Journal of the House

State of Indiana

112th General Assembly First Regular Session

Forty-sixth Meeting Day Thursday Morning April 12, 2001

The House continued in session and convened at 12:00 midnight with the Speaker in the Chair. A quorum was in attendance.

Prior to midnight on April 11, the House was considering Senate bills on third reading. Representative Crawford had called down Engrossed Senate Bill 333. The bill had been read a third time by sections and placed upon its passage. Representative Crawford had offered an amendment (333–2), which was being discussed at midnight and was pending.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 333

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

HOUSE MOTION
(Amendment 333–2)

Mr. Speaker: I move that Engrossed Senate Bill 333 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

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

"SECTION 1. IC 4-4-11-16.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16.7. (a) The following funds shall be deposited in the business development loan fund established under section 16.5 of this chapter:**

(1) Proceeds of bonds sold to or loans made to the authority by the board for depositories under IC 5-13-12-12.

(2) Any fees received by the authority in connection with the making of loans and loan guaranties under this section.

Deposits made under this subsection are in addition to other amounts deposited in the fund under section 16.5(a) of this chapter.

(b) In addition to its powers under section 16.5 of this chapter, and subject to subsection (d), the authority may make a loan or loan guaranty from the business development loan fund to a business located in Indiana if the authority makes a written finding that the loan or loan guaranty would accomplish the purposes of this chapter by enabling the business to carry out an industrial development project that will do any of the following:

(1) Improve the technological capacity or productivity of the business.

(2) Enhance the protection of Indiana's environment.

(3) Permit the business to expand facilities, establish new facilities, or make site improvements or infrastructure improvements.

(c) In addition to its powers under section 16.5 of this chapter, and subject to subsection (d), the authority may make a loan or loan guaranty from the business development loan fund to a business located outside Indiana affecting a leading Indiana business, if:

(1) the authority makes a written finding that the loan or loan guaranty would accomplish the purposes of this chapter by enabling the business to carry out an industrial development project that will:

(A) improve the technological capacity or productivity of the leading Indiana business;

(B) enhance the protection of Indiana's environment;

(C) permit the leading Indiana business to expand facilities, establish new facilities, or make site or infrastructure improvements; or

(D) permit a leading Indiana business to preserve or retain jobs, prevent economic insecurity resulting from unemployment or environmental pollution, or otherwise preserve the health, safety, morals, and general welfare of the state or the area of the state where the leading Indiana business is headquartered; and

(2) the general assembly has provided for the making of the loan or loan guaranty by specifically authorizing the making of the loan or loan guaranty in the appropriation act and the loan or loan guarantee is approved by the budget agency after review by the budget committee.

(d) With respect to any loan or loan guaranty made under this section, a loan or loan guaranty agreement with the authority must contain the following terms:

(1) If a loan is made, a requirement that the loan proceeds be used for specified purposes consistent with and in furtherance of the purposes of the authority under this chapter, or if a loan guaranty is made, a requirement that the proceeds of the loan guaranteed be used for specified purposes consistent with and in furtherance of the purposes of the authority under this chapter.

(2) The term of the loan or loan guaranty, which must not be later than ten (10) years from the date of the loan or loan guaranty.

(3) If a loan is made, the repayment schedule for the loan.

(4) If a loan is made, the interest rate or rates of the loan, which may include variations in the rate, but that may not be less than the amount necessary to cover all costs and expenses of the authority in making the loan.

(5) Any other terms and provisions that the authority requires, including, subject to subsection (h), collateral or security requirements for the loan or loan guaranty.

(e) Notwithstanding any other law, including IC 5-13-12, the authority may borrow money from the board for depositories from time to time, and issue its bonds as evidence of the loans, for the purposes of funding the business development loan fund and making loans to businesses under this section. Bonds sold to the board for depositories and loans received from the board for depositories shall be on the terms and subject to the provisions agreed to by the authority and the board for depositories in bond purchase agreements or loan agreements, which must include provisions stating that any bond issued by the authority or any loan received by the authority under this subsection shall not constitute a debt, liability, or obligation of the state, or a pledge or lending of credit of the faith and credit of the state, but shall be payable solely as provided in the bond purchase agreement or loan agreement, including the repayment proceeds of loans made by the authority from the business development loan fund. This subsection is all the authority the authority needs to issue bonds to, and receive loans from, the board for depositories, and to enter into bond purchase agreements and loan agreements. However, the authority may not issue bonds under this subsection unless the general assembly has provided for the issuance of the bonds by specifically authorizing the issuance of the bonds in the appropriation act, and the issuance of the bonds is approved by the budget agency after review by the budget committee.

(f) As used in this section, "leading Indiana business" means a business that:

(1) is headquartered in a county having a population of more

than sixty thousand (60,000) but less than sixty-four thousand (64,000);

(2) is a Fortune 500 company, as of April 16, 2001, when ranked by measures of revenues, profits, assets, stockholders' equity, market value, profit and total return to investors;

(3) pays wages at levels that are not less than two hundred percent (200%) of the county average wage, calculated by the Indiana department of commerce, paid in the county in which the business is headquartered; and

(4) is a global business participating in international markets.

(g) As used in this section, "loan" includes any financing lease of personal property owned by the authority to a business described in this section.

(h) The authority must be collateralized or secured on the same basis as a lender providing commercial or other conventional financing for the industrial development project or a related project being undertaken in connection with the industrial development project, provided that, if in the authority's judgment it is necessary or desirable to assure better commercial or conventional financing terms and thereby better assure the success of the industrial development project or related project, the authority is authorized to accept a junior and subordinate collateral or security position. However, the authority's collateral or security position must be senior and prior to the collateral or security interest of another state participating in the industrial development project or related project. As used in this section, "another state" includes any authority, board, commission, or instrumentality of the other state and a political subdivision or other governmental or quasi-governmental unit of the other state. This subsection does not apply if the authority owns personal property and leases it to a business described in this section, under subsection (g).

(i) The aggregate principal amount of bonds, loans, and loan guaranties the authority may make under this section is limited to thirty-five million dollars ($35,000,000).

(j) In addition to its other powers under this section, the authority may make a loan guaranty as contemplated by this section jointly with the board for depositories and, in addition to using moneys in the business development loan fund, the authority may use not more than two million dollars ($2,000,000) of moneys in the industrial development guaranty fund to fund the joint loan guaranty.

(k) In addition to its other powers under section 15 of this chapter, the authority may:

(1) sell and guarantee leases and loans; and

(2) accept gifts, grants, or loans from, and enter into contracts or other transactions with, the United States, any state, any federal or state agency, municipality, person, private organization, or other source, whether located within or outside the state.

(l) In addition to the authority's public purposes stated in sections 2 and 15 of this chapter, assistance provided under this section to an industrial development project located outside the state is consistent with the authority's public purposes so long as the project significantly affects jobs in the state or certain areas of the state. The authority may enter into any agreements or contracts as necessary to carry out this section, including but not limited to contracts with another state or with an instrumentality or political subdivision of that state.

(m) This section is in addition to, and not in limitation of, the authority's other powers heretofore or hereafter existing under this chapter to borrow money, issue bonds, make contracts, guaranties, and loans, including leases, and use moneys in the business development loan fund or guaranty fund. The issuance of bonds and the making of loans and loan guaranties under this section need not comply with the requirements of any other state laws applicable thereto. No proceedings, notice, or approval shall be required for the issuance of any bonds or the making of any loans or loan guaranties or any instrument or the security therefor, except as specifically provided in this chapter. All industrial development projects for which funds are advanced, loaned, or otherwise provided by the authority under this section must be in compliance with any land use, zoning, subdivision, and other laws of this or any other state applicable to the land upon which the industrial development project is located or is to be constructed, but a failure to comply with these laws does not invalidate any bonds issued or loan or loan guaranty to finance an industrial development project.

(n) The general assembly finds that unique circumstances resulting from the globalization of the state's economy, the state's geographic location as the crossroads of America, and changes in federal environmental regulation create the need for the financing of leading Indiana businesses as provided in this section.

(o) This section expires July 1, 2002.

SECTION 2. IC 5-13-12-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) In addition to the authority given to the board for depositories in this chapter, and notwithstanding any other law, including sections 7 and 8 of this chapter, the board may buy bonds issued by the Indiana development finance authority or make loans to the Indiana development finance authority to fund the business development loan fund and to finance industrial development projects in accordance with IC 4-4-11. The term of bonds or loans shall not exceed ten (10) years. The board may not buy any bond or make any loan under this section unless:

(1) the authority finds and certifies to the board for depositories that the related industrial development project is in furtherance of the purposes of the Indiana development finance authority and complies with IC 4-4-11; and

(2) the general assembly has provided for the purchase of the bonds or the making of the loan by specifically authorizing the purchase of bonds or the making of the loan in the appropriation act and the purchase or loan is approved by the budget agency after review by the budget committee.

Bonds purchased by the board for depositories shall be on the terms and subject to the provisions agreed to by the board for depositories and the Indiana development finance authority in bond purchase agreements. Loans made by the board for depositories shall be on the terms and subject to the provisions agreed to by the board for depositories and the Indiana development finance authority in loan agreements. This section is all the authority the board for depositories needs to buy bonds issued by the Indiana development finance authority, to make loans to the Indiana development finance authority, and to enter into bond purchase agreements and loan agreements.

(b) In addition to the authority given to the board for depositories in this chapter, and notwithstanding any other law, including sections 7 and 8 of this chapter, the board may guaranty bonds issued by the Indiana development finance authority and loans and loan guaranties made by the Indiana development finance authority for industrial development projects in accordance with IC 4-4-11. In addition, the board for depositories may make a loan guaranty jointly with the Indiana development finance authority as provided by IC 4-4-11-16.7. The term of loan guaranties shall not exceed ten (10) years. The board may not make any loan guaranty under this section unless:

(1) the authority finds and certifies to the board for depositories that the related industrial development project is in furtherance of the purposes of the Indiana development finance authority and complies with IC 4-4-11; and

(2) the general assembly has provided for the guaranty by specifically authorizing the guaranty in the appropriation act and the guaranty is approved by the budget agency after review by the budget committee.

Loan guaranties made by the board for depositories shall be on the terms and subject to the provisions agreed to by the board for depositories and the Indiana development finance authority in loan guaranty agreements. This section is all the authority the board for depositories needs to make loan guaranties and to enter into guaranty agreements.

(c) The principal amount of bonds, loans, and loan guaranties the board for depositories may buy or make under this section is limited to thirty-five million dollars ($35,000,000). A bond purchase agreement, a loan agreement, or a loan guaranty agreement made under this section does not constitute a debt, liability, or obligation

of the state, or a pledge or lending of the faith and credit of the state, but shall be paid or provided for in the bond purchase agreement, loan agreement, or loan guaranty agreement and from the public deposit insurance fund as a special fund, and all such agreements shall contain therein a statement to the effect that the agreements are not obligations of the state of Indiana, or of any political subdivision thereof, but are payable solely as provided for in the agreements and from the public deposit insurance fund as a special fund.

(d) This section expires July 1, 2002.".

Page 7, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding the expiration of IC 4-4-11-16.7, as added by this act, on July 1, 2002, any bonds issued and any loans or loan guaranties made by the Indiana development finance authority under that section before July 1, 2002, remain valid and binding obligations of the Indiana development finance authority after June 30, 2002, as if that section had not expired.**

(b) Notwithstanding the expiration of IC 5-13-12-12, as added by this act, on July 1, 2002, any loans or loan guaranties made by the Indiana development finance authority under that section before July 1, 2002, remain valid and binding obligations of the Indiana development finance authority after June 30, 2002, as if that section had not expired.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 333 as printed April 6, 2001.)

CRAWFORD

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 333, begs leave to report that said bill has been amended as directed.

CRAWFORD

Upon request of Representatives Bosma and Espich, the Speaker ordered the roll of the House to be called. Roll Call 511: yeas 58, nays 32. Report adopted.

The question then was, Shall the bill pass?

Roll Call 512: yeas 72, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do recess, we recess until Thursday, April 12, 2000 at 9:00 a.m.

L. LAWSON

Motion prevailed. The House recessed at 12:35 a.m.

The House reconvened at 9:00 a.m. with the Speaker in the Chair. The Speaker announced a quorum in attendance. Representatives Bauer, Buell, Cochran, Crosby, Espich, Harris, Mock, Saunders, and Turner were excused.

The invocation was offered by Representative Vernon G. Smith.

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

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1065, 1113, 1218, and 1267 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1066, 1075, 1120, 1122, 1130, 1170, 1193, 1195, 1222, 1278, and 1299 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 17, 27, 29, and 65 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 67 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 109

Representative Denbo introduced House Concurrent Resolution 109:

A CONCURRENT RESOLUTION urging the United States Postal Service to continue delivering mail on Saturday.

Whereas, Since the time of Benjamin Franklin, the first postmaster general, the people of the United States have relied on the United States Postal Service to bring them the information that is vital to their lives;

Whereas, The Postal Service energizes the nation's economy by delivering hundreds of millions of messages and billions of dollars in financial transactions each day to eight million businesses and 250 million Americans;

Whereas, The elimination of Saturday delivery would have a devastating effect on the nation's economy and reduce the level of service that the people of the United States have come to depend upon;

Whereas, The rapid rise in number of houses and apartments has resulted in a greatly increased volume of mail the delivery of which, on a 5-day schedule, would place undue burden on mail carriers;

Whereas, The United States Postal Service has provided service to the American people since the days of Benjamin Franklin, and the reduction of services by this organization should be avoided at all costs: 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 urges the United States Postal Service to continue delivering mail on Saturday.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the postmaster general, the president of the United States, and the Indiana congressional delegation.

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

House Concurrent Resolution 110

Representative Liggett introduced House Concurrent Resolution 110:

A CONCURRENT RESOLUTION urging the President of the United States to freeze the prices of natural gas and petroleum

products at the level they were one year ago.

Whereas, The United States Energy Information Administration (EIA) estimates that, assuming normal winter weather, residential customers will pay about 44% more for natural gas this winter than last winter;

Whereas, Businesses, particularly the glass and steel industry, will be similarly affected because those businesses use gas to operate;

Whereas, The escalating rates for natural gas and petroleum products will help to increase inflation and close businesses;

Whereas, There is precedent for the use of Presidential Orders to accomplish this type of action; and

Whereas, Prices of natural gas and petroleum products should be frozen at last year's rates, and preventative measures should be put in place to ensure that this situation can never again occur in our country: 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 urges the President of the United States to freeze the prices of natural gas and petroleum products at the level they were one year ago and to seek remedies and preventative measures that may be taken to prevent these escalating rates in the future.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of the Indiana congressional delegation.

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

House Resolution 91

Representatives Gregg and Bosma introduced House Resolution 91:

A RESOLUTION supporting civic education and declaring the third week of September as Indiana's Legislators Back to School Week.

Whereas, Indiana was created as a representative democracy in which all governmental power is inherent in the people who exercise that power through the legislative, executive, and judicial branches;

Whereas, In recent years, citizen interest in government and knowledge of the political system has declined in part due to a weakening belief in, and a lack of understanding of the virtues and knowledge needed for a successful republican form of government;

Whereas, Benjamin Rush, signer of the Declaration of Independence stated, "There is but one method of rendering a republican form of government durable, and that is by disseminating the seeds of virtue and knowledge through every part of the state by means of proper places and modes of education and this can be done effectively only by the aid of the legislature";

Whereas, The National Conference of State Legislatures (NCSL) has passed a resolution that says that the operations of the state legislatures and the roles of individual legislators are often little understood by citizens, and that public understanding of the institutions and processes of the government is critical to building public trust and confidence;

Whereas, The NCSL resolution also states that state legislatures need to bring about better understanding of the concept of representative democracy and that education about representative democracy should emphasize the importance of compromise and the difficulty of resolving competing interests in a diverse society;

Whereas, Civic education is a vital tool to promote greater understanding of the legislative institution and the role of legislators in representative democracy;

Whereas, NCSL urges the nation's state legislatures to promote civic education about representative democracy;

Whereas, NCSL has established America's Legislators Back to School Week, a national week during which state legislators across the nation visit schools and classrooms to talk about the legislature and to observe activities in the schools; and

Whereas, Legislators will benefit from interacting with students, teachers, and administrators: Therefore,

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

SECTION 1. That the Indiana General Assembly supports civic education to promote greater understanding of the legislative institution and the role of legislators in a representative democracy.

SECTION 2. That the Indiana General Assembly declares the third week in September as Indiana's Legislators Back to School Week and urges all members of the legislature to visit schools during that week.

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

House Resolution 92

Representatives D. Young, L. Lawson, and Foley introduced House Resolution 92:

A HOUSE RESOLUTION urging the Legislative Council to establish an interim study committee to study protective orders.

Whereas, The Indiana General Assembly has not recently assigned a study committee to consider the role of protective orders: Therefore,

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

SECTION 1. The legislative council is urged to establish an interim study commission on criminal law to make a study of protective orders.

SECTION 2. The interim study commission shall operate under the direction of the legislative council, and shall issue a report before the Second Regular Session of the One Hundred Twelfth General Assembly.

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

Senate Concurrent Resolution 67

The Speaker handed down Senate Concurrent Resolution 67, sponsored by Representatives Grubb and T. Brown:

A CONCURRENT RESOLUTION congratulating the Attica High School Men's Basketball Team on its title victory in the 2001 IHSAA Class 1A State Championship.

Whereas, In what is one of the greatest comebacks in the history of IHSAA championship basketball, on March 24, 2001, the Attica Red Ramblers overcame a 14 point deficit in the fourth quarter to defeat Blue River Valley by a score of 64-62;

Whereas, 10 of Attica's 12 players also played on the Red Ramblers' 2000 championship runner-up football team, who played with the strong motivation from a stinging defeat in a previous title game;

Whereas, Down by 14 points with four minutes remaining in the game, Attica reached deep into its team spirit to shut down Blue River Valley in a roller coaster ride to the finish;

Whereas, Tied at 62 with less than eight seconds to play, Attica's Josh Smith hit one free throw to put the Red Ramblers ahead by one point;

Whereas, After Smith's miss from the second of his free throw shots, Blue River Valley lost the ball out of bounds and resorted to fouling Attica's Travis Kirby, who hit the final point from the free throw line with 4.6 seconds on the clock;

Whereas, Attica coach Ralph Shrader, stunned by his team's performance, summarized his feelings when he stated, "If you would have told me that I would walk into the interview room after being down 14 in the fourth quarter and be introduced as Class A State Champions, I would have thought you were crazy.";

Whereas, The Red Ramblers' 28 fourth quarter points set a Class A tournament record for the most points scored in a quarter; and

Whereas, Attica senior co-captain Josh Smith concluded his brilliant years with Attica as its career points leader with 1,827 total points: Therefore,

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

SECTION 1. That the Indiana General Assembly is extremely proud of the tenacity and perseverence exhibited by the Attica High School Red Ramblers as it claimed the 2001 IHSAA Class 1A State Basketball Title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Attica High School Coach Ralph Shrader; Principal Roy M. Jones; and to the various championship team members.

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

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 585

Representative Hasler called down Engrossed Senate Bill 585 for third reading:

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

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

Roll Call 513: yeas 85, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 582

Representative Kuzman called down Engrossed Senate Bill 582 for third reading:

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

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

Roll Call 514: yeas 80, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Saunders was present.

Engrossed Senate Bill 569

Representative Frizzell called down Engrossed Senate Bill 569 for third reading:

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

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

Roll Call 515: yeas 85, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 554

Representative Hasler called down Engrossed Senate Bill 554 for third reading:

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

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

Roll Call 516: yeas 81, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 526

Representative Kuzman called down Engrossed Senate Bill 526 for third reading:

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

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

Roll Call 517: yeas 87, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 518

Representative L. Lawson called down Engrossed Senate Bill 518 for third reading:

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

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

HOUSE MOTION
(Amendment 518–5)

Mr. Speaker: I move that Engrossed Senate Bill 518 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 36, line 2, delete "33-26-2-15" and insert "34-26-2-15".
(Reference is to ESB 518 as printed April 9, 2001.)

L. LAWSON

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 518, begs leave to report that said bill has been amended as directed.

L. LAWSON

Report adopted.

The question then was, Shall the bill pass?

Roll Call 518: yeas 79, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 509

Representative Hasler called down Engrossed Senate Bill 509 for third reading:

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

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

Roll Call 519: yeas 81, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Harris was present.

Engrossed Senate Bill 506

Representative Dvorak called down Engrossed Senate Bill 506 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

Roll Call 520: yeas 82, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 501

Representative C. Brown called down Engrossed Senate Bill 501 for third reading:

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

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

Roll Call 521: yeas 79, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Crosby was present.

Engrossed Senate Bill 466

Representative Dvorak called down Engrossed Senate Bill 466 for third reading:

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

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

Roll Call 522: yeas 88, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 489

Representative Crooks called down Engrossed Senate Bill 489 for third reading:

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

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

HOUSE MOTION
(Amendment 489–2)

Mr. Speaker: I move that Engrossed Senate Bill 489 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:
Page 1, delete lines 1 through 17.
Delete pages 2 through 3.
Page 4, delete lines 1 through 9.
Renumber SECTIONS consecutively.
(Reference is to ESB 489 as printed April 6, 2001.)

CROOKS

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 489, begs leave to report that said bill has been amended as directed.

CROOKS

Report adopted.

The question then was, Shall the bill pass?

Roll Call 523: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 486

Representative Lytle called down Engrossed Senate Bill 486 for third reading:

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

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

HOUSE MOTION
(Amendment 486–6)

Mr. Speaker: I move that Engrossed Senate Bill 486 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:
Page 3, line 6, delete "physicians, nurses, dentists," and insert "**a practitioner (as defined in IC 25-1-9-2).**".
Page 3, delete line 7.
(Reference is to ESB 486 as reprinted April 12, 2001.)

LYTLE

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 486, begs leave to report that said bill has been amended as directed.

LYTLE

Report adopted.

The question then was, Shall the bill pass?

Roll Call 524: yeas 90, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 243

Representative Weinzapfel called down Engrossed Senate Bill 243 for third reading:

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

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

HOUSE MOTION
(Amendment 243–2)

Mr. Speaker: I move that Engrossed Senate Bill 243 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:
Page 1, delete lines 1 through 16.
Page 2, delete lines 33 through 42.
Page 3, delete lines 1 through 20, begin a new paragraph and insert:
"SECTION 3. IC 13-11-2-151.1, AS ADDED BY P.L.132-1999, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 151.1. **(a) "Participant", for purposes of section 83(a) of this chapter and IC 13-18-13, means:**
(1) a political subdivision; or
(2) for a nonpoint source pollution reduction project, a private entity.
(b) "Participant", for purposes of **section 83(c) of** this chapter and IC 13-18-21, means:
(1) a political subdivision; or
(2) any other owner or operator of a public water system.".
Page 4, between lines 7 and 8, begin a new line block indented and insert:
"**(3) Groundwater remediations conducted under any other provision of IC 13, as appropriate.**

(c) Responses to spills of hazardous substances, extremely hazardous substances, petroleum, and other objectionable substances that are regulated under 327 IAC 2-6.1 shall be conducted in a manner that is consistent with the requirements of 327 IAC 2-6.1.".

Page 5, delete lines 7 through 42.

Page 6, delete lines 1 through 7, begin a new paragraph and insert:

"SECTION 6. IC 13-18-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. Money in the fund may be used to do the following:

(1) Provide loans or other financial assistance to ~~political subdivisions~~ **participants** for:

(A) the planning, designing, construction, renovation, improvement, or expansion of wastewater collection and treatment systems and other activities necessary or convenient to complete these tasks; **or**

(B) a nonpoint source pollution reduction project.

(2) Pay the cost of administering the fund and the program.

(3) Conduct all other activities that are permitted by the federal Clean Water Act.

SECTION 7. IC 13-18-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. The budget agency shall do the following:

(1) Manage and implement the financial aspects of the program and supplemental program.

(2) Cooperate with the department in the administration and management of the program and supplemental program.

(3) If not accepted and held by the department, accept and hold any letter of credit from the federal government through which the state receives grant payments for the program and disbursements to the fund.

(4) Be the point of contact with ~~political subdivisions~~ **participants** and other interested persons in preparing and providing program information.

(5) Negotiate, jointly with the department, the negotiable aspects of each financial assistance agreement.

(6) Prepare or cause to be prepared each financial assistance agreement.

(7) Sign each financial assistance agreement.

(8) Conduct or cause to be conducted an evaluation as to the financial ability of each ~~political subdivision~~ **participant** to pay the loan or other financial assistance and other obligations evidencing the loans or other financial assistance, if required to be paid, and comply with the financial assistance agreement in accordance with the terms of the agreement.

(9) Prepare, jointly with the department, annual reports concerning the following:

(A) The fund.

(B) The program.

(C) The supplemental fund.

(D) The supplemental program.

(10) Submit the reports prepared under subdivision (9) to the governor and the general assembly.

(11) Enter into memoranda of understanding with the department concerning the administration and management of the following:

(A) The fund.

(B) The program.

(C) The supplemental fund.

(D) The supplemental program.".

Page 6, line 9, reset in roman "department".

Page 6, line 10, reset in roman "and the".

Page 6, line 15, reset in roman "department and the".

Page 6, delete lines 22 through 42.

Page 7, delete lines 1 through 34, begin a new paragraph and insert:

"SECTION 9. IC 13-18-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) The department shall use a priority ranking system to recommend loans or other financial assistance from the fund. The department shall develop the priority ranking system to achieve optimum water quality consistent with the water quality goals of the state and the federal Clean Water Act.

(b) Based on the recommendations made under subsection (a), the budget agency may make loans and provide other financial assistance from the fund to or for the benefit of ~~political subdivisions.~~ **participants.**

SECTION 10. IC 13-18-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. The budget agency may make loans or provide other financial assistance from the fund to or for the benefit of a ~~political subdivision~~ **participant** under the following conditions:

(1) The loan or other financial assistance must be used:

(A) for planning, designing, constructing, renovating, improving, or expanding wastewater collection and treatment systems and other activities necessary or convenient to complete these tasks;

(B) to:

(i) establish reserves or sinking funds; or

(ii) provide interest subsidies;

(C) to pay financing charges, including interest on the loan or other financial assistance during construction and for a reasonable period after the completion of construction; ~~or~~

(D) to pay the following:

(i) Consultant, advisory, and legal fees.

(ii) Any other costs or expenses necessary or incident to the loan, other financial assistance, or the administration of the fund and the program; **or**

(E) for nonpoint source pollution reduction projects.

(2) Subject to section 15 of this chapter, upon recommendation of the budget agency the state board of finance shall establish the interest rate or parameters for establishing the interest rate on each loan, including parameters for establishing the amount of interest subsidies.

(3) The budget agency shall establish the terms and conditions that the budget agency considers necessary or convenient to:

(A) make loans; or

(B) provide other financial assistance under this chapter.".

Page 9, delete lines 19 through 42.

Page 10, delete lines 1 through 37, begin a new paragraph and insert:

"SECTION 15. IC 13-18-13-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) In recommending to the state board of finance the interest rate or parameters for establishing the interest rate on each loan, as provided in section 10 of this chapter, the budget agency shall recommend and the state board of finance shall establish the following:

(1) A base or subsidized interest rate that:

(A) would be payable by ~~political subdivisions~~ **participants** other than ~~political subdivisions~~ **participants** described in subdivision (2) or (3); and

(B) may provide for the payment of no interest during all or a part of the estimated construction period for the wastewater treatment system.

(2) A base reduced or more heavily subsidized interest rate, that:

(A) would be payable by ~~political subdivisions~~ **participants** whose median household incomes are:

(i) not more than the state nonmetropolitan median household income, as determined and reported by the federal government periodically; and

(ii) not less than eighty-one percent (81%) of the state nonmetropolitan median household income; and

(B) may provide for the payment of no interest during all or a part of the estimated construction period for the wastewater collection and treatment system.

(3) A base zero (0) or most heavily subsidized interest rate that:

(A) would be payable on loans made to ~~political subdivisions~~ **participants** whose median household incomes are not more than eighty percent (80%) of the state nonmetropolitan household income; and

(B) may provide for the payment of no interest during all or a part of the estimated construction period of the wastewater

collection and treatment system.

(b) The budget agency, in recommending to the state board of finance the interest rate or parameters for establishing the interest rate on each loan under section 10 of this chapter, shall take into account the following:

(1) Credit risk.

(2) Environmental enforcement and protection.

(3) Affordability.

(4) Other fiscal factors the budget agency considers relevant.

(c) In enacting this section, the general assembly understands that, in financing the program, the Indiana bond bank issued at the budget agency's request, and will continue to issue at the budget agency's request:

(1) revenue bonds payable from and secured by ~~political subdivisions;~~ **participants;** and

(2) loan payments made by and loan payments made to ~~political subdivisions.~~ **participants.**

It is not the intent of the general assembly to cause the budget agency or the state board of finance to establish interest rates on loans or parameters for establishing interest rates that would cause the bond bank's revenue bonds to be insecure or otherwise negatively affect the ability of the state to continue to finance the program.".

Page 11, delete lines 27 through 42.

Delete page 12.

Page 13, delete lines 1 through 5, begin a new paragraph and insert:

"SECTION 18. IC 13-18-13-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 19. (a) Notwithstanding any other law, a ~~political subdivision~~ **participant** may borrow money from the budget agency by negotiating a loan or other financial assistance directly and without complying with requirements for the competitive sale of bonds, notes, or other obligations or evidences of indebtedness. A ~~political subdivision~~ **participant** shall observe any existing contractual commitments to bondholders or other persons when entering into a financial assistance agreement.

(b) Notwithstanding any other law, a ~~political subdivision~~ **participant** may issue and sell its notes, the principal and accrued interest on which shall be paid with proceeds from the issuance of its bonds or other available money at the time the notes are due. The notes must be issued pursuant to a resolution or ordinance and the proceeds must be used to carry out the purposes specified in this chapter.

(c) A ~~political subdivision~~ **participant** that issues notes under subsection (b) or IC 4-23-21-13 (before its repeal) may renew or extend the notes periodically on terms agreed to with the budget agency, and the budget agency may purchase and sell the renewed or extended notes. Accrued interest on the date of renewal or extension may be paid or added to the principal amount of the note being renewed or extended.

(d) The notes issued by a ~~political subdivision~~ **participant** under subsection (b), including any renewals or extensions, must mature:

(1) in the amounts; and

(2) at the times not exceeding four (4) years from the date of original issuance;

that are agreed to by the ~~political subdivision~~ **participant** and the budget agency.

(e) Compliance with subsection (b) constitutes full authority for a ~~political subdivision~~ **participant** to issue its notes and sell the notes to the department and the budget agency, and the ~~political subdivision~~ **participant** is not required to comply with any other law applicable to the authorization, approval, issuance, and sale of its notes. These notes are:

(1) valid and binding obligations of the ~~political subdivision;~~ **participant;**

(2) enforceable in accordance with the terms of the notes; and

(3) payable solely from the sources specified in the resolution or ordinance authorizing the issuance of the notes.

(f) If the ~~political subdivision~~ **participant** issues bonds, all or part of the proceeds of which will be used to pay the notes issued under subsection (b), neither:

(1) the provisions of this section; nor

(2) the actual issuance by a ~~political subdivision~~ **participant** of notes under subsection (b);

relieves the ~~political subdivision~~ **participant** of the obligation to comply with the statutory requirements for the issuance of bonds.".

Page 13, delete lines 39 through 42.

Delete pages 14 through 20.

Page 21, delete lines 1 through 25, begin a new paragraph and insert:

"SECTION 20. [EFFECTIVE JULY 1, 2001] **(a) On or before December 31, 2002, the water pollution control board and the budget agency shall jointly amend:**

(1) 85 IAC 1-1-1 through 85 IAC 2-14-1; and

(2) 327 IAC 13;

to reflect the amendments to IC 13-11 and IC 13-18 by this act.

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

Renumber all SECTIONS consecutively.

(Reference is to ESB 243 as reprinted April 12, 2001.)

WEINZAPFEL

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 243, begs leave to report that said bill has been amended as directed.

WEINZAPFEL

Report adopted.

The question then was, Shall the bill pass?

Roll Call 525: yeas 74, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 459

Representative C. Brown called down Engrossed Senate Bill 459 for third reading:

A BILL FOR AN ACT concerning human services.

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

Roll Call 526: yeas 91, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 456

Representative M. Smith called down Engrossed Senate Bill 456 for third reading:

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

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

Roll Call 527: yeas 82, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 471

Representative Klinker called down Engrossed Senate Bill 471 for third reading:

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

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

HOUSE MOTION
(Amendment 471–4)

Mr. Speaker: I move that Engrossed Senate Bill 471 be recommitted

to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 3, line 19, after "3." insert "**(a)**".

Page 3, between lines 21 and 22, begin a new paragraph and insert: "**(b) This section expires December 31, 2002.**".

Page 3, line 24, after "4." insert "**(a)**".

Page 3, between lines 29 and 30, begin a new paragraph and insert: "**(b) This section expires December 31, 2002.**".

Page 7, between lines 12 and 13, begin a new paragraph and insert: "SECTION 7. [EFFECTIVE JULY 1, 2001] **(a) Not later than March 1, 2003, the office of Medicaid policy and planning established by IC 12-8-6-1 shall report to the Indiana commission on mental health, or another committee that is:**

(1) studying issues related to mental health; and

(2) designated by the legislative council;

regarding the cost effectiveness of IC 12-15-26-3 and IC 12-15-26-4, both as added by this act.

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

Renumber all SECTIONS consecutively.

(Reference is to ESB 471 as reprinted April 12, 2001.)

KLINKER

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 471, begs leave to report that said bill has been amended as directed.

KLINKER

Report adopted.

The question then was, Shall the bill pass?

Roll Call 528: yeas 88, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 453

Representative Liggett called down Engrossed Senate Bill 453 for third reading:

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

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

Roll Call 529: yeas 60, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 445

Representative Bischoff called down Engrossed Senate Bill 445 for third reading:

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

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

Roll Call 530: yeas 89, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 433

Representative Hasler called down Engrossed Senate Bill 433 for third reading:

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

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

Roll Call 531: yeas 91, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Turner was present.

Engrossed Senate Bill 431

Representative Klinker called down Engrossed Senate Bill 431 for third reading:

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

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

Roll Call 532: yeas 89, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 295

Representative Kruzan called down Engrossed Senate Bill 295 for third reading:

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

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

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 295 be returned to second reading forthwith for the purpose of considering an amendment by Representative Whetstone and that immediately following the action on such amendment, the bill be placed on its passage.

KRUZAN

Motion prevailed.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 295

Representative Kruzan called down Engrossed Senate Bill 295 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 295–2)

Mr. Speaker: I move that Engrossed Senate Bill 295 be amended to read as follows:

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

Page 1, line 2, delete "If" and insert "**Subject to subsections (b) and (c),** if".

Page 1, line 13, delete "IC 8-1-2-1)." and insert "**IC 8-1-2-1);**".

Page 1, line 14, delete "The" and insert "the".

Page 1, line 16, reset in roman "or".

Page 1, line 16, delete "viciousness," and insert "viciousness.".

Page 1, line 16, delete "or the fact".

Page 2, delete line 1, begin a new paragraph and insert:

"**(b) Except as provided in subsection (c), subsection (a) does not apply if, when a dog bite occurs:**

(1) the dog referred to in subsection (a) is on the real property of the dog owner; and

(2) there is a sign on the real property of the dog owner that:

(A) is conspicuously posted;

(B) is readable from a public way adjoining the real property of the dog owner; and

(C) warns that a dog is present on the property.

(c) Subsection (b) does not apply if the person who is bitten is:

(1) a firefighter or another provider of emergency services responding to an emergency; or

(2) a law enforcement officer.".

Page 2, line 4, delete "Except as provided in subsection (b), an" and insert "**If :**

(1) a person:

(A) owns or has control of real property where a person described in section 1(a) of this chapter is bitten; and

(B) owns the dog that bites the person described in section 1(1) of this chapter;

(2) the person who is bitten incurs serious bodily injury from the dog bite; and

(3) the person referred to in subdivision (1) knowingly or intentionally:

(A) fails to have conspicuously posted on the property, at the time of the dog bite, a sign that:

(i) is readable from a public way adjoining the property; and

(ii) warns that a dog is present on the real property; or

(B) if a sign described in clause (A) is not posted on the property, fails to take reasonable steps to restrain the dog when the person is bitten;

the person referred to in subdivision (1) commits a Class B misdemeanor.".

Page 2, delete lines 5 through 23.

Page 2, between lines 32 and 33, begin a new paragraph and insert: "**(c) If a person required to enter a dog owner's property for the purpose of discharging a duty described in section 1(a) of this chapter is unable to enter the dog owner's property due to the presence of the owner's dog, the person shall:**

(1) notify the dog owner by certified mail, return receipt requested, that the person is required to enter the dog owner's property; or

(2) obtain an order from a court authorizing the person to enter the dog owner's property.".

(Reference is to ESB 295 as printed April 6, 2001.)

WHETSTONE

Motion prevailed. The bill was returned to third reading.

Representative Buell was present.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 295

Representative Kruzan called down Engrossed Senate Bill 295 for third reading:

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

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

Roll Call 533: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Espich was present.

Engrossed Senate Bill 269

Representative Crosby called down Engrossed Senate Bill 269 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning 269.

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

Roll Call 534: yeas 89, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 428

Representative C. Brown called down Engrossed Senate Bill 428 for third reading:

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

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

Roll Call 535: yeas 89, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 424

Representative Grubb called down Engrossed Senate Bill 424 for third reading:

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

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

Roll Call 536: yeas 91, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Cochran was present.

Engrossed Senate Bill 418

Representative Cook called down Engrossed Senate Bill 418 for third reading:

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

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

Roll Call 537: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Fry was excused.

Engrossed Senate Bill 408

Representative Weinzapfel called down Engrossed Senate Bill 408 for third reading:

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

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

Roll Call 538: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 404

Representative C. Brown called down Engrossed Senate Bill 404 for third reading:

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

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

By consent, Engrossed Senate Bill 404 was made a special order of business for 2:00 p.m.

Engrossed Senate Bill 386

Representative Crooks called down Engrossed Senate Bill 386 for third reading:

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

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

passage. The question was, Shall the bill pass?

Roll Call 539: yeas 91, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Cochran was excused.

Engrossed Senate Bill 376

Representative C. Brown called down Engrossed Senate Bill 376 for third reading:

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

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

Roll Call 540: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 375

Representative Klinker called down Engrossed Senate Bill 375 for third reading:

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

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

HOUSE MOTION
(Amendment 375–2)

Mr. Speaker: I move that Engrossed Senate Bill 375 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 5, line 19, delete "IC 12-11-1.1-(e)(2))" and insert "**IC 12-11-1.1-1(e)(2))**".

(Reference is to ESB 375 as reprinted April 10, 2001.)

KLINKER

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 375, begs leave to report that said bill has been amended as directed.

KLINKER

Report adopted.

The question then was, Shall the bill pass?

Roll Call 541: yeas 63, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Cochran was present.

Engrossed Senate Bill 373

Representative V. Smith called down Engrossed Senate Bill 373 for third reading:

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

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

HOUSE MOTION
(Amendment 373–6)

Mr. Speaker: I move that Engrossed Senate Bill 373 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 5, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 3. IC 11-8-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The board shall:

(1) adopt rules for the conduct of its own business;

(2) approve or disapprove, before adoption, any rule to be adopted by the department under IC 4-22-2;

(3) approve or disapprove, before implementation, any resolution, ~~or~~ directive, **or other statement** of the department, ~~relating~~ **including the commissioner, regardless of its name or designation, that relates** to departmental organization or policy, **including general internal organization, policies, standards, or procedures applicable to one (1) or more facilities, programs, or categories of persons under the jurisdiction of the department, employees, or contractors;** and

(4) keep records of all its official actions and make them accessible according to law.

(b) The board may:

(1) appoint temporary advisory committees for any purpose;

(2) visit and inspect, without notice, any facility or program of the department, either individually or collectively, to examine the affairs and condition of the department; and

(3) exercise any other power reasonably necessary in discharging its duties and powers.

(c) The board has no direct administrative or executive powers other than those granted by this section.

(d) For purposes of IC 4-22-2, the term "rule" as used in subsection (a)(1) relates solely to internal policy, organization, and procedure not having the force of law.

(e) This section shall be liberally construed for conduct of the board after June 30, 2001, to implement the intent of the general assembly, as first stated in the commentary to the proposed final draft of the correctional code published by the correctional code commission in October 1977, to place policy authority in a seven (7) member board of correction rather than a single department head.".

Page 7, after line 22, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2001] **(a) A bylaw adopted by the board of correction before October 1, 1980, (the date on which the enactment of IC 11-8-2-3 became effective) is void.**

(b) IC 11-8-2-3, as amended by this act, applies only to resolutions, directives, and other statements of the department of correction, including the commissioner, adopted or amended after June 30, 2001. However, the board of correction may review and make recommendations for change for any resolution, directive, or other statement of the department of correction, including the commissioner, relating to departmental organization or policy.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 373 as reprinted April 12, 2001.)

V. SMITH

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 373, begs leave to report that said bill has been amended as directed.

V. SMITH

Report adopted.

The question then was, Shall the bill pass?

Roll Call 542: yeas 81, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Murphy was excused.

Engrossed Senate Bill 311

Representative Pelath called down Engrossed Senate Bill 311 for third reading:

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

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

passage.

HOUSE MOTION
(Amendment 311–1)

Mr. Speaker: I move that Engrossed Senate Bill 311 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 1, line 13, delete "or" and insert "**,**".

Page 1, line 13, before "." insert "**, or particular circumstance requiring special treatment preventing payment**".

Page 22, line 9, delete "or" and insert "**,**".

Page 22, line 10, before "." insert "**, or particular circumstance requiring special treatment preventing payment**".

Page 24, line 14, delete "or" and insert "**,**".

Page 24, line 14, before "." insert "**, or particular circumstance requiring special treatment preventing payment**".

(Reference is to ESB 311 as printed April 6, 2001.)

PELATH

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 311, begs leave to report that said bill has been amended as directed.

PELATH

Report adopted.

The question then was, Shall the bill pass?

Roll Call 543: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Fry and Murphy were present. Representatives Dumezich and Stevenson were excused.

Engrossed Senate Bill 362

Representative Hinkle called down Engrossed Senate Bill 362 for third reading:

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

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

HOUSE MOTION
(Amendment 362–3)

Mr. Speaker: I move that Engrossed Senate Bill 362 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

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

"SECTION 1. IC 36-1-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. **(a)** If a condition violating an ordinance of a municipal corporation exists on real property, officers of the municipal corporation may enter onto that property and take appropriate action to bring the property into compliance with the ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity to bring the property into compliance.

(b) If action to bring compliance is taken by the municipal corporation **under subsection (a):**

(1) the expense involved may be made a lien against the property; **and**

(2) a bill may be issued to the owner of real property for the costs incurred by the municipal corporation in bringing the property into compliance with the ordinance, including administrative costs and removal costs.

(c) Except as provided in subsection (d), if the owner of real property fails to pay a bill issued under subsection (b), the municipal corporation shall certify to the county auditor the amount of the bill, plus any additional administrative costs incurred in the certification. The auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the municipal corporation.

(d) As used in this subsection, "historic facade" refers to the exterior of a building that is:

(1) at least seventy (70) years old; or

(2) historically or architecturally significant.

Subsection (c) does not apply to the violation of an ordinance if the violation concerns a historic facade. However, ordinances concerning historic preservation apply to a historic facade.".

Renumber all SECTIONS consecutively.

(Reference is to SB 362 as printed March 28, 2001.)

HINKLE

Upon request, the Speaker ordered the roll of the House to be called. Roll Call 544: yeas 37, nays 51. There not being a two-thirds vote in favor of the motion, the motion failed.

The question then was, Shall the bill pass?

Roll Call 545: yeas 72, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Stevenson was present.

Engrossed Senate Bill 361

Representative Lytle called down Engrossed Senate Bill 361 for third reading:

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

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

HOUSE MOTION
(Amendment 361–4)

Mr. Speaker: I move that Engrossed Senate Bill 361 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 2, between lines 21 and 22, begin a new paragraph and insert:"SECTION 2. IC 4-13-2-17.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]. **Sec. 17.1 Notwithstanding any other law, the Indiana department of administration may not enter into a new contract on behalf of the department of correction with an existing contractor that provides services to the department of correction if the contractor is more than three (3) months delinquent on payments to any subcontractor of the contractor that provides services o the department of correction.**

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

Page 6, line 40, after "department" insert ",".

Page 6, line 40, after "governor" insert ",".

Page 7, delete line 27.

Page 7, line 28, delete "(1) The".

Page 7, run in lines 26 through 38.

Page 7, delete lines 30 through 31.

Page 7, line 32, delete "If the department determines that the goals set under section" and insert "**The department shall adopt rules under IC 4-22-2 to ensure that the goals set under section 2(f)(7) of this chapter are met.**".

Page 7, delete lