senior citizen utility customer" means a senior citizen who pays a public utility or a municipally owned utility for gas, electric, telecommunications, water, or sanitary sewer service for residential uses.

(d) The governor may appoint a deputy consumer counselor for senior citizens. The utility consumer counselor may advise the governor in the appointment of the deputy consumer counselor for senior citizens.

(e) The deputy consumer counselor for senior citizens shall serve for a term of four (4) years at a salary to be fixed by the governor. The advocate shall serve at the pleasure of the governor. The advocate must be a practicing attorney and qualified by knowledge and experience to practice in utility regulatory agency proceedings. The advocate shall apply full efforts to the duties of the office and may not be actively engaged in any other occupation, practice, profession, or business.

(f) The deputy consumer counselor for senior citizens shall do the following:

- (1) Represent, protect, and promote the interests of senior citizen utility customers in Indiana.
- (2) Inform and educate senior citizen utility customers about the duties and functions of the deputy consumer counselor for senior citizens.
- (3) Actively solicit the opinions, comments, and needs of senior citizen utility customers.
- (4) Educate senior citizen utility customers about available utility conservation measures.
- (5) Notify senior citizen utility customers about proceedings before the commission, the Federal Energy Regulatory Commission, the Federal Communications Commission, the courts, and other public bodies.
- (6) Establish and maintain a toll free telephone number or numbers that serve as a hotline for inquiries, comments, and suggestions from senior citizen utility customers. To the extent available resources allow, the advocate shall promote and advertise the hotline to senior citizen utility customers.

The deputy consumer counselor for senior citizens may satisfy the requirements of subdivisions (2) through (5) by publishing or soliciting information on the Internet through the computer gateway administered by the internet commission under IC 5-21-2 and known as Access Indiana.

(g) Expenses incurred under subsection (f) shall be paid from an appropriation made for that purpose by the general assembly, or with the approval of the governor and the budget agency, from the contingency fund established under IC 8-1-6-1.

(h) The deputy consumer counselor for senior citizens may, with the approval of the utility consumer counselor, appear on behalf of senior citizen utility customers in:

- (1) hearings before the commission, the department of state revenue, or the Indiana department of transportation;
- (2) appeals from the orders of the commission, the department of state revenue, or the Indiana department of transportation; and
- (3) other proceedings, suits, and actions in which the subject matter of the action affects senior citizen utility customers.

(i) The deputy consumer counselor for senior citizens may, with the approval of the consumer counselor, the governor, and the budget agency, employ and fix the compensation of accountants, utility economists, engineers, attorneys, stenographers, or other assistants necessary to carry out the duties of the deputy consumer counselor for senior citizens. The compensation of the deputy consumer counselor for senior citizens and the staff shall be paid from an appropriation made for that purpose by the general assembly, or with the approval of the governor and the budget agency, from the contingency fund established under IC 8-1-6-1.

(j) The deputy consumer counselor for senior citizens may employ, with the approval of the consumer counselor, the governor, and the budget agency, additional stenographers, examiners, experts,

engineers, assistant counselors, accountants, and consulting firms with expertise in utility, motor carrier, or railroad economics or management, or both, at salaries and compensation and for a length of time as the consumer counselor, the governor, and the budget agency may approve for a particular case or investigation. The compensation for additional personnel and the cost of transportation, hotel, telegram, and telephone bills while traveling on public business shall be paid from the expert witness fee account or, with the approval of the governor and the budget agency, from the contingency fund established under IC 8-1-6-1 on warrants drawn by the auditor of state and sworn to by the parties who incurred the expenses.

(k) Expenses incurred by regular staff of the deputy consumer counselor for senior citizens and approved by the deputy consumer counselor for senior citizens shall be charged to and paid from the contingency fund established under IC 8-1-6-1.

Page 4, line 11, delete "IC 8-1-1.1-9.2(f)(7)," and insert "IC 8-1-1.1-9.2(f)(6)."

Page 4, after line 17, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding IC 8-1-1.1-9.3(d), as added by this act, the governor shall appoint the deputy consumer counselor for senior citizens before September 1, 2001.

(b) This SECTION expires December 31, 2001.

SECTION 7. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding IC 8-1-1.1-9.3(f)(7), as added by this act, the deputy consumer counselor for senior citizens established under IC 8-1-1.1-9.3(d), as added by this act, shall establish before December 31, 2001, a toll free telephone number or numbers that serve as a hotline for inquiries, comments, and suggestions from senior citizen utility customers.

(b) This SECTION expires January 2, 2002."

Renumber all SECTIONS consecutively.

(Reference is to HB 1779 as printed February 20, 2001.)

BODIKER

Upon request of Representatives Bodiker and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 253: yeas 95, nays 0. Motion prevailed.

HOUSE MOTION

(Amendment 1779-3)

Mr. Speaker: I move that House Bill 1779 be amended to read as follows:

Page 3, delete lines 4 through 7.

Page 3, line 8, delete "h" and insert "g".

Page 3, line 18, delete "i" and insert "h".

Page 3, line 23, delete "The compensation of the deputy".

Page 3, delete lines 24 through 27.

Page 3, line 28, delete "j" and insert "i".

Page 3, line 36, delete "The compensation for additional personnel".

Page 3, delete lines 37 through 42.

Page 4, delete lines 1 through 4.

(Reference is to HB 1779 as printed February 20, 2001.)

J. LUTZ

Motion failed. The bill was ordered engrossed.

House Bill 1797

Representative Bauer called down House Bill 1797 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1797-1)

Mr. Speaker: I move that House Bill 1797 be amended to read as follows:

Page 2, line 2, delete "interstate" and insert "intrastate".

(Reference is to HB 1797 as printed February 22, 2001.)

BAUER

Motion prevailed. The bill was ordered engrossed.

House Bill 1830

Representative Wolkins called down House Bill 1830 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1830-1)

Mr. Speaker: I move that House Bill 1830 be amended to read as follows:

- Page 3, line 28, delete "a".
- Page 3, line 28, delete "in bulk".
- Page 3, line 29, delete "quantities".
- Page 4, line 5, after "of" delete "a".
- (Reference is to HB 1830 as printed February 22, 2001.)

WOLKINS

Motion prevailed. The bill was ordered engrossed.

House Bill 1934

Representative Gregg called down House Bill 1934 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1934-1)

Mr. Speaker: I move that House Bill 1934 be amended to read as follows:

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

"SECTION 1. IC 25-1-4-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. A board or agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 shall require that at least one-half (50%) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses and dentists.

- Renumber all SECTIONS consecutively.
- (Reference is to HB 1934 as introduced.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

House Bill 1950

Representative Welch called down House Bill 1950 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1950-1)

Mr. Speaker: I move that House Bill 1950 be amended to read as follows:

Page 6, delete lines 6 through 13, begin a new line block indented and insert:

- "(1) All resources disregarded by the office under this article for the purpose of determining eligibility for Medicaid.**
- (2) Resources excluded under the federal Supplemental Security Income program (42 U.S.C. 1382b) as a plan to achieve self-support (PASS).**
- (3) Any resource eligible for exclusion under 42 U.S.C. 1396a(r)(2), including a retirement account established under 26 U.S.C. 220 and held by either the applicant or recipient or the applicant's or recipient's spouse."**

- Page 6, line 14, delete "(3)" and insert "(4)".
- Page 6, delete lines 27 through 28.
- Page 6, line 30, delete "January" and insert "July".
- Page 6, line 35, delete "(a)".
- Page 6, delete lines 38 through 40, begin a new line block indented and insert:

"(1) The individual has a severe medically determinable impairment without regard to the individual's employment status."

- Page 7, delete lines 19 through 31.
- Page 7, line 32, delete "7." and insert "5."
- Page 7, line 34, delete "5" and insert "4".
- Page 8, delete lines 35 through 36.
- Page 8, line 38, delete "5" and insert "4".

Page 9, delete lines 4 through 9, begin a new paragraph and insert:
"(b) The office shall continue Medicaid coverage under the buy-in program for an individual described in subsection (a) for up to twelve (12) months from the date of the individual's involuntary loss of employment."

Page 11, line 13, delete "work incentives created" and insert **"continued Medicaid coverage"**.

Page 11, line 13, delete "section" and insert **"Section"**.

Page 11, line 19, delete "participating in work incentives created" and insert **"receiving Medicaid"**.

Page 11, between lines 26 and 27, begin a new paragraph and insert:

"(c) In addition to the criteria required under subsection (b), the office may establish criteria to determine the following:"

Page 11, line 27, delete "(4)" and insert **"(1)"**.

Page 11, delete lines 31 through 34.

Page 11, line 35, delete "(6)" and insert **"(2)"**.

Page 11, line 40, delete "initiatives" and insert **"incentives"**.

Page 12, line 1, delete "(7)" and insert **"(3)"**.

Page 12, line 6, delete "initiatives" and insert **"incentives"**.

Page 12, line 8, delete "(8)" and insert **"(4)"**.

Page 12, line 9, delete "initiatives" and insert **"incentives"**.

Page 12, line 13, delete "(c)" and insert **"(d)"**.

Page 12, line 19, delete "(d)" and insert **"(e)"**.

Page 12, line 21, delete "2002" and insert **"2003"**.

Page 14, line 41, delete "July" and insert **"December"**.

Page 15, line 2, delete "December" and insert **"July"**.

Page 15, line 3, delete "2002" and insert **"2003"**.

Page 15, line 16, delete "Not later than October 1, 2001, the" and insert **"The"**.

Page 15, between lines 34 and 35, begin a new line blocked left and insert:

"The office shall make the application required under this subsection for the first grant available after the effective date of this SECTION."

(Reference is to HB 1950 as printed February 21, 2001.)

WELCH

Motion prevailed. The bill was ordered engrossed.

House Bill 1985

Representative T. Adams called down House Bill 1985 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1985-1)

Mr. Speaker: I move that House Bill 1985 be amended to read as follows:

Page 1, line 6, delete "may" and insert **"shall"**.

(Reference is to HB 1985 as printed February 22, 2001.)

THOMPSON

Representative Dvorak rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1985 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Thompson's amendment (1985-1) is a bill pending before this House under Rule 118. Representative Thompson's amendment is neither identical to nor similar to any pending bill.

BOSMA
MUNSON

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 254: yeas 50, nays 45. The ruling of the Chair was sustained.

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

The Speaker Pro Tempore yielded the gavel to the Speaker.

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 6

The Speaker handed down Senate Concurrent Resolution 6, sponsored by Representatives Pond and Kruse:

A CONCURRENT RESOLUTION urging the Department of Transportation to designate the new CSX Railroad underpass as the "Herb Kleeman Underpass."

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

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1913 had been referred 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 Representative V. Smith's second reading amendment to House Bill 1043 (1043-12), Roll Call 249, on February 26, 2001. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I voted, I misunderstood the intent of the total amendment and pushed the Yea button. Now, understanding the total intent of the amendment, I wish to change my vote to Nay."

WELCH

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 249 to 14 yeas, 76 nays. The corrected roll call is printed with this Journal.]*

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1480, Roll Call 213, on February 26, 2001. In support of this petition, I submit the following reason:

"I was present, but when I attempted to vote, I was unable to reach the button. I intended to vote Yea."

FOLEY

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 213 to 95 yeas, 1 nay. The corrected roll call is printed with this Journal.]*

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1574, Roll Call 189, on February 21, 2001. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the Yea button when I intended to vote Nay."

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 189 to 54 yeas, 42 nays. The corrected roll call is printed with the Journal for February 21.]*

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 1788, Roll Call 228, on February 26, 2001. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the Nay button when I intended to vote Yea."

WOLKINS

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 228 to 67 yeas, 30 nays. The corrected roll call is printed with this Journal.]*

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1856, Roll Call 205, on February 26, 2001. In support of this petition, I submit the following reason:

"I was present, but when I attempted to vote, I was unable to reach the button. I intended to vote Yea."

FRIZZELL

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 205 to 70 yeas, 27 nays. The corrected roll call is printed with this Journal.]*

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1873, Roll Call 230, on February 26, 2001. In support of this petition, I submit the following reason:

"I was present, but when I attempted to vote, I was unable to reach the button. I intended to vote Yea."

FRIEND

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 230 to 97 yeas, 0 nays. The corrected roll call is printed with this Journal.]*

HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson be added as coauthor of House Bill 1066.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Alderman and Mannweiler be added as coauthors of House Bill 1083.

CHENEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1106.

STEELE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cochran be added as coauthor of House Bill 1122.

FRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruse be added as coauthor of House Bill 1216.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ayres be added as coauthor of House Bill 1228.

CHENEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bottorff be added as coauthor of House Bill 1341.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Whetstone be added as coauthor of House Bill 1388.

BOTTORFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stilwell be added as coauthor of House Bill 1409.

T. ADAMS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Cherry and Avery be added as coauthors of House Bill 1424.

BAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Avery and Kruse be added as coauthors of House Bill 1509.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Espich and Lytle be added as coauthors of House Bill 1577.

COCHRAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruse be added as coauthor of House Bill 1692.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1737.

KRUZAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stilwell be added as coauthor of House Bill 1811.

CROSBY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Aguilera be added as coauthor of House Bill 1863.

CRAWFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dickinson be added as coauthor of House Bill 1913.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Weinzapfel be added as coauthor of House Bill 1925.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruse be added as coauthor of House Bill 2115.

V. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as coauthor of House Bill 2148.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Grubb be added as cosponsor of Engrossed Senate Bill 456.

M. SMITH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Goodin the House adjourned at 11:35 p.m., this twenty-sixth day of February, 2001, until Tuesday, February 27, 2001, at 10:00 a.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives