



# Journal of the House

State of Indiana

112th General Assembly

Second Regular Session

Thirteenth Meeting Day

Monday Afternoon

January 28, 2002

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

The invocation was offered by Evangelist Jack Phillips, Northeast Church of Christ, Indianapolis, the guest of Representative Lawrence L. Buell.

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

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
Borror	Mahern
Bosma	Mangus
Bottorff	McClain
C. Brown	Mock
T. Brown	Moses
Buck	Munson
Budak	Murphy
Buell	Noe
Burton	Oxley
Cheney	Pelath
Cherry	Pond
Cochran	Porter
Cook	Reske
Crawford	Richardson
Crooks	Ripley
Crosby	Robertson
Day	Ruppel ☐
Denbo	Saunders
Dickinson	Scholer
Dillon	M. Smith
Dobis	V. Smith
Dumezich	Steele
Duncan	Stevenson
Dvorak	Stilwell
Espich	Sturtz
Foley ☐	Summers
Frenz	Thompson
Friend	Tincher
Frizzell	Torr
Fry	Turner
GiaQuinta	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 20: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 29, 2002, at 1:00 p.m.

MAHERN

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 8, 12, 22, 79, 99, 103, 107, 127, 148, 150, 152, 154, 156, 165, 169, 190, 193, 194, 212, 213, 216, 222, 227, 230, 239, 243, 247, 260, 290, 292, and 327 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 14 and 17 and the same are herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 20

Representatives Gregg, Dobis, Kuzman, GiaQuinta, Pelath, Denbo, M. Smith, Alderman, Buell, Espich, Mangus, Mock, Stilwell, Avery, Bottorff, and Kromkowski introduced House Concurrent Resolution 20:

A CONCURRENT RESOLUTION recognizing the United States Military Academy, West Point, New York, on the occasion of the 200th anniversary of its founding.

*Whereas, The mission of the United States Military Academy is "to educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country; professional growth throughout a career as an officer in the United States Army; and a lifetime of selfless service to the nation";*

*Whereas, Since President Thomas Jefferson on March 16, 1802, signed legislation establishing the United States Military Academy, the Academy has been accomplishing its mission by developing future Army officers in four critical areas: intellectual, physical, military, and moral-ethical;*

*Whereas, This developmental process is known as "the West Point Experience";*

*Whereas, The academic program at the United States Military Academy consists of 31 core courses that provide each cadet with a balanced education in the arts and sciences;*

*Whereas, All graduates of the United States Military Academy receive a Bachelor of Science degree designed to meet the intellectual requirements of a commissioned officer in today's Army;*

*Whereas, In addition to academic training, each cadet must participate in a rigorous physical program, including both physical education classes and competitive athletics, which contribute to the mental and physical fitness required of today's military officer;*

*Whereas, Even though the size of today's graduating class is more than 900, the United States Military Academy has remained*

committed to its mission of creating "commissioned leaders of character" for America's Army;

Whereas, The graduation classes of the United States Military Academy have produced such great leaders as Robert E. Lee (1829), Ulysses S. Grant (1843), Douglas MacArthur (1903), Omar Bradley (1915), Dwight Eisenhower (1915), Alexander Haig, Jr. (1947), Frank Borman (1950), and H. Norman Schwarzkopf (1956);

Whereas, It is indeed proper and fitting to recognize the Indiana residents who have graduated from the hallowed halls of the United States Military Academy; and

Whereas, Ever mindful of its prominent place in American history, the United States Military Academy is marching into the 21st century with the same dedication and resolve that have become character traits of the exemplary leaders it has produced for two centuries: Therefore,

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

SECTION 1. That the Indiana General Assembly wishes to congratulate the United States Military Academy at West Point, New York, on the occasion of the 200th anniversary of its founding and to express Indiana's gratitude for the many exemplary leaders it has given and will continue to give to our nation.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Brigadier General Eric T. Olson, Commandant of Cadets, United States Military Academy.

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

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1020, 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 "(a) This section applies to a".

Page 1, delete lines 4 through 5.

Page 1, line 6, delete "(b)" and insert "(a)".

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

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

Page 2, line 11, delete "(d)" and insert "(c)".

Page 2, line 33, delete "(e)" and insert "(d)".

(Reference is to HB 1020 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 Local Government, to which was referred House Bill 1026, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEVENSON, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1075, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

BODIKER, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, 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 1, line 3, delete "JULY 1, 2002:." and insert "JANUARY 1, 2003:."

(Reference is to HB 1083 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

DVORAK, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1124, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "commits" insert ":".

Page 1, line 3, strike "a Class C misdemeanor."

Page 1, delete line 4.

(Reference is to HB 1124 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

DVORAK, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1138, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-9-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) For purposes of this section, the size of a political subdivision is based on the population determined in the last federal decennial census.

(b) A convention and visitor bureau having ~~thirteen (13)~~ **fifteen (15)** members is created to promote the development and growth of the convention, tourism, and visitor industry in the county.

(c) The executives (as defined by IC 36-1-2-5) of the ~~six (6)~~ **eight (8)** largest municipalities (as defined by IC 36-1-2-11) in the county shall each appoint one (1) member to the bureau. The legislative body (as defined in IC 36-1-2-9) of the two (2) largest municipalities in the county shall each appoint one (1) member to the bureau.

(d) The county council shall appoint two (2) members to the bureau. One (1) of the appointees must be a resident of the largest township in the county, and one (1) of the appointees must be a resident of the second largest township in the county.

(e) The county commissioners shall appoint two (2) members to the bureau. Each appointee must be a resident of the fifth, sixth, seventh, eighth, ninth, tenth, or eleventh largest township in the county. These appointees must be residents of different townships.

(f) The lieutenant governor shall appoint one (1) member to the bureau.

(g) One (1) of the appointees under subsection (d) and one (1) of the appointees under subsection (e) must be members of the political party that received the highest number of votes in the county in the last preceding election for the office of secretary of state. One (1) of the appointees under subsection (d) and one (1) of the appointees under subsection (e) must be members of the political party that received the second highest number of votes in the county in the election for that office. No appointee under this section may hold an elected or appointed political office while he serves on the bureau.

(h) In making appointments under this section, the appointing authority shall give sole consideration to individuals who shall be knowledgeable and interested in at least one (1) of the following businesses in the county:

(1) Hotel.

- (2) Motel.
- (3) Restaurant.
- (4) Travel.
- (5) Transportation.
- (6) Convention.
- (7) Trade show.

(i) All terms of office of bureau members begin on July 1. Initial appointments of the county council are for one (1) year terms, initial appointments of the county commissioners are for two (2) year terms, initial appointments of the municipal executives and legislative bodies are for three (3) year terms, with all subsequent appointments for three (3) year terms. All appointments of the lieutenant governor are for three (3) year terms. A member whose term expires may be reappointed to serve another term. If a vacancy occurs, the appointing authority shall appoint a qualified person to serve for the remainder of the term. If an appointment is not made before July 16 or a vacancy is not filled within thirty (30) days, the member appointed by the lieutenant governor under subsection (f) shall appoint a qualified person.

(j) A member of the bureau may be removed for cause by his appointing authority.

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

(l) Each bureau member, before entering his duties, shall take an oath of office in the usual form, to be endorsed upon his certificate of appointment and promptly filed with the clerk of the circuit court of the county.

(m) The bureau shall meet after July 1 each year for the purpose of organization. The bureau shall elect a chairman from its members. The bureau shall also elect from its members a vice chairman, a secretary, and a treasurer. The members serving in those offices shall perform the duties pertaining to the offices. The first officers chosen shall serve until their successors are elected and qualified. A majority of the bureau constitutes a quorum, and the concurrence of a majority of those present is necessary to authorize any action.

(n) If the county and one (1) or more adjoining counties desire to establish a joint bureau, the counties shall enter into an agreement under IC 36-1-7. In the absence of such an agreement, the bureau may not expend funds to promote activities in any other county."

Page 3, line 18, delete "." and insert "**within the municipality.**".

Page 5, between lines 3 and 4, begin a new paragraph and insert: "SECTION 3. IC 8-1.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to each:

- (1) municipality; and
- (2) county not having a consolidated city;

that adopts the provisions of this chapter by ordinance.

SECTION 4. IC 8-1.5-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. The definitions set forth in IC 36-1-2 apply throughout this chapter.

SECTION 5. IC 8-1.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "board" means the following:

- (1) For a consolidated city, the board of public works established by IC 36-3-5-6.
- (2) For all other municipalities or a county, the board of directors described in section 4 of this chapter.

SECTION 6. IC 8-1.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter, "department" means the following:

- (1) For a consolidated city, the department of public works.
- (2) For all other municipalities or a county, the department of storm water management established under section 4 of this chapter.

SECTION 7. IC 8-1.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to all municipalities except does not apply to a consolidated city.

(b) If the legislative body of a municipality or the county executive adopts the provisions of this chapter by ordinance, a

department of storm water management is established and is controlled by a board of directors.

(c) Except as provided in subsection subsections (f) and (g), the board consists of three (3) directors. The executive of the municipality shall appoint the directors, not more than two (2) of whom may be of the same political party.

(d) Except as provided in subsection subsections (f) and (g), the legislative body shall prescribe, by ordinance must prescribe the terms of the directors. However, the legislative body and must prescribe the initial terms of the directors so that they the terms will be staggered.

(e) The executive may remove a director at any time when, in the judgment of the executive, it is for the best interest of the department.

(f) If a second class city has a department of public sanitation under IC 36-9-25, the executive of the city may appoint the members of the board of sanitary commissioners as the board of directors of the department of storm water management. The terms of the members of the board of directors are the same as the terms of the members of the board of sanitary commissioners under IC 36-9-25-4.

(g) If a county executive adopts an ordinance under this chapter, the ordinance may provide for the appointment of:

- (1) the members of the county executive and the county surveyor (or the surveyor's designee); or
- (2) the drainage board for the county;

as the board of directors of the department. The term of office of a member of the board who is appointed from the membership of the county executive or the drainage board is coextensive with the member's term of office on the county executive or the drainage board. If the county surveyor or the surveyor's designee is appointed under subdivision (1), the term of the surveyor or designee as a member of the board is coextensive with the surveyor's term of office.

(h) A member of the board of directors of the department of storm water management appointed under subsection (f) or (g) is not entitled to a salary or per diem for serving as a member of the board of directors of the department of storm water management. However, a member shall be reimbursed for necessary expenses incurred by the member in the performance of official duties.

SECTION 8. IC 8-1.5-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The legislative body shall, in the ordinance adopting the provisions of this chapter create creates a special taxing district that includes the following:

- (1) For a consolidated city, all of the territory of the county containing the consolidated city.
- (2) For all other municipalities, all territory within the corporate boundaries of the municipality.
- (3) For a county, all the territory in the county, except territory within a municipality that has established a department.

(b) As to each municipality to which this chapter applies, including a consolidated city, All the territory within the district constitutes a special taxing district for the purpose of providing for the collection and disposal of storm water of the district in a manner that protects the public health and welfare and for the purpose of levying special benefit taxes for purposes of storm water collection and disposal. All area territory in the district and all area territory added to the district is considered to have received a special benefit from the storm water collection and disposal facilities of the district equal to or greater than the special taxes imposed on the area by territory under this chapter in order to pay all or part of the costs of such facilities.

SECTION 9. IC 8-1.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The board has the powers and duties prescribed by IC 8-1.5-3-4(a). In addition, the board may:

- (1) hold hearings following public notice;
- (2) make findings and determinations;
- (3) install, maintain, and operate a storm water collection and disposal system;
- (4) make all necessary or desirable improvements of the grounds and premises under its control; and

(5) issue and sell bonds of the district in the name of the **municipality unit that is served by the department** for the acquisition, construction, alteration, addition, or extension of the storm water collection and disposal system or for the refunding of any bonds issued by the board.

(b) The board has exclusive jurisdiction over the collection and disposal of storm water within the district.

SECTION 10. IC 8-1.5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The acquisition, construction, installation, operation, and maintenance of facilities and land for storm water systems may be financed through:

- (1) proceeds of special taxing district bonds of the storm water district;
- (2) the assumption of liability incurred to construct the storm water system being acquired;
- (3) service rates;
- (4) revenue bonds; or
- (5) any other available funds.

(b) The board, after approval by the ~~legislative fiscal~~ body of the **municipality, unit that is served by the department**, may assess and collect user fees from all of the property of the storm water district for the operation and maintenance of the storm water system.

SECTION 11. IC 8-1.5-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) If the board acquires a storm water system and assumes the liability incurred by the seller to construct the storm water system, the principal and interest on the liability so assumed shall be paid from the bond and interest redemption account in the same manner as bonds of the district would be paid, and the board shall set aside sufficient revenues to comply with the requirements of the instrument creating the liability.

(b) A **municipality unit** acquiring a storm water system may not assume any liability for the payment of a secured debt or charge other than the obligation to apply the revenues in the manner prescribed in the ordinance.

(c) The board may issue bonds in exchange for, or satisfaction of, the liability assumed in the acquisition of a storm water system. The bonds so issued may not be issued at less than ninety-seven percent (97%) of the par value thereof in exchange for, or satisfaction of, the liability. Notwithstanding section 13(c) of this chapter, bonds issued in exchange for, or satisfaction of, the liability need not be sold in accordance with IC 5-1-11. However, the interest rate on such bonds may not exceed the average yield on municipal revenue bonds of comparable credit rating and maturity as of the end of the week immediately preceding the issuance of the bonds.

SECTION 12. IC 8-1.5-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) **This section applies to a municipality.**

(b) The reasonable cost and value of any service rendered to the municipality by the storm water system by furnishing storm water collection and disposal shall be:

- (1) charged against the municipality; and
- (2) paid for in monthly installments as the service accrues out of the:
  - (A) current revenues of the municipality, collected or in process of collection; and
  - (B) tax levy of the municipality made by it to raise money to meet its necessary current expenses.

~~(b)~~ (c) The compensation for the service provided to the municipality shall, in the manner prescribed by this chapter, be treated as revenues of the system and paid into the funds created under this chapter.

SECTION 13. IC 8-1.5-5-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.5. (a) **This section applies to a county.**

(b) **The reasonable cost and value of any service rendered to the county by the storm water system by furnishing storm water collection and disposal shall be:**

- (1) **charged against all the territory in the county, except territory within a municipality; and**

(2) **paid for in monthly installments as the service accrues out of the:**

- (A) **current revenues of the county, collected or in process of collection; and**
- (B) **tax levy of the county made by the county to raise money to meet the county's necessary current expenses.**

(c) **The compensation for the service provided to the county shall, in the manner prescribed by this chapter, be treated as revenues of the system and paid into the funds created under this chapter.**

SECTION 14. IC 8-1.5-5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) To procure money to pay for the required property and the acquisition, erection, and construction of the proposed work, and in anticipation of the collection of the special benefit tax, the board may issue, in the name of the ~~municipality, unit that is served by the department~~, special taxing district bonds of the storm water district. The bonds may not exceed the total estimated cost of the work and property to be acquired as provided for in the resolution, including:

- (1) all expenses necessarily incurred for supervision and inspection during the period of construction; and
- (2) expenses actually incurred preliminary to the acquiring of the necessary property and the construction of the work, including the cost of records, engineering expenses, publication of notices, salaries, and other expenses incurred, before and in connection with the acquiring of the property, the letting of the contract, and the sale of bonds.

(b) After adopting a resolution authorizing the bonds, the board shall certify a copy of the resolution to the ~~municipal~~ fiscal officer, who shall then prepare the bonds. The ~~municipal~~ executive shall execute the bonds, and the fiscal officer shall attest the bonds.

(c) The board may not issue bonds of the storm water district, payable by a special benefit property tax, when the total of the outstanding bonds of the district that are payable from a special benefit property tax, including the bonds already issued and to be issued, exceeds eight percent (8%) of the total adjusted value of taxable property in the district as determined under IC 36-1-15. For purposes of this section, bonds are not considered to be outstanding bonds if the payment has been provided for by an irrevocable deposit in escrow of government obligations sufficient to pay the bonds when due or called for redemption.

(d) The bonds are not a corporate obligation or indebtedness of the ~~municipality unit~~ but are an indebtedness of the storm water district. The bonds and interest are payable:

- (1) out of a special benefit tax levied upon all of the property of the storm water district; or
- (2) by any other means including revenues, cash on hand, and cash in depreciation or reserve accounts.

(e) The bonds must recite the terms upon their face, together with the purpose for which they are issued.

SECTION 15. IC 8-1.5-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) To raise the necessary revenues to pay for the bonds issued and the interest on the bonds, the board:

- (1) after approval by the ~~legislative fiscal~~ body of the **municipality, unit that is served by the department**, shall levy a special benefit tax upon all the property of the storm water district in the amount necessary to meet and pay the principal of the bonds as they severally mature, together with all accruing interest; and
- (2) shall certify the tax levied each year to the ~~fiscal officers~~ **officer** of the ~~municipality and of the county in which the storm water district is located~~, **unit that is served by the department** at the same time ~~the levy of the municipality is and in the same manner as other levies of the unit are certified.~~

The tax levied and certified shall be estimated and entered upon the tax duplicate and shall be collected and enforced in the same manner as state and county taxes are estimated, entered, and enforced.

- (b) In fixing the amount of the necessary levy, the board:
  - (1) shall consider the amount of revenues derived by the board from the operation of the storm water system under its

jurisdiction above the amount of revenues required to pay the cost of operation and maintenance of the storm water system; and

(2) may, in lieu of making the levy in this section, set aside by resolution a specific amount of the surplus revenues to be collected before maturity of the principal and interest of the bonds payable in the following calendar year.

(c) The special tax shall be deposited in the bond and interest redemption account.

SECTION 16. IC 8-1.5-5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) The board may not issue any bonds authorized by this chapter until it has secured the approval for the issuance of the bonds from the ~~legislative fiscal body of the municipality~~ **unit that is served by the department.**

(b) IC 6-1.1-20 applies to the issuance of bonds under this chapter which are or may be payable from the special benefit property tax.

SECTION 17. IC 14-22-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) A person may not hunt or take a migratory waterfowl within Indiana without having a migratory waterfowl stamp issued by the department. The stamp must be in the possession of each person hunting or taking a migratory waterfowl. However, the stamp need not be affixed to the hunting license. The licensee shall validate the stamp with the signature, in ink, of the licensee written across the face of the stamp.

(b) The department shall ~~do the following~~

(+) determine the form of the **migratory waterfowl** stamp.

(~~2~~) (c) **The department may** furnish the **migratory waterfowl** stamps to each clerk of the circuit court and the clerk's designated depositories for issuance or sale in the same manner as hunting licenses are issued or sold under IC 14-22-11.

SECTION 18. IC 14-22-11-3, AS AMENDED BY P.L.188-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) The director **and** agents appointed by the director ~~and a clerk of the circuit court in each county who is an~~ **are** authorized ~~representative~~ **representatives** of the department shall issue ~~all~~ hunting, trapping, and fishing licenses.

(b) **The clerk of the circuit court in each county may issue hunting, trapping, and fishing licenses.**

(c) Each **hunting, trapping, or fishing** license must be in a form prescribed by the director and shall be countersigned by the clerk or agent issuing the license. The director shall furnish the clerks and agents with all necessary blank forms."

Page 5, after line 11, begin a new paragraph and insert:

"SECTION 20. IC 36-10-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) A department of public parks is established as an executive department of the city.

(b) The department is under the control of a board of park commissioners. The board consists of four (4) commissioners appointed by the city executive. Each commissioner must be a freeholder residing in the city, and no more than two (2) commissioners may have the same political affiliation.

(c) A second class city may ~~with the approval of the executive and legislative body~~, pay each commissioner an annual salary ~~not to exceed six hundred dollars (\$600)~~ **in an amount fixed by the fiscal body**. The commissioners shall be paid their actual expenses upon approval by the city executive.

(d) Before beginning his duties each commissioner shall take and subscribe the usual oath of office. The oath shall be indorsed upon the certificate of appointment and filed with the city clerk. If a commissioner has not filed his oath:

(1) within thirty (30) days after the beginning of his term; or

(2) by the date of his appointment if he was appointed after the beginning of the term;

he is considered to have refused to serve and the office becomes vacant.

SECTION 21. **An emergency is declared for this act."**

Re-number all SECTIONS consecutively.

(Reference is to HB 1138 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

STEVENSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1191, 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 13, after line 2, begin a new paragraph and insert:

"SECTION 3. IC 28-1-11-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2.5. (a) A bank or trust company may act as an agent for the sale of any life insurance policy or annuity contract issued by a life insurance company (as defined in IC 27-1-2-3) authorized to do business in Indiana under IC 27-1.

(b) A bank or trust company that acts as an agent for the sale of a life insurance policy or an annuity contract:

(1) is subject to all requirements of IC 27; and

(2) must comply with the disclosure requirements under ~~IC 28-1-11-2.6~~ **IC 27-1-38.**

(c) A bank or trust company may not condition:

(1) an extension of credit;

(2) a lease or sale of real or personal property;

(3) the performance of services; or

(4) the amount charged for:

(A) extending credit;

(B) leasing or selling real or personal property; or

(C) performing services;

upon a person's purchase of a life insurance policy or an annuity contract from the bank or trust company or an affiliate (as defined in IC 28-2-13-3) of the bank or trust company.

(d) This section does not prohibit a bank or trust company from requiring that a person, as a condition to a transaction, obtain a life insurance policy from an insurance company acceptable to the bank or trust company.

SECTION 4. IC 28-5-1-6.5, AS AMENDED BY P.L.132-2001, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6.5. (a) Notwithstanding any other provision of this title, an industrial loan and investment company may act as an agent for the sale of any annuity contract issued by a life insurance company (as defined in IC 27-1-2-3) authorized to do business in Indiana under IC 27-1.

(b) An industrial loan and investment company that acts as an agent for the sale of an annuity contract:

(1) is subject to all requirements of IC 27 relating to the sale and solicitation of insurance, including licensing as an agent under IC 27-1-15.6; and

(2) must comply with the disclosure requirements under ~~IC 28-1-11-2.6~~ **IC 27-1-38.**

(c) This section does not give power to, or otherwise affect the power of, an industrial loan and investment company to act as an agent for the sale of life insurance other than an annuity contract.

SECTION 5. IC 28-6.1-6-14, AS AMENDED BY P.L.134-2001, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) A savings bank may solicit and write insurance as an agent or a broker for any insurance company authorized to do business in the state or states where the agent or broker operates.

(b) A savings bank or its affiliate (as defined in IC 28-6.2-1-4) may act as an agent for the sale of any life insurance policy or annuity contract issued by a life insurance company (as defined in IC 27-1-2-3) authorized to do business in the state or states where the agent operates.

(c) A savings bank or its affiliate that acts as an agent for the sale of a life insurance policy or an annuity contract under subsection (b):

(1) is subject to all requirements of IC 27 with respect to the agent's activity in Indiana; and

(2) must comply with the disclosure requirements under ~~IC 28-1-11-2.6~~ **IC 27-1-38.**

(d) A savings bank or its affiliate may not condition:

- (A) (1) an extension of credit;
- (B) (2) a lease or sale of real or personal property;
- (C) (3) the performance of a service; or
- (D) (4) the amount charged for:
  - (i) (A) extending credit;
  - (ii) (B) leasing or selling real or personal property; or
  - (iii) (C) performing services;

upon a person's purchase of a life insurance policy or an annuity contract from the savings bank or its affiliate.

(e) This section does not prohibit a savings bank or its affiliate from requiring that a person, as a condition to a transaction, obtain a life insurance policy from an insurance company acceptable to the savings bank or its affiliate.

SECTION 6. IC 28-7-1-9.1, AS AMENDED BY P.L.134-2001, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9.1. (a) A credit union or a related credit union service organization (as defined in section 0.5(7) of this chapter) that acts as an agent for the sale of a life insurance policy or an annuity contract issued by a life insurance company (as defined in IC 27-1-2-3):

- (1) is subject to the requirements of IC 27; and
- (2) must comply with the disclosure requirements of ~~IC 28-1-11-2.6~~ **IC 27-1-38**.

(b) A credit union or credit union service organization may not condition:

- (1) an extension of credit;
- (2) a lease or sale of real or personal property;
- (3) the performance of a service; or
- (4) the amount charged for:
  - (A) extending credit;
  - (B) leasing or selling real or personal property; or
  - (C) performing services;

upon a person's purchase of a life insurance policy or an annuity contract from the credit union or related credit union service organization.

(c) This section does not prohibit a credit union or a credit union service organization from requiring that a person, as a condition to a transaction, obtain a life insurance policy from an insurance company acceptable to the credit union or credit union service organization.

SECTION 7. IC 28-14-3-11, AS AMENDED BY P.L.132-2001, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) Notwithstanding any other provision of this title, a corporate fiduciary may act as an agent for the sale of any annuity contract or any life insurance policy issued by a life insurance company (as defined in IC 27-1-2-3) authorized to do business in Indiana under IC 27-1.

(b) A corporate fiduciary that acts as an agent for the sale of an annuity contract or a life insurance policy:

- (1) is subject to all requirements of IC 27 relating to the sale and solicitation of insurance, including licensing as an agent under IC 27-1-15.6; and
- (2) must comply with the disclosure requirements under ~~IC 28-1-11-2.6~~ **IC 27-1-38**.

SECTION 8. IC 28-1-11-2.6 IS REPEALED [EFFECTIVE JULY 1, 2002]."

(Reference is to HB 1191 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BODIKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1205, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-23-6.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. The board may use the fund for the following purposes:

- (1) Training equipment and supplies necessary to operate the fund.
- (2) Aid to approved training programs that have met the minimum requirements of the board.
- (3) Travel, regional conferences, and other expenses actually incurred in connection with the member's duties.
- (4) Any other purpose that the board determines is necessary to carry out the provisions of this chapter.
- (5) **The payment of the expenses of a coroner attending a continuing education and training program required by IC 36-2-14-14(b).**"

Page 1, line 13, delete "general" and insert "**coroners training and continuing education fund established by IC 4-23-6.5-8.**"

Page 1, delete lines 14 through 16.

Renumber all SECTIONS consecutively.

(Reference is to HB 1205 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1240, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1302, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 2.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1308, 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 9, strike "fifty-five".
- Page 1, line 10, strike "(55) miles per hour,".
- Page 1, line 11, delete "or".
- Page 1, line 11, delete "after a determination" and insert ".".
- Page 1, delete lines 12 through 14.
- Page 1, line 15, strike "sixty-five (65) miles".
- Page 1, line 16, strike "per hour".
- Page 1, line 16, delete "or".
- Page 1, line 16, delete "after a determination" and insert ".".
- Page 1, delete line 17.
- Page 2, delete line 1.
- Page 2, line 2, delete "reasonable".

(Reference is to HB 1308 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 2.

KUZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

paragraph and insert:

"SECTION 1. IC 4-21.5-3-4, AS AMENDED BY P.L.54-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) Notice must be given under this section concerning the following:

- (1) The grant, renewal, restoration, transfer, or denial of a license by the bureau of motor vehicles under IC 9.
- (2) The grant, renewal, restoration, transfer, or denial of a noncommercial fishing or hunting license by the department of natural resources under IC 14.
- (3) The grant, renewal, restoration, transfer, or denial of a license by a board described in IC 25-1-8-1.
- (4) The grant, renewal, suspension, revocation, or denial of a certificate of registration under IC 25-5.2.
- (5) A personnel decision by an agency.
- (6) The grant, renewal, restoration, transfer, or denial of a license by the department of environmental management or the commissioner of the department under the following:

(A) Environmental management laws (as defined in IC 13-11-2-71) for the construction, installation, or modification of:

- (i) sewers and appurtenant facilities, devices, or structures for the collection and transport of sewage (as defined in IC 13-11-2-200) or storm water to a storage or treatment facility or to a point of discharge into the environment; or
- (ii) pipes, pumps, and appurtenant facilities, devices, or structures that are part of a public water **supply system** (as defined in ~~IC 13-11-2-177~~ IC 13-11-2-177.3) and that are used to transport water to a storage or treatment facility or to distribute water to the users of the public water **supply system**;

where a federal, state, or local governmental body has given or will give public notice and has provided or will provide an opportunity for public participation concerning the activity that is the subject of the license.

(B) Environmental management laws (as defined in IC 13-11-2-71) for the registration of a device or a piece of equipment.

(C) IC 13-17-6-1 for a person to engage in the inspection, management, and abatement of asbestos containing material.

(D) IC 13-18-11 for a person to operate a wastewater treatment plant.

(E) IC 13-15-10 for a person to operate the following:

- (i) A solid waste incinerator or a waste to energy facility.
- (ii) A land disposal site.
- (iii) A facility described under IC 13-15-1-3 whose operation could have an adverse impact on the environment if not operated properly.

(F) IC 13-20-4 for a person to operate a municipal waste collection and transportation vehicle.

(b) When an agency issues an order described by subsection (a), the agency shall give a written notice of the order to the following persons:

- (1) Each person to whom the order is specifically directed.
- (2) Each person to whom a law requires notice to be given.

A person who is entitled to notice under this subsection is not a party to any proceeding resulting from the grant of a petition for review under section 7 of this chapter unless the person is designated as a party on the record of the proceeding.

(c) The notice must include the following:

- (1) A brief description of the order.
- (2) A brief explanation of the available procedures and the time limit for seeking administrative review of the order under section 7 of this chapter.
- (3) Any information required by law.

(d) An order under this section is effective when it is served. However, if a timely and sufficient application has been made for renewal of a license described by subsection (a)(3) and review is granted under section 7 of this chapter, the existing license does not expire until the agency has disposed of the proceeding under this chapter concerning the renewal, unless a statute other than this article provides otherwise. This subsection does not preclude an agency

from issuing under IC 4-21.5-4 an emergency or other temporary order with respect to the license.

(e) If a petition for review of an order described in subsection (a) is filed within the period set by section 7 of this chapter and a petition for stay of effectiveness of the order is filed by a party or another person who has a pending petition for intervention in the proceeding, an administrative law judge shall, as soon as practicable, conduct a preliminary hearing to determine whether the order should be stayed in whole or in part. The burden of proof in the preliminary hearing is on the person seeking the stay. The administrative law judge may stay the order in whole or in part. The order concerning the stay may be issued after an order described in subsection (a) becomes effective. The resulting order concerning the stay shall be served on the parties and any person who has a pending petition for intervention in the proceeding. It must include a statement of the facts and law on which it is based.

SECTION 2. IC 13-11-2-108, AS AMENDED BY P.L.72-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 108. "Industrial permit", for purposes of IC 13-14-8-11.6 and IC 13-18-20, refers to a National Pollutant Discharge Elimination System (NPDES) permit other than a permit issued to any of the following:

- (1) a municipal facility;
- (2) a state facility;
- (3) a federal facility;
- (4) a semipublic facility;
- (5) a public water **supply system** facility; or
- (6) a facility for storm water discharge."

Page 2, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 6. IC 13-11-2-177.3, AS AMENDED BY P.L.14-2000, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 177.3. "Public water system", for purposes of this chapter, ~~and IC 13-18-11, IC 13-18-21, and other environmental management laws~~, has the meaning set forth in 42 U.S.C. 300f."

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 9. IC 13-11-2-259 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 259. "Water distribution system", for purposes of IC 13-18-11 and environmental management laws, means that part of the **public water supply system** in which water is conveyed from the water treatment plant to the premises of the consumer.

SECTION 10. IC 13-11-2-264 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 264. "Water treatment plant", for purposes of IC 13-18-11 and environmental management laws, means that part of the **public water supply system** that provides the water or in some way alters the physical, chemical, or bacteriological quality of the water.

SECTION 11. IC 13-15-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) This chapter applies to an application for a permit issued under IC 13-15-1 upon property:

- (1) that is undeveloped; or
- (2) for which a valid existing permit has not been issued.

(b) This chapter does not apply to an application for a permit issued under IC 13-15-1 if the permit is for the construction, installation, or modification of any of the following:

- (1) A combined sewer.
- (2) A sanitary sewer.
- (3) A storm sewer.
- (4) A public water **supply system**.
- (5) A water main extension.

SECTION 12. IC 13-18-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) When a vacancy in a position of operator occurs due to death, resignation, extended illness, or a similar cause, the vacancy may be filled for a period not exceeding one (1) year by an operator with a provisional certification.

(b) On written request of the governing body or owner of a wastewater or **public water supply system**, the commissioner may issue a provisional certification under subsection (a) to a person with

the required education and experience qualifications, until the person has had an opportunity to qualify by examination and be certified under this chapter."

Page 3, delete lines 34 through 42.

Delete page 4.

Page 5, delete lines 32 through 42.

Page 7, between lines 3 and 4, begin a new paragraph and insert: "SECTION 16. IC 13-18-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) A permit is required for the construction, installation, or modification of:

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

of a public water ~~supply~~ **system**, including water distribution systems.

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

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

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

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

SECTION 17. IC 13-18-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. Plans and specifications submitted to the commissioner under section 1 of this chapter shall be approved if it is determined that the plans and specifications meet all of the following conditions:

- (1) The plans and specifications are satisfactory with respect to the following:
  - (A) Sanitary quality, including chlorination, if required.
  - (B) Chemical quality.
  - (C) Adequacy of the water supply.

(2) The plans and specifications meet the requirements of any rules or standards adopted by the board under section 8 of this chapter governing the location, design, construction, and operation and maintenance of:

- (A) public water ~~supply system~~ **system** installations; and
- (B) changes or additions to public water ~~supply system~~ **system** installations.

SECTION 18. IC 13-18-16-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) All public water ~~supplies systems~~ **systems** shall be continuously operated and maintained so that water is:

- (1) safe in quality;
- (2) clean and adequate in quantity; and
- (3) chemically satisfactory for ordinary domestic consumption.

(b) The person responsible for the operation of a public water ~~supply system~~ **system** shall take all measures that are necessary to carry out the requirements of subsection (a) so as to protect the quality and quantity of the raw water supply from actual or threatened contamination. These measures include the relocation of the point of raw water collection to a site that is not contaminated or threatened by contamination.

(c) The failure to carry out a duty set forth in subsection (a) or (b) constitutes a violation subject to the penalties imposed under this chapter. Each day a violation occurs under this section constitutes a separate violation.

SECTION 19. IC 13-18-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. A person

responsible for the operation of public water ~~supplies systems~~ **systems** shall submit:

- (1) samples of water for analysis; and
- (2) reports of operation pertaining to the sanitary quality, chemical quality, or adequacy of ~~water supplied by those supplies; systems;~~ **systems;**

that the commissioner requests. The operator certified under IC 13-18-11 must verify under oath the reports of operation.

SECTION 20. IC 13-18-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2 and IC 13-14-9 establishing requirements for the issuance of permits to control public water ~~supplies; systems,~~ **systems,** including the following:

- (1) Permits for the construction, installation, or modification of facilities, equipment, or devices for any public water ~~supply; system.~~ **system.**
- (2) Permits for the operation of sources, facilities, equipment, or devices for any public water ~~supply; system.~~ **system.**

(b) The board shall adopt a permit by rule for water main extensions (as defined in 327 IAC 8-3-1) to satisfy the permit requirement in section 1(a) of this chapter.

SECTION 21. IC 13-18-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. The department shall conduct a program of continuing surveillance and inspection of public water ~~supplies systems~~ **systems** and technical assistance in connection with public water ~~supplies; systems.~~ **systems.**

SECTION 22. IC 13-18-16-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. The department shall encourage and advise units of local government in developing programs and facilities for public water ~~supplies; systems.~~ **systems.**

SECTION 23. IC 13-18-16-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. A person may not:

- (1) install or contract for the construction of any public water ~~supply system~~ **system** facilities, including water purification or treatment works; or
- (2) make any material change in any public water ~~supply system~~ **system** facilities;

until a permit has been issued by the commissioner.

SECTION 24. IC 13-18-16-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) The commissioner may investigate and determine whether any public water ~~supply system~~ **system** is **providing water that is** impure and dangerous to **public** health. If the commissioner determines that a ~~public~~ **public** the water supply:

- (1) is impure and dangerous to public health; or
- (2) is not sufficiently purified because of improper construction, inadequate size, or inefficient management or operation;

the commissioner may under IC 13-30-3-10 through IC 13-30-3-12 order that the ~~public~~ **public** water supply be made pure and safe to health.

(b) If the commissioner determines under subsection (a) that a ~~public~~ **public** water supply is impure and dangerous to public health because of inefficient management or operation **of the public water system providing the water**, the commissioner may order the person responsible for the public water ~~supply system~~ **system** to appoint, not later than fifteen (15) days after the commissioner's determination, a competent person to take charge of and superintend the operation of the water ~~supply system~~ **system** plant or works.

(c) The commissioner must approve the person appointed in response to the commissioner's order under subsection (b). However, the person responsible for the water ~~supply system~~ **system** plant or works shall pay the salary of the person appointed.

SECTION 25. IC 13-18-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The board shall adopt rules under IC 4-22-2 to establish protection zones around community water system wells.

(b) The state agencies referred to in section 5(b) of this chapter may not permit activities within the zones established under subsection (a) that would violate the rules or interfere with the purposes of the rules.

(c) The department shall establish and operate a program of

education and assistance to local officials in developing and managing well field protection zones.

(d) The rules adopted under subsection (a) or any zoning under IC 36-7 to establish protection zones around community water system wells may not restrict any activity by:

- (1) an owner of land;
- (2) a mineral owner; or
- (3) a mineral leaseholder of record;

unless the owner or leaseholder is sent written notice of, and has an opportunity to be heard on, the establishment of the zone and the construction of the community **public water supply** system that caused the establishment of the zone.

(e) A person that requests a permit for construction of a community water system or establishment of a well field protection zone is responsible for any notice requirements the board establishes.

SECTION 26. IC 13-18-20-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. For public water **supply system** permits, the annual base fee per facility is:

- (1) one thousand dollars (\$1,000) for a major permit; and
- (2) four hundred dollars (\$400) for a minor permit;

plus the following annual discharge flow fee per facility based on projected daily average flow in MGD as set forth in a facility NPDES permit:

Projected Daily Average Flow in MGD	Fee
.001 - .05	\$240
.051 - .1	\$360
.101 - .2	\$840
.201 - .3	\$1,200
.301 - .5	\$1,680
.501 - 1.0	\$2,060
1.001 - 2.0	\$3,600
2.001 - 5.0	\$5,400
5.001 - 10.0	\$8,400
10.001 - 15.0	\$12,000
15.001 - 30.0	\$16,800
30.001 - 50.0	\$22,800
50.001 - 100.0	\$28,800
> 100.0	\$34,800".

Page 7, line 30, reset in roman "department and the".

Page 7, line 34, reset in roman "department and the".

Page 7, line 34, reset in roman "jointly".

Page 8, line 14, reset in roman "The department has primary".

Page 8, line 15, reset in roman "responsibility to carry out this subsection."

Page 8, delete lines 20 through 42.

Delete page 9.

Page 10, delete line 1.

Page 15, after line 42, begin a new paragraph and insert:

"SECTION 32. IC 16-41-27-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. A mobile home park shall provide a water supply through the use of a public water **supply system** if the water supply is reasonably available within a reasonable distance from the mobile home park. A mobile home park is not required to use a public water **supply system** if the water system is more than two thousand (2,000) feet from the mobile home park. If a public water **supply system** is not available, water shall be provided by a system approved by the environmental commissioner under rules adopted by the water pollution control board.

SECTION 33. IC 16-41-27-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 22. (a) The construction of a new mobile home park or alteration of an existing mobile home park shall be made only after plans for the proposed construction or alteration have been forwarded to and approved by the state department.

(b) A **public water supply** system may not be constructed or altered in a new or existing mobile home park until plans for the construction or alteration have been forwarded to and approved by the environmental commissioner under rules adopted by the water board.

(c) A sewage collection and disposal system may not be constructed or altered in a new or existing mobile home park until:

(1) plans for construction or alteration of the sewage collection system and any septic tank absorption field have been forwarded to and approved by the state department under rules adopted by the state department; and

(2) plans for construction or alteration of any sewage disposal system other than a septic tank absorption field have been forwarded to and approved by the environmental commissioner under rules adopted by the water board."

Page 16, line 2, delete "IC 13-18-13-4; IC 13-18-13-5; IC 13-18-13-6;" and insert "IC 13-11-2-177; IC 13-11-2-263."

Page 16, delete line 3.

Page 16, line 4, after "agency" insert "**and the department of environmental management**".

Page 16, line 5, after "shall" insert "**jointly**".

Page 16, line 5, delete "implement." and insert "**implement IC 13-18-22, as added by this act.**".

Page 16, delete lines 6 through 7.

Renumber all SECTIONS consecutively.

(Reference is to HB 1329 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WEINZAPFEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1355, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 1.

PORTER, Chair

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:20 p.m. with the Speaker in the Chair.

Representative Kuzman was present.

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 1014, 1070, 1085, 1095, 1123, 1134, 1143, 1159, 1161, 1174, 1179, 1180, 1187, 1188, 1200, 1201, 1224, 1225, 1227, 1246, 1252, 1257, 1259, 1266, 1273, 1294, 1297, and 1314.

House Bill 1042

Representative Ulmer called down House Bill 1042 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1042-1)

Mr. Speaker: I move that House Bill 1042 be amended to read as follows:

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 2. IC 14-22-11-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 17. (a) **Except as provided in subsection (b)**, a person who violates section 6, 7, or 8 of this chapter commits a Class C infraction.

(b) **A person who qualifies for a license under IC 14-22-12-1.4 and who violates section 8 of this chapter shall be assessed an administrative penalty of seven dollars and seventy-five cents (\$7.75). A person who has been issued a citation under this subsection may request an administrative hearing. A hearing held in response to a request under this subsection must be held**

**under IC 4-21.5-3. The hearing shall be conducted by an administrative law judge for the commission. The determination of the administrative law judge is a final agency action, as defined in IC 4-21.5-1-6. Penalties collected under this subsection shall be deposited in the state general fund."**

Renumber all SECTIONS consecutively.  
(Reference is to HB 1042 as printed January 25, 2002.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

### House Bill 1049

Representative Crosby called down House Bill 1049 for second reading. The bill was reread a second time by title.

#### HOUSE MOTION (Amendment 1049-4)

Mr. Speaker: I move that House Bill 1049 be amended to read as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert: "SECTION 2. IC 16-19-3-26, AS AMENDED BY P.L.131-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 26. (a) The anatomical gift promotion fund is established. The fund consists of amounts distributed to the fund by the auditor of state under IC 9-18-2-16.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(c) The state department shall administer the fund. Any expenses incurred in administering the fund shall be paid from the fund.

(d) Except as provided in subsections (e) and (f), the state department shall select appropriate organ procurement organizations to which the money deposited in the fund shall be distributed.

(e) Except as provided in subsection (f), the state department may not distribute any money from the fund after June 30, 2001.

(f) Beginning July 1, 2002, the state department shall distribute money deposited in the fund as follows:

**(1) For the state fiscal year beginning July 1, 2002, the lesser of fifty thousand dollars (\$50,000) or the amount in the fund shall be distributed to the bone marrow and organ donor fund established under IC 16-46-12-2. After the distribution to the bone marrow and organ donor fund under this subdivision, any amount remaining in the fund shall be distributed to the Indiana Donation Alliance Foundation.**

**(2) For the state fiscal year beginning July 1, 2003, the money in the fund shall be distributed to the Indiana Donor Alliance Foundation.**

(g) The Indiana Donation Alliance Foundation shall keep information regarding the identity of an individual who has indicated a desire to make an organ or tissue donation confidential.

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

(i) This section expires June 30, 2004."

Renumber all SECTIONS consecutively.  
(Reference is to HB 1049 as printed January 17, 2002.)

T. BROWN

Motion prevailed. The bill was ordered engrossed.

### House Bill 1195

Representative Bauer called down House Bill 1195 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1195-1)

Mr. Speaker: I move that House Bill 1195 be amended to read as follows:

Page 17, line 17, after "subtracting" insert ":",

Page 17, line 17, before "any" begin a new line double block indented and insert:

"(A)".

Page 17, line 20, delete "." and insert "; and".

Page 17, between lines 20 and 21, begin a new line double block indented and insert:

**"(B) income resulting from investment of contributions for which a deduction is allowable under Section 170 of the Internal Revenue Code or the earnings on these contributions in marketable securities, savings accounts, or other cash equivalents if the money is restricted for direct use for an exempt purpose."**

Page 17, line 29, after "subtracting" insert ":",

Page 17, line 29, before "any" begin a new line double block indented and insert:

"(A)".

Page 17, line 32, delete "." and insert "; and".

Page 17, between lines 32 and 33, begin a new line double block indented and insert:

**"(B) income resulting from investment of contributions for which a deduction is allowable under Section 170 of the Internal Revenue Code or the earnings on these contributions in marketable securities, savings accounts, or other cash equivalents if the money is restricted for direct use for an exempt purpose."**

Page 18, line 3, after "subtracting" insert ":",

Page 18, line 3, before "any" begin a new line triple block indented and insert:

"(i)".

Page 18, line 6, after ":", and insert "and".

Page 18, between lines 6 and 7, begin a new line triple block indented and insert:

**"(ii) income resulting from investment of contributions for which a deduction is allowable under Section 170 of the Internal Revenue Code or the earnings on these contributions in marketable securities, savings accounts, or other cash equivalents if the money is restricted for direct use for an exempt purpose."**

Pages 18, delete lines 41 through 42.

Page 19, delete lines 1 through 18.

Renumber all SECTIONS consecutively.  
(Reference is to House Bill 1195 as printed January 23, 2002.)

BAUER

Motion prevailed. The bill was ordered engrossed.

### House Bill 1221

Representative T. Adams called down House Bill 1221 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1221-1)

Mr. Speaker: I move that House Bill 1221 be amended to read as follows:

Page 1, delete lines 11 through 17, begin a new paragraph and insert:

"(b) In addition to the boat excise tax and the department of natural resources fee, a boat owner shall pay to the department of natural resources a ~~five dollar (\$5)~~ lake and river enhancement fee for each boat required to have boat excise decals as follows:

**(1) For a boat that is less than sixteen (16) feet in length, seven dollars (\$7).**

**(2) For a boat that is:**

**(A) at least sixteen (16) feet in length; and**

**(B) not more than twenty (20) feet in length;**

**nine dollars (\$9).**

**(3) For a boat that is more than twenty (20) feet in length, twelve dollars (\$12).**

The revenue from the lake and river enhancement fee shall be deposited in the lake and river enhancement fund established by section 12.5 of this chapter."

Page 2, delete lines 1 through 3.

(Reference is to HB 1221 as printed January 25, 2002.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

**House Bill 1242**

Representative Harris called down House Bill 1242 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1242-1)

Mr. Speaker: I move that House Bill 1242 be amended to read as follows:

Page 5, line 1, delete "request the licensing".

Page 5, line 2, delete "agency" and insert "**require the applicant**".

Page 5, line 2, delete "make an" and insert "**submit an approved**".

Page 5, line 13, delete "board" and insert "**applicant**".

Page 5, line 13, delete "update the" and insert "**supply an updated**".

(Reference is to HB 1242 as printed January 25, 2002.)

CRAWFORD

Motion prevailed. The bill was ordered engrossed.

**ENGROSSED HOUSE BILLS ON THIRD READING****Engrossed House Bill 1204**

Representative Dvorak called down Engrossed House Bill 1204 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil 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 21: yeas 93, 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 Long and Lanane.

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

## HOUSE MOTION

Mr. Speaker: I move that Representatives Dvorak and Duncan be added as coauthors of House Bill 1012.

HERRELL

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives T. Adams, Ayres, and Reske be added as coauthors of House Bill 1079.

FRIZZELL

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representative Leuck be added as coauthor of House Bill 1097.

CHERRY

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

## HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Scholer be added as coauthors of House Bill 1099.

HOFFMAN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Yount be added as coauthor of House Bill 1122.

STILWELL

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Dillon be added as coauthor of House Bill 1134.

SUMMERS

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Frizzell be added as coauthor of House Bill 1163.

CROOKS

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Ripley be added as coauthor of House Bill 1164.

CROOKS

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives C. Brown, Klinker, and Sturtz be added as coauthors of House Bill 1212.

FRIZZELL

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be added as coauthor of House Bill 1325.

OXLEY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1344.

KRUZAN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Crooks be added as coauthor of House Bill 1386.

RIPLEY

Motion prevailed.

## HOUSE MOTION

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

TURNER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Denbo be added as coauthor of House Joint Resolution 4.

FRIZZELL

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Ayres the House adjourned at 3:55 p.m., this twenty-eighth day of January, 2002, until Tuesday, January 29, 2002, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives