Journal of the Senate

State of Indiana

114th General Assembly — Second Regular Session

Sixth Meeting Day — Tuesday Afternoon — January 17, 2006

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman ▶	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 6: present 49; excused 1. [*Note: A ▶ indicates those who were excused.*] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 285, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 247, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 3. IC 5-14-1.5-6.1, AS AMENDED BY P.L.235-2005, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) As used in this section, "public official" means a person:

(1) who is a member of a governing body of a public agency; or

(2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

(1) Where authorized by federal or state statute.

(2) For discussion of strategy with respect to any of the following:

(A) Collective bargaining.

(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.

(C) The implementation of security systems.

(D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic development corporation, the office of tourism development, the Indiana finance authority, or economic development commissions.

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:

(i) a physician; or

(ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection.

SECTION 4. IC 5-14-3-4, AS AMENDED BY P.L.210-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

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

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

(4) Records containing trade secrets.

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

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

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

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

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

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

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

(10) Application information declared confidential by the ~~twenty-first century research and technology fund~~ board **of the Indiana economic development corporation** under ~~IC 4-4-5.1.~~ **IC 5-28-16.**

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

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

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

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

(A) a public agency;

(B) the state; or

(C) an individual.

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

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

(5) The following:

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

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

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

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

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

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

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

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

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

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

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

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

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

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

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

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

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

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

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

(16) Library or archival records:

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

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

(i) to qualified researchers;

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

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

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

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

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;

(E) threat assessments;

(F) **intelligence assessments;**

(G) domestic preparedness strategies;

~~(G)~~ **(H)** the location of community drinking water wells and surface water intakes;

~~(H)~~ **(I)** the emergency contact information of emergency responders and volunteers;

~~(I)~~ **(J)** infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems; and

~~(J)~~ **(K)** detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies,

leases, or maintains the airport:

(i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and

(ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

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

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

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

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business."

Page 3, delete lines 1 through 16.

Renumber all SECTIONS consecutively.

(Reference is to SB 247 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 88, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 72, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee appointed to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly begs leave to report that it has performed the duties assigned to it.

BRAY, Chair
LUBBERS
LANANE
SIPES

Report adopted.

COMMITTEE REPORT

Madam President: The Committee appointed to act with a like committee of the House of Representatives to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly begs leave to report that it has performed the duties assigned to it.

HARRISON, Chair
MERRITT
LUTZ
CRAYCRAFT

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 7

Senator Heinold called up Senate Concurrent Resolution **7** for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Ayres and Heim.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 17, has had the same under consideration and begs leave to report the same back to the Senate 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 taxation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 11. (a) An individual is entitled to a credit each taxable year against the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year in an amount equal to the lesser of:**

(1) the amount of the tolls paid by the individual during the taxable year to drive on the Indiana toll road; or

(2) three hundred dollars ($300).

(b) Notwithstanding subsection (a), a husband and wife filing a joint adjusted gross income tax return for a particular taxable year may not claim a credit under this section of more than three hundred dollars ($300).

(c) Notwithstanding subsection (a), the credit permitted under this section may not exceed the amount of the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

(d) To receive the credit provided by this section, an individual must claim the credit on the individual's annual state tax return in the manner prescribed by the department. The individual shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this section.

SECTION 2. [EFFECTIVE JANUARY 1, 2007] **IC 6-3-3-11, as added by this act, applies to taxable years beginning after December 31, 2006.**

(Reference is to SB 17 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 22, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-22.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, unless otherwise provided:

(a) The term "gas" means natural gas, flammable gas, or gas which is toxic or corrosive.

(b) The term "transportation" ~~of gas"~~ means:

(1) the gathering, transmission or distribution of gas, **hazardous liquids, or carbon dioxide fluid** by pipeline; or

(2) the storage of gas, **hazardous liquids, or carbon dioxide fluids.**

~~except that it shall~~ **The term does** not include the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area which the commission may define as a nonrural area.

(c) The term "pipeline" means all parts of those physical facilities through which gas, **hazardous liquids, or carbon dioxide fluid** moves in transportation, including pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies, but excluding motor vehicles of all kinds and pipelines serving not less than ten (10) customers with petroleum gas from a common source.

(d) The term "pipeline facilities" means and includes, without limitation, new and existing pipelines, rights-of-way and any equipment, facility, or building used in: ~~the~~

(1) transportation; ~~of gas~~ or ~~in~~

(2) the treatment of gas, **hazardous liquids, or carbon dioxide fluid** during the course of transportation. ~~but excluding~~

The term excludes motor vehicles of all kinds and pipelines serving not less than ten (10) customers with petroleum gas from a common source.

(e) The term "person" means any individual, firm, joint venture, partnership, corporation, limited liability company, association, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

(f) The term "municipality" means a city, county, or any political subdivision of the state.

~~(h)~~ **(g)** The term "division" means the pipeline safety division to be established under this chapter.

~~(i)~~ **(h)** The term "maximum allowable operating pressure" means the maximum pressure at which a pipeline or a segment of a pipeline may be operated.

(i) The term "hazardous liquid" means petroleum, petroleum products, or anhydrous ammonia.

(j) The term "carbon dioxide fluid" means a fluid consisting of more than ninety percent (90%) carbon dioxide molecules compressed to a supercritical state.

SECTION 2. IC 8-1-22.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. There is hereby established within the Commission a Pipeline Safety Division. The Division shall be charged with the regulation of: ~~the~~

(1) transportation; ~~of gas~~ and ~~of~~

(2) related pipeline facilities and ~~the~~ **their** operations; ~~thereof,~~ in order to promote the public safety.

SECTION 3. IC 8-1-22.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The division, acting through the commission, shall:

~~(a)~~ **(1)** Administer and require compliance with federal safety standards applicable to ~~the~~ transportation ~~of natural and other gas~~ and ~~for~~ **related** pipeline facilities ~~used in this transportation~~ established ~~and in effect, from time to time, pursuant to~~ **under** the Natural Gas Pipeline Safety Act of 1968 ~~(Public Law 90-481, 49 U.S.C. 1671 et seq.) as the same may be amended (referred to in this chapter as the "Federal Pipeline Safety Act"),~~ **(49 U.S.C. 60101 et seq.),** and otherwise administer this chapter in such manner as may be required in order to maintain and continue in effect certification of the commission under ~~Section 5 of the Federal Pipeline Safety Act.~~ **49 U.S.C. 60105.**

~~(b) As soon as practicable after March 30, 1971,~~ **(2)** Establish, by rules and regulations of the commission, minimum state

safety standards for ~~the~~ transportation ~~of gas~~ and related pipeline facilities. Such standards shall not be less stringent than the **applicable** federal safety standards ~~as established under the Federal Pipeline Safety Act,~~ and shall apply to the design, installation, inspection (including the taking possession of pipe and pipeline components), testing, construction, extension, operation, replacement, and maintenance of such pipeline facilities. Such new standards affecting the design, installation, construction, initial inspection, and initial testing shall not be applicable to pipeline facilities in existence prior to the date such standards are established. In establishing such standards, the following shall be considered:

~~(1)~~ **(A)** relevant available pipeline safety data;

~~(2)~~ **(B)** whether such standards are appropriate for the particular type of pipeline transportation;

~~(3)~~ **(C)** the reasonableness of any proposed standards;

~~(4)~~ **(D)** the extent to which such standards will contribute to public safety; and

~~(5)~~ **(E)** federal safety standards established under ~~the Federal Pipeline Safety Act.~~ **49 U.S.C. 60101 et seq.**

~~Any person engaged in the transportation of gas or who owns, operates, or leases pipeline facilities shall certify annually to the division that it has complied with federal safety standards, in force and effect from time to time, applicable to the determination of change in class location and of confirmation or revision of maximum allowable operating pressure.~~

~~(c)~~ **(3)** Whenever a particular pipeline facility is found to be hazardous to human life or property, require, through the issuance of a hazardous condition order, the person who owns, operates, or leases such pipeline facility to take such action necessary to remove such hazards. Except in cases where immediate or extreme emergency is found to exist, such order shall not be issued until such person is afforded an opportunity to present ~~his~~ **the person's** views and any facts bearing on the situation. In any event, unless such order is issued after notice and hearing, the person to whom such order is directed shall be entitled to prompt notice and hearing on the question as to whether such order shall be continued in effect.

~~(d)~~ **(4)** Review ~~and summarize annually~~ all incidents reported within the state involving accidents resulting in personal injury requiring hospitalization, death, or property damage in excess of ~~three~~ **fifty** thousand dollars ~~($3,000),~~ **($50,000),** when the same is accompanied by an explosion, misapplication, and/or escapement of gas. Copies of ~~this summary~~ **any official report of the division** shall be available for distribution to all interested persons, for the purpose of promoting pipeline safety.

~~(e)~~ **(5)** Keep itself informed as to research and development regarding pipeline safety. ~~including the feasibility of pipeline safety equipment.~~

SECTION 4. IC 8-1-22.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Upon application by any person ~~engaged~~ **who engages** in ~~the~~ transportation ~~of gas~~ or who owns, operates, or leases pipeline facilities, the commission may, after notice and opportunity for public hearing, and under such terms and conditions and to such extent as the commission deems appropriate, issue an order waiving in whole or in part compliance with any standard or standards established under this chapter, if the commission determines that such waiver of compliance with such standard or standards is not inconsistent with ~~gas~~ pipeline safety. The commission shall state in such order its reasons for any such waiver and shall otherwise comply with the provisions of ~~the Federal Pipeline Safety Act~~ **49 U.S.C. 60101 et seq.** with regard to such waiver.

SECTION 5. IC 8-1-22.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Any person ~~engaged~~ **who engages** in ~~the~~ transportation ~~of gas~~ or who owns, operates, or leases pipeline facilities shall:

(a) Comply with this chapter and all safety standards established pursuant to this chapter. ~~from and after March 30, 1971.~~

(b) Inspect such pipeline facilities and report the findings to the division as prescribed by standards established pursuant to this chapter.

(c) File with the division a plan for ~~inspection~~ **operation** and maintenance of such pipeline facilities owned, operated, or leased by such person, and any change in such plan, as prescribed by ~~standards~~ **rules** established pursuant to this chapter. Such plan shall be subject to approval by the division, and if at any time such plan is determined by the division to be inadequate to achieve safe operation, upon recommendation by the director, the commission shall, after notice and opportunity for public hearing, order the plan revised. Any plan required under this chapter shall be practicable and designed to meet the need for pipeline safety.

(d) Establish and maintain such records, make such reports, and provide such information as the division, acting through the commission, may reasonably require to enable it to determine whether such person has acted or is acting in compliance with this chapter and the standards established under this chapter.

Each person upon request of an authorized representative of the division shall permit such representative access and entry for the purpose of inspection of such pipeline facilities, and inspection of books, papers, records, and documents (including the right to copy the same) as is reasonably necessary in order to determine whether such person has acted or is acting in compliance with this chapter and the standards established pursuant to this chapter.

SECTION 6. IC 8-1-22.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A person who is engaged in ~~the~~ transportation ~~of gas~~ or owns, operates, or leases pipeline facilities who violates any provision of this chapter or any regulations issued pursuant to this chapter, is subject to a civil penalty not to exceed ~~ten~~ **twenty-five** thousand dollars ~~($10,000)~~ **($25,000)** for each violation for each day that the violation persists. However, the maximum civil penalty may not exceed ~~five hundred thousand~~ **one million** dollars ~~($500,000)~~ **($1,000,000)** for any related series of violations.

(b) The commission may, after notice and opportunity for public hearing, impose a civil penalty not to exceed the amount specified in subsection (a) against a person who violates this chapter or any rules issued pursuant to this chapter, and may compromise and collect the penalties which are payable to the state as otherwise provided by law. However, a penalty may not be assessed or collected for any violation for which the person has been found liable under ~~the Federal Pipeline Safety Act.~~ **49 U.S.C. 60101 et seq.**

(Reference is to SB 22 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Energy and Environmental Affairs.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 23, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-46 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:

Chapter 46. Communications Service Infrastructure Tax Abatement

Sec. 1. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 2. (a) As used in this chapter, "communications service" refers to any of the following:

(1) Telecommunications service (as defined in 47 U.S.C. 153(46)).

(2) Information service (as defined in 47 U.S.C. 153(20)).

(b) The term includes:

(1) video service (as defined in IC 8-1-34-14);

(2) broadband service (as defined in IC 8-1-35-1);

(3) advanced services (as defined in 47 CFR 51.5); and

(4) Internet Protocol enabled services;

however classified by the Federal Communications Commission.

Sec. 3. (a) As used in this chapter, "communications service distributable property" means property that is:

(1) necessary to make communications service available to subscribers in one (1) or more service areas in Indiana;

(2) owned or used by a public utility company subject to taxation under IC 6-1.1-8;

(3) part of the public utility company's rights-of-way, transmission system, or distribution system; and

(4) assessed by the department of local government finance under IC 6-1.1-8.

The term includes real property and tangible personal property, other than inventory (as defined in IC 6-1.1-3-11(a)).

(b) The term does not include the locally assessed property of a public utility company.

Sec. 4. (a) As used in this chapter, "communications service personal property" means tangible personal property, other than inventory (as defined in IC 6-1.1-3-11(a)), that:

(1) is necessary to make communications service available to subscribers in one (1) or more service areas in Indiana;

(2) is owned by or leased to a provider;

(3) is located outside the subscriber's premises; and

(4) before being installed, was never used by its owner for any purpose in Indiana.

The term includes all facilities, equipment, hardware, software (other than computer application software), and other personal property necessary to offer communications service. However, the term does not include computers, modems, set top boxes, and related items used by a subscriber to access communications service within the subscriber's home or business.

(b) The term includes the following:

(1) Personal property that is:

(A) assessed under IC 6-1.1-3; and

(B) not owned or used by a public utility company subject to taxation under IC 6-1.1-8.

(2) Personal property that is:

(A) owned or used by a public utility company subject to taxation under IC 6-1.1-8; and

(B) assessed as locally assessed personal property under IC 6-1.1-8.

(c) The term does not include personal property that is:

(1) owned or used by a public utility company subject to taxation under IC 6-1.1-8; and

(2) assessed as distributable property by the department of local government finance under IC 6-1.1-8.

Sec. 5. As used in this chapter, "communications service property" refers to any of the following:

(1) Communications service distributable property.

(2) Communications service personal property.

(3) Communications service real property.

Sec. 6. (a) As used in this chapter, "communications service real property" means real property that is:

(1) necessary to make communications service available to subscribers in one (1) or more service areas in Indiana; and

(2) owned by or leased to a provider.

The term includes all buildings, improvements, and structures necessary to offer communications service.

(b) The term includes the following:

(1) Real property that is:

(A) assessed under IC 6-1.1-4; and

(B) not owned or used by a public utility company subject to taxation under IC 6-1.1-8.

(2) Real property that is:

(A) owned or used by a public utility company subject to taxation under IC 6-1.1-8; and

(B) assessed as locally assessed real property under IC 6-1.1-8.

(c) The term does not include real property that is:

(1) owned or used by a public utility company subject to taxation under IC 6-1.1-8; and

(2) assessed as distributable property by the department of local government finance under IC 6-1.1-8.

Sec. 7. (a) As used in this chapter, "developer" refers to a person that installs, develops, or redevelops communications service property in Indiana.

(b) The term includes an individual, a corporation, a rural electric membership corporation, a limited or general partnership, a joint venture, a limited liability company, or a nonprofit organization.

Sec. 8. As used in this chapter, "development", with respect to communications service real property, means the construction of new communications service real property on:

(1) unimproved real estate; or

(2) real estate upon which an existing structure is demolished to allow for the new construction.

Sec. 9. As used in this chapter, "distributable property", with respect to property that is assessed under IC 6-1.1-8, has the meaning set forth in 50 IAC 5.1-1-9 (as in effect January 1, 2006).

Sec. 10. As used in this chapter, "install", with respect to:

(1) communications service personal property; or

(2) communications service distributable property;

has the meaning set forth in 50 IAC 10-1-2 (as in effect January 1, 2006).

Sec. 11. As used in this chapter, "locally assessed personal property", with respect to property that is assessed under IC 6-1.1-8, has the meaning set forth in 50 IAC 5.1-1-15 (as in effect January 1, 2006).

Sec. 12. As used in this chapter, "locally assessed property", with respect to property that is assessed under IC 6-1.1-8, has the meaning set forth in 50 IAC 5.1-1-16 (as in effect January 1, 2006).

Sec. 13. As used in this chapter, "locally assessed real property", with respect to property that is assessed under IC 6-1.1-8, has the meaning set forth in 50 IAC 5.1-1-17 (as in effect January 1, 2006).

Sec. 14. As used in this chapter, "provider" refers to a person that offers communications service to subscribers in Indiana.

Sec. 15. As used in this chapter, "public utility company" has the meaning set forth in IC 6-1.1-8-2(8).

Sec. 16. As used in this chapter, "redevelopment", with respect to communications service real property, means:

(1) the remodeling, repair, or betterment of property in any manner; or

(2) any enlargement or extension of property.

Sec. 17. As used in this chapter, "subscriber" refers to a customer that receives communications service from a provider.

Sec. 18. As used in this chapter, "taxpayer" refers to a developer that is liable under this article for ad valorem property taxes on communications service property regardless of whether the developer's property is assessed and taxed under:

(1) IC 6-1.1-3;

(2) IC 6-1.1-4; or

(3) IC 6-1.1-8.

Sec. 19. (a) Except as provided in section 27 of this chapter, a taxpayer that installs, develops, or redevelops communications service property is entitled to a deduction from the assessed value of the communications service property if the installation, development, or redevelopment meets the following conditions:

(1) In the case of communications service personal property and communications service distributable property:

(A) the property to be installed as communications service property is first acquired or produced by the taxpayer after December 31, 2005, and before January 1, 2009; and

(B) the communications service property is installed not later than two (2) years after the date on which the taxpayer first acquires or produces the property under clause (A).

(2) In the case of communications service real property:

(A) the taxpayer begins the physical work of development or redevelopment of the communications service property after December 31, 2005, and before January 1, 2009; and

(B) the communications service property first qualifies for assessment under this article not later than two (2) years after the date on which the taxpayer begins the physical work of development or redevelopment under clause (A).

(b) The deduction provided by this section is first available on the first assessment date:

(1) after the communications service property is installed, in the case of communications service personal property or communications service distributable property; or

(2) on which the communications service property first qualifies for assessment under this article, in the case of communications service real property.

(c) The deduction applies with respect to the taxpayer's property taxes that are first due and payable in the five (5) years immediately following the year that includes the assessment date described in subsection (b).

Sec. 20. (a) This section applies to a taxpayer that develops or redevelops communications service real property.

(b) The amount of the deduction that the taxpayer is entitled to receive under section 19 of this chapter for a particular year is determined as follows:

(1) If the taxpayer develops communications service real property, an amount equal to the product of:

(A) the assessed value of the communications service real property, as determined on the assessment date described in section 19(b)(2) of this chapter; multiplied by

(B) the percentage prescribed in the table set forth in subsection (c).

(2) If the taxpayer redevelops communications service real property, an amount equal to the product of:

(A) the increase in the assessed value resulting from the redevelopment, as determined on the assessment date described in section 19(b)(2) of this chapter; multiplied by

(B) the percentage prescribed in the table set forth in subsection (c).

(c) The percentage to be used in calculating the deduction under subsection (b) is as follows:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

(d) The amount of the deduction determined under subsection (b) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If a general reassessment of real property occurs within the period of the deduction, the amount determined under subsection (b)(1)(A) or (b)(2)(A) shall be adjusted to reflect the percentage increase or decrease in assessed value that results from the general reassessment.

(2) If an appeal of an assessment is approved that results in a reduction of the assessed value of the communications service real property, the amount of any deduction shall be adjusted to reflect the percentage decrease that results from

the appeal.

The department of local government finance shall adopt rules under IC 4-22-2 to implement this subsection.

Sec. 21. (a) This section applies to a taxpayer that installs communications service personal property.

(b) The amount of the deduction that the taxpayer is entitled to receive under section 19 of this chapter for a particular year equals the product of:

(1) the assessed value of the communications service personal property as of the assessment date for the particular year of the deduction; multiplied by

(2) the percentage prescribed in the table set forth in subsection (c).

(c) The percentage to be used in calculating the deduction under subsection (b) is as follows:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

Sec. 22. (a) This section applies to a taxpayer that:

(1) is a public utility company subject to taxation under IC 6-1.1-8; and

(2) installs communications service distributable property.

(b) The amount of the deduction that the taxpayer is entitled to receive under section 19 of this chapter for a particular year equals the product of:

(1) the assessed value of the communications service distributable property as of the assessment date for the particular year of the deduction; multiplied by

(2) the percentage prescribed in the table set forth in subsection (c).

(c) The percentage to be used in calculating the deduction under subsection (b) is as follows:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

Sec. 23. (a) This section applies to a taxpayer that wishes to obtain the deduction provided by section 19 of this chapter for:

(1) communications service real property; or

(2) communications service personal property.

Communications service distributable property is not required to be certified by the commission under this section.

(b) A taxpayer that wishes to obtain the deduction provided by section 19 of this chapter with respect to communications service real property or communications service personal property must apply to the commission for a certification that the property qualifies as communications service property under section 4 or 6 of this chapter. The taxpayer shall apply to the commission for a certificate under this section before the taxpayer:

(1) begins the physical work of development or redevelopment of the communications service property, as described in section 19(a)(2)(A) of this chapter, in the case of a deduction for communications service real property; or

(2) first acquires or produces the property to be installed as communications service property, as described in section 19(a)(1)(A) of this chapter, in the case of a deduction for communications service personal property.

(c) The application required under subsection (b) must include the following:

(1) The name and address of the taxpayer.

(2) A description of the property for which certification is sought.

(3) An identification of one (1) or more service areas in Indiana in which the property will be used to make communications service available to subscribers.

(4) A description of the type or types of communications service to be provided in each area identified under subdivision (3).

(5) If the taxpayer seeks a deduction for communications service real property, an estimate of the taxpayer's costs to develop or redevelop the property.

(6) If the taxpayer seeks a deduction for communications service personal property, an estimate of the taxpayer's costs:

(A) to acquire or produce the property to be installed as communications service property, as described in section 19(a)(1)(A) of this chapter; and

(B) to install the property, as described in section 19(a)(1)(B) of this chapter.

(7) If the taxpayer seeks a deduction for communications service real property, an estimate of the dates on which:

(A) the taxpayer will begin the physical work of development or redevelopment, in accordance with section 19(a)(2)(A) of this chapter; and

(B) the property will first qualify for assessment under this article, in accordance with section 19(a)(2)(B) of this chapter.

(8) If the taxpayer seeks a deduction for communications service personal property, an estimate of the dates on which:

(A) the taxpayer will first acquire or produce the property to be installed as communications service property, in accordance with section 19(a)(1)(A) of this chapter; and

(B) the property will be installed, in accordance with section 19(a)(1)(B) of this chapter.

(9) Any other information that the commission considers relevant in determining whether the property qualifies as communications service property under section 4 or 6 of this chapter.

Information provided by the taxpayer under subdivisions (5) and (6) is confidential. This subsection does not empower the commission to require taxpayers to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this subsection.

(d) If the commission determines that the property to be installed, developed, or redeveloped by the taxpayer qualifies as communications service property, the commission shall issue a preliminary certification, on a form prescribed by the commission, for the taxpayer's proposed installation, development, or redevelopment plan.

(e) To receive a deduction under this chapter, the taxpayer must do the following:

(1) For a deduction with respect to communications service real property:

(A) within the time frame set forth in section 19(a)(2)(A) of this chapter, begin the physical work of development or redevelopment of the communications service property certified by the commission under subsection (d); and

(B) within the two (2) year period allowed under section 19(a)(2)(B) of this chapter, develop or redevelop the communications service property to a condition or state of readiness and availability to provide communications service to subscribers, so as to qualify the property for assessment under this article.

(2) For a deduction with respect to communications service personal property:

(A) within the time frame set forth in section 19(a)(1)(A) of this chapter, acquire or produce the property to be installed as communications service property; and

(B) within the time frame set forth in section 19(a)(1)(B) of this chapter, install the communications service property certified by the commission under subsection (d).

(f) Upon meeting the requirements of subsection (e), the taxpayer shall provide proof of the following dates to the commission:

(1) For a deduction with respect to communications service real property:

(A) the date on which the taxpayer began the physical work of development or redevelopment of the communications service property; and

(B) the first assessment date on which the communications service property is eligible for assessment under this article.

(2) For a deduction with respect to communications service personal property:

(A) the date on which the taxpayer began acquiring or producing the property to be installed as communications service property; and

(B) the date on which the communications service property was installed.

The taxpayer shall provide the proof required by this subsection not later than seven (7) days after the date identified in subdivision (1)(B) or (2)(B), whichever applies.

(g) Upon receiving proof from a taxpayer under subsection (f), the commission shall verify the dates identified by the taxpayer under subsection (f). If the commission determines that:

(1) the dates identified by the taxpayer under subsection (f) are accurate; and

(2) the property for which a deduction is sought is the property certified by the commission under subsection (d);

the commission shall issue to the taxpayer a certificate of eligibility for the deduction provided by this chapter. The commission shall issue a certificate under this subsection not later than fourteen (14) days after receiving proof from a taxpayer under subsection (f).

(h) If the commission determines under subsection (g) that:

(1) the taxpayer did not comply with the time periods set forth in section 19(a) of this chapter with respect to any property for which a deduction is sought; or

(2) any property for which a deduction is sought was not certified by the commission under subsection (d);

the taxpayer forfeits the right to a deduction under this chapter with respect to that property.

(i) The commission may adopt rules under IC 4-22-2 to implement this section.

Sec. 24. (a) This section applies to a taxpayer that seeks to obtain the deduction provided by section 20 of this chapter with respect to communications service real property.

(b) A taxpayer to which this section applies must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the communications service real property is located. Except as otherwise provided in subsection (c) or (f), the deduction application must be filed before May 10 of the year that includes the assessment date described in section 19(b)(2) of this chapter.

(c) If notice of the:

(1) assessment for communications service real property described in section 20(b)(1) of this chapter; or

(2) increase in assessed value of communications service real property described in section 20(b)(2) of this chapter;

for any year is not given to the taxpayer before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date the notice of the assessment or the increase in assessed value is mailed to the taxpayer at the address shown on the records of the township assessor.

(d) The deduction application required by this section must include the following:

(1) The name and address of the taxpayer.

(2) A description, in sufficient detail to afford identification, of the communications service real property for which a deduction is claimed.

(3) In the case of communications service real property described in section 20(b)(1) of this chapter, the assessed value of the communications service real property.

(4) In the case of communications service real property described in section 20(b)(2) of this chapter:

(A) the assessed value of the property before the redevelopment of the property; and

(B) the increase in the assessed value of the property resulting from the redevelopment of the property.

(5) The amount of the deduction claimed for the first year of the deduction.

(6) A copy of the:

(A) preliminary certification issued by the commission under section 23(d) of this chapter; and

(B) certificate of eligibility issued by the commission under section 23(g) of this chapter.

(e) A deduction application filed under subsection (b) or (c) applies to the year in which the:

(1) assessment of the communications service real property is made, in the case of communications service real property described in section 20(b)(1) of this chapter; or

(2) addition to assessed value is made, in the case of communications service real property described in section 20(b)(2) of this chapter.

After the year described in subdivision (1) or (2), the deduction is allowed for the number of years described in section 19(c) of this chapter without any additional deduction application being filed with respect to those years.

(f) A taxpayer that fails to file a deduction application within the dates prescribed in subsection (b) or (c), may file a deduction application between March 1 and May 10 of a subsequent year, as long as the taxpayer has:

(1) met the requirements of section 23(e) of this chapter; and

(2) received a certificate of eligibility from the commission under section 23(g) of this chapter.

An application filed under this subsection applies to the year filed and the number of subsequent years allowed under section 19(c) of this chapter, without any additional deduction application needed with respect to the amount of the deduction that would apply to each year allowed under section 19(c) of this chapter if a deduction application had been filed in accordance with subsection (b) or (c).

(g) Upon receipt of an application filed under this section, the county auditor may request that the township assessor of the township in which the property is located review the application. After reviewing the application, and taking into consideration any recommendation made by the township assessor, the county auditor may approve, deny, or alter the deduction amount claimed in the application. If the county auditor does not deny the deduction, the county auditor shall apply the deduction in the amount:

(1) claimed in the deduction application; or

(2) as altered by the county auditor.

A county auditor who denies a deduction under this subsection or alters the amount of the deduction shall notify the taxpayer of the county auditor's action.

(h) The amount and period of the deduction provided by section 20 of this chapter are not affected by a change in the ownership of the communications service real property if the new owner of the property:

(1) continues to make the property available to provide communications service to subscribers in the service areas in Indiana identified in the original application to the commission under section 23(c)(3) of this chapter;

(2) notifies:

(A) the commission; and

(B) subscribers in the affected service areas;

of the change in ownership; and

(3) files an application in the manner provided by subsection (f).

(i) The township assessor shall include a notice of the deadlines for filing a deduction application under subsections (b) and (c) with each notice to a taxpayer of:

(1) a new assessment; or

(2) an addition to assessed value.

(j) A taxpayer may appeal any determination of the county auditor under subsection (g) to deny or alter the amount of the deduction by requesting in writing, not later than forty-five (45) days after the county auditor gives the taxpayer notice of the determination, a preliminary conference with the county auditor. An appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

Sec. 25. (a) This section applies to a taxpayer that seeks to obtain the deduction provided by section 21 of this chapter with respect to communications service personal property.

(b) A taxpayer to which this section applies must file a certified deduction schedule on a form prescribed by the department of local government finance with the township assessor of the township in which the communications service personal property is installed. Except as provided in subsection (e), the deduction is applied in the amount claimed in a certified schedule that a person files with:

(1) a timely personal property return under IC 6-1.1-3-7(a) or IC 6-1.1-3-7(b);

(2) a timely amended personal property return under IC 6-1.1-3-7.5; or

(3) a timely statement under IC 6-1.1-8-23, in the case of communications service personal property that is:

(A) owned or used by a public utility company subject to taxation under IC 6-1.1-8; and

(B) assessed as locally assessed personal property under IC 6-1.1-8.

The township assessor shall forward to the county auditor and the county assessor a copy of each certified deduction schedule filed under this subsection.

(c) The deduction schedule required by this section must contain the following:

(1) The name and address of the taxpayer.

(2) A description, in sufficient detail to afford identification, of the communications service personal property for which a deduction is claimed.

(3) The amount of the deduction claimed for the first year of the deduction.

(4) A copy of the:

(A) preliminary certification issued by the commission under section 23(d) of the this chapter; and

(B) certificate of eligibility issued by the commission under section 23(g) of this chapter.

(d) A deduction schedule must be filed under this section in the year in which the communications service personal property is installed and in each of the immediately succeeding years the deduction is allowed under section 19(c) of this chapter.

(e) The township assessor or the county assessor may:

(1) review the deduction schedule; and

(2) before the March 1 that next succeeds the assessment date for which the deduction is claimed, deny or alter the amount of the deduction.

If the township assessor or the county assessor does not deny the deduction, the county auditor shall apply the deduction in the amount claimed in the deduction schedule or in the amount as altered by the township assessor or the county assessor. A township assessor or a county assessor who denies a deduction under this subsection or alters the amount of the deduction shall notify the taxpayer and the county auditor of the assessor's action. The county auditor shall notify the county property tax assessment board of appeals of all deductions applied under this section.

(f) If the ownership of the communications service personal property changes, the deduction provided by section 21 of this chapter continues to apply to the communications service personal property if the new owner:

(1) continues to make the property available to provide communications service to subscribers in the service areas in Indiana identified in the original application to the commission under section 23(c)(3) of this chapter;

(2) notifies:

(A) the commission; and

(B) subscribers in the affected service areas;

of the change in ownership; and

(3) files the deduction schedules required by this section.

(g) After a change in ownership described in subsection (f), the amount of the deduction for a particular year equals the product of:

(1) the percentage under section 21 of this chapter that would have applied if the ownership of the communications service personal property had not changed; multiplied by

(2) the assessed value of the communications service personal property for the year the deduction is claimed by the new owner.

(h) A taxpayer may appeal a determination of the township assessor or the county assessor under subsection (e) to deny or alter the amount of the deduction by requesting in writing, not later than forty-five (45) days after the township assessor or the county assessor gives the taxpayer notice of the determination, a preliminary conference with the township assessor or the county assessor. Except as provided in subsection (i), an appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

(i) The county assessor is recused from any action the county property tax assessment board of appeals takes with respect to an appeal under subsection (h) of a determination by the county assessor.

Sec. 26. (a) This section applies to a taxpayer that seeks a deduction under section 22 of this chapter with respect to communications service distributable property.

(b) A taxpayer to which this section applies shall file a certified deduction schedule with:

(1) the department of local government finance; and

(2) the county assessor and county auditor of each county containing one (1) or more taxing districts to which the assessed value of the communications service distributable property is to be distributed, as determined by the department of local government finance under IC 6-1.1-8-25(b).

The taxpayer shall file a deduction schedule under this section not later than June 30 of the year that includes the assessment date described in section 19(b) of this chapter.

(c) The deduction schedule required by this section must contain the following:

(1) The name and address of the taxpayer.

(2) A description, in sufficient detail to afford identification, of the communications service distributable property for which a deduction is claimed.

(3) The assessed value of the communications service distributable property, as:

(A) determined by the department of local government finance under IC 6-1.1-8-26; and

(B) stated in the notice sent to the taxpayer under IC 6-1.1-8-28.

(4) The amount of the deduction claimed for the first year of the deduction, as calculated under section 22(b) of this chapter based on the assessed value reported under subdivision (3).

(d) A deduction schedule must be filed under this section in the year in which the communications service distributable property is installed and in each of the immediately succeeding years the deduction is allowed under section 19(c) of this chapter.

(e) Upon receiving a deduction schedule filed under this section, the department of local government finance shall review the schedule and may approve, deny, or alter the deduction amount claimed in the schedule. Not later than thirty (30) days after receiving the deduction schedule, the department of local government finance shall notify the county auditor, the county assessor, and the taxpayer of the department's decision to approve, deny, or alter the deduction amount claimed in the schedule. If the department of local government finance does not deny the deduction, the county auditor shall apply the deduction in the amount:

(1) claimed in the deduction schedule; or

(2) as altered by the department.

(f) The amount of the deduction allowed under section 22 of this chapter is not affected by a change in the ownership of the communications service distributable property if the new owner of the property:

(1) continues to make the property available to provide communications service to subscribers in Indiana;

(2) notifies:

(A) the department of local government finance; and

(B) subscribers in the affected service areas;

of the change in ownership; and

(3) files the deduction schedules required by this section.

(g) After a change in ownership described in subsection (f), the amount of the deduction for a particular year equals the product of:

(1) the percentage under section 22 of this chapter that would have applied if the ownership of the communications service distributable property had not changed; multiplied by

(2) the assessed value of the communications service distributable property for the year the deduction is claimed by the new owner.

(h) The department of local government finance shall include a notice of the deadlines for filing a certified deduction schedule under this section with each notice to a taxpayer of the department's tentative assessment of the taxpayer's distributable property under IC 6-1.1-8-28.

(i) A taxpayer may appeal any determination of the department of local government finance under subsection (e) to deny or alter the amount of the deduction. The taxpayer shall initiate any appeal under this subsection by filing the taxpayer's objections to the department's determination under subsection (e) in the same manner as the taxpayer may file objections to the department's assessment of the taxpayer's distributable property under IC 6-1.1-8. An appeal initiated under this subsection shall be processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-8.

Sec. 27. (a) A taxpayer that qualifies for a deduction for a particular year under:

(1) this chapter; and

(2) another statute;

with respect to the same installation, development, or redevelopment of communications service property may not receive a deduction under both statutes for the installation, development, or redevelopment for that year.

(b) A taxpayer may not receive a deduction under this chapter with respect to communications service property located in an allocation area (as defined in IC 6-1.1-21.2-3), unless the governing body (as defined in IC 6-1.1-21.2-6) of the allocation area adopts a resolution approving the deduction.

(c) The deduction provided by this chapter is not available for any installation, development, or redevelopment of communications service property that a taxpayer is required to make under the terms and conditions of a settlement agreement approved before July 29, 2004, by the commission under IC 8-1-2.6.

Sec. 28. The department of local government finance may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. **An emergency is declared for this act.**

(Reference is to SB 23 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 24, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following: SECTION 1. IC 4-31-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) As used in this section, "live racing day" means a day on which at least eight (8) live horse races are conducted.

(b) Upon request by a permit holder from time to time, the commission may authorize the permit holder to conduct pari-mutuel wagering at the permit holder's racetrack on televised simulcasts of horse races from other racetracks in Indiana or in other states or countries where horse racing and wagering are permitted by law. The commission may adopt rules regarding simulcasting. A permit holder that conducts at least one hundred twenty (120) live racing days annually may request an unlimited number of days of simulcasting per year. However, the requirement for one hundred twenty (120) live racing days does not apply if the commission determines that the permit holder is prevented from conducting live horse racing as a result of a natural disaster or other event over which the permit holder has no control. In addition, if the initial racing meeting conducted by a permit holder commences at such a time as to make it impractical to conduct one hundred twenty (120) live racing days during the permit holder's first year of operations, the commission may authorize the permit holder to conduct simulcast wagering during the first year of operations with fewer than one hundred twenty (120) live racing days. A permit holder that conducts fewer than one hundred twenty (120) live racing days annually may request permission to conduct simulcasting only during the hours on a racing day when racing is being conducted at the permit holder's racetrack. The televised simulcasts must comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. 3001 et seq.).

(c) A permit holder that conducts simulcasts on a day that is not a live racing day may not simulcast races conducted in other states unless the permit holder also simulcasts all available races conducted in Indiana on that day.

(d) A permit holder shall not at the permit holder's racetrack or satellite facilities, simulcast races conducted in other states unless the out-of-state simulcast racing program is available to all Indiana permit holders and their satellite facilities in this state open and operating on that day, whether serving as simulcast hosts or simulcast guests, under terms and conditions no less advantageous to such Indiana permit holders and their satellite facilities as those prevailing among unrelated parties in the national marketplace.

SECTION 2. **An emergency is declared for this act.**

(Reference is to SB 24 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security, Utilities, and Public Policy.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical corrections are to be made to Senate Bill 259.

Page 2, line 20, after "described" insert "**in**".

(Reference is to SB 259 as printed January 11, 2006.)

GARTON

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report

that, Senate Bill 347currently assigned to the Committee on Commerce and Transportation, be reassigned to the Committee on Health and Provider Services.

GARTON

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 14 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 17 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

ACTION ON GUBERNATORIAL VETOES

VETO MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto Senate Enrolled Act 218, enacted during the regular session of the 114th General Assembly and related to the use of safety belts in vehicles.

I understand that the initial impetus behind this bill was a desire to address what some consider to be an unfair and illogical standard in Indiana law related to the use of seatbelts. Proponents point to the inconsistency between Indiana's requirement of seatbelt use, on the one hand, and the inadmissibility of evidence of seatbelt nonuse as a means of allocating comparative fault, on the other. It strikes me that a change in the law to address this incongruity would be consistent not only with our Comparative Fault Act but also with Hoosiers' fundamental notions of fairness.

Although its origins may have been directed toward this end, SEA 218 in its final form suffers from a number of flaws from both legal and policy perspectives and fails, in my opinion, to achieve the goals it was intended to address. The Act authorizes, for the first time, the introductions of evidence of seatbelt nonuse, but it contemplates that such evidence be heard at the damages phase, as opposed to the fault phase of a trial. Such an approach is inconsistent with the logic expressed in the Indiana Supreme Court's March 30, 2005 opinion in Kocher v. Getz. There the Court noted that, in comparative fault cases, conduct by a plaintiff *before* an accident that constitutes failure to avoid an injury or to mitigate damages is to be considered in determining "fault." SEA 218 is inconsistent with this view to the extent that it provides for the admission of evidence only at the "damages" phase of a trial, after fault has already been determined.

SEA 218 does advance one of its proponents' original goals by providing for a reduction in damages based on a plaintiff's failure to wear a seatbelt. However, its utility is undermined by a 4% cap on the amount of that reduction and by the defendant's need to overcome significant evidentiary hurdles—including the need for expert testimony—to prove both noncompliance and the extent of the reduction of damages.

Another aspect of the bill—the admission of evidence of a defendant's drunk driving or other violations of law during the damages phase of a trial—gives rise to an additional concern. SEA 218 runs counter to the long-standing practice of allowing a defendant to concede such violations and admit full liability at the outset, so that the court may proceed directly to a determination of damages, thus reducing court time and costs.

I note that many of those who would be impacted by this legislation have not reached consensus. I will support future efforts to resolve the discrepancy in Indiana law between the requirement of seatbelt use and the prohibition on the admission of evidence of seatbelt nonuse at trial, with legislation that enjoys broader support and that does not suffer from the flaws described in this letter.

MITCHELL E. DANIELS, JR.
Governor

The Chair handed down Senate Enrolled Act 218, passed by the One hundred and fourteenth General Assembly, First Regular Session, entitled:

AN ACT to amend the Indiana Code concerning motor vehicles.

The question was, Shall Senate Enrolled Act 218 pass, the Governor's veto notwithstanding?

Roll Call 7: yeas 11, nays 38. The Governor's veto was sustained.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 15

House Concurrent Resolution 15, sponsored by Senator Sipes:

A CONCURRENT RESOLUTION recognizing the Indiana University Jacobs School of Music.

Whereas, The Indiana University Jacobs School of Music is one of the most comprehensive and acclaimed institutions of its kind, playing a key role in educating performers, scholars, composers, and music educators who influence music performance and education around the globe;

Whereas, The Indiana University Jacobs School of Music supports the largest and most accomplished resident faculty of any music educational institution worldwide;

Whereas, More than 1,400 students from throughout the United States and 35 foreign countries attend the Indiana University Jacobs School of Music during the school year;

Whereas, The Indiana University Jacobs School of Music, Indiana's largest center for the performance of music and ballet with more than 1,100 public events each year, has been ranked first in the

nation by Change magazine, the Chronicle of Higher Education, and U.S. News and World Report;

Whereas, The Indiana University Opera Theater, the country's leading collegiate opera program, stages up to eight complete productions each year, including the world premiere of Ned Rorem's opera, Our Town, based on Thornton Wilder's Pulitzer Prize winning play;

Whereas, Through the support and interest of Indiana University and the General Assembly, the Indiana University Jacobs School of Music, which will celebrate its 100th anniversary in 2010, has achieved a level of excellence and world-renown beyond compare; and

Whereas, The Indiana University Jacobs School of Music has a stellar faculty and graduates, including international artists Sylvia McNair, Angela Brown, Timothy Noble, Joshua Bell, and David Baker, and alumni of the Indiana University Jacobs School of Music have been named music directors of 26 symphony orchestras throughout the United States: 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 acknowledges the wonderful contributions that have been made by the faculty and students of the Indiana University Jacobs School of Music throughout the years. The faculty and students have given the citizens of Indiana and the world countless hours of musical enjoyment.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Gwyn Richards, Dean of the Indiana University Jacobs School of Music.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 16

House Concurrent Resolution 16, sponsored by Senator Lubbers:

A CONCURRENT RESOLUTION honoring the Carmel High School Marching Band.

Whereas, The Carmel High School Marching Band earned the title of Grand National Champion at the annual Bands of America Grand National Championships on Saturday, November 12, in the RCA Dome in Indianapolis;

Whereas, The Bands of America Grand National Championships is recognized as the top event for the nation's marching bands;

Whereas, The Bands of America Grand National Championships provides a showcase for America's outstanding high school bands and an experience that excites and motivates band programs on all levels;

Whereas, The Carmel marching band had stiff competition during the three-day event, which drew more than 90 bands from 25 states;

Whereas, The semifinal round reduced the participating bands to 30, including nine Indiana schools;

Whereas, The Carmel High School Marching Band is one of only two marching bands that has been a consistent contender for the national title each year since 1996;

Whereas, The Carmel High School Marching Band has enjoyed an excellent year, placing second at the Bands of America Super Regional contest, its only loss during the year, and winning the Indianapolis Regional competition;

Whereas, In addition to their devotion to music and marching, the band members maintain consistently high academic standards; and

Whereas, The members of the Carmel High School Marching Band have shown strength of character and dedication, which have given them the edge that is needed in order to excel in any field of endeavor: 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 congratulates the Carmel High School Marching Band on earning the title of Grand National Champion at the annual Bands of America Grand National Championships and wishes the band members well in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Carmel High Marching Band, Band Director Richard Saucedo, Principal John Williams, and Superintendent Dr. Barbara Underwood.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 5

Senate Resolution 5, introduced by Senator Bowser:

A SENATE RESOLUTION to celebrate and honor Benjamin Franklin on this the 300th Anniversary of his birth.

Whereas, He was born on the 17th day of January, 1706 in Boston Massachusetts and died on the 17th day of April, 1790 in Philadelphia, Pennsylvania; and

Whereas, He was a noted scientist who had a natural curiosity that served him well in his dedication to making people's lives better

by way of his various inventions which included bifocals, a flexible medical catheter, the lightning rod, the iron furnace or "Franklin stove", the odometer, the long arm, swim fins, the glass armonica, the discovery of the principle of refrigeration and the scientific fields of electricity and meteorology; and

Whereas, He was a celebrated scholar; building his skills initially while assisting his brother James at the first truly independent newspaper in the colonies, the New England Courant, and wrote letters briefly for the paper under the well-known pseudonym 'Silence Dogood'; and eventually became the sole owner and publisher of Philadelphia's Pennsylvania Gazette and published the Poor Richard's Almanac annually; and

Whereas, He was an economist who believed in the "American Dream" of each person being created equal and having the same opportunity to achieve success; and as he utilized his printing skills to print paper money, helping to establish the currency system we currently use in America; and

Whereas, He was the first national and international figure in American history, and as Minister to France during the revolution his success in securing French military and financial aid was decisive for the American victory over Britain; and

Whereas, He was and ardent public servant; creating the Union Fire Company, the first volunteer firefighting company in America, and later establishing the first fire insurance company; set up the postal system in Philadelphia; organized the first militia; initially proposed the idea of Daylight Savings Time; began the first public library in America; helped establish the University of Pennsylvania and the Franklin and Marshall College; and chartered the first hospital in America, the Pennsylvania Hospital; and

Whereas, He was a dedicated statesman hailed as the 'First American' and is the only person to have signed all four of the documents which helped to create the United States: the Declaration of Independence, the Treaty of Alliance, Amity, and Commerce with France, the Treaty of Peace between England, France, and the United States, and the Constitution; was elected President of the Pennsylvania Society for Promoting the Abolition of Slavery; played a central role in convincing Parliament to repeal the Stamp Act; headed the Pennsylvania delegation to the Albany Congress in 1754 where he introduced a plan including many elements which were used in the Articles of Confederation; served as Postmaster General under the Continental Congress; and was President of the Supreme Executive Council of Pennsylvania; and

Whereas, He was a visionary philosopher who is credited with various poignant and timeless pieces of advice including the quote "Well done is better than well said" which accurately sums up his commitment to the betterment of the people and society around him through his actions;

Be it resolved by the Senate of the
General Assembly of the State of Indiana:

SECTION 1. That the Senate of the General Assembly celebrates and honors Benjamin Franklin for his many accomplishments on this the 300th Anniversary of his birth.

SECTION 2.That the Secretary of the Senate is directed to transmit a copy of this resolution to the President of Franklin College, Franklin, Indiana.

The resolution was read in full and adopted by voice vote.

SENATE BILLS ON SECOND READING

Senate Bill 5

Senator Steele called up Senate Bill 5 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 39

Senator Ford called up Senate Bill 39 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 40

Senator Ford called up Senate Bill 40 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 40–2)

Madam President: I move that Senate Bill 40 be amended to read as follows:

Page 6, between lines 10 and 11, begin a new paragraph and insert:"SECTION 8. IC 31-17-5-4 IS AMENDED TO READ AS FOLLOWS: Sec. 4. A grandparent seeking visitation rights shall file a petition requesting reasonable visitation rights:

(1) in a ~~circuit or superior~~ **circuit, superior or probate** court of the county in which the child resides in a case described in section 1(a)(1), 1(a)(3), or 10 of this chapter; or

(2) in the court having jurisdiction over the dissolution of the parents' marriage in a case described in section 1(a)(2) of this chapter.".

Renumber all SECTIONS consecutively.

(Reference is to SB 40 as printed January 12, 2006.)

BRODEN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 42

Senator Miller called up Senate Bill 42 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 47

Senator Hershman called up Senate Bill 47 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 69

Senator Weatherwax called up Senate Bill 69 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 102

Senator Becker called up Senate Bill 102 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 111

Senator Becker called up Senate Bill 111 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 201

Senator Riegsecker called up Senate Bill 201 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 231

Senator Alting called up Senate Bill 231 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 231–1)

Madam President: I move that Senate Bill 231 be amended to read as follows:

Page 1, line 2, delete "a" and insert "each".
Page 1, line 2, delete "that," and insert "may use".
Page 1, line 3, delete "before January 1, 2006, used".
Page 1, line 4, delete "each year".
Page 1, line 5, after "who" insert ":".
Page 1, line 5, delete "earned academic honors".
Page 1, delete lines 6 through 8.
(Reference is to SB 231 as printed January 13, 2006.)

SIPES

The Chair ordered a division of the Senate. Yeas 23, nays 21.

2:47 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:54 p.m., with the President of the Senate in the Chair.

Motion prevailed. The bill was ordered engrossed.

Senate Bill 259

Senator Kenley called up Senate Bill 259 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 105

Senator Rogers called up Senate Bill 105 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 105–1)

Madam President: I move that Senate Bill 105 be amended to read as follows:

Page 1, line 3, after "7." insert " **(a) This section does not apply to a license branch in a county if there are no precincts in the county in which an election is held on election day.**".
Page 1, line 3, beginning with "(a)" begin a new paragraph.
Page 1, line 3, strike "(a)" and insert "**(b)**".
Page 1, line 9, strike "(b)" and insert "**(c)**".
Page 1, line 15, strike "(c)" and insert "**(d)**".
(Reference is to SB 105 as printed January 13, 2006.)

HEINOLD

Motion prevailed. The bill was ordered engrossed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 15 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 16 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 84.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Senate Bill 256.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as cosponsor of House Concurrent Resolution 16.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waltz be added as coauthor of Senate Bill 51.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waltz be added as coauthor of Senate Bill 54.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lutz be added as coauthor of Senate Bill 245.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be removed as author of Senate Bill 388 and that Senator Smith be substituted therefor.

LEWIS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author of Senate Bill 75.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be removed as author of Senate Bill 385 and that Senator Smith be substituted therefor.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be removed as author of Senate Bill 389 and that Senator Smith be substituted therefor.

LEWIS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 140.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as second author of Senate Bill 311.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second author of Senate Bill 168.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Heinold and Mishler be added as coauthors of Senate Bill 148.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 172.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bowser be added as coauthor of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author of Senate Bill 191.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 246.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author and Senator Delph be added as coauthor of Senate Bill 285.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author and Senator Delph be added as coauthor of Senate Bill 247.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author and Senator Becker be added as coauthor of Senate Bill 88.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 17 and that Senator Zakas be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Senate Bill 17.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 22 and that Senator Gard be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 23 and that Senator Hershman be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 24 and that Senator Jackman be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 111.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Senate Bill 145.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Paul and Smith be added as coauthors of Senate Bill 105.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Miller, Merritt, Waltz, and Delph be added as coauthors of Senate Bill 1.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 79.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Waterman and Lawson be added as coauthors of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Mrvan, M. Young, and Kruse be added as coauthors of Senate Bill 6.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Steele, Breaux, and Bowser be added as coauthors of Senate Bill 39.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, January 19, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 3:03 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate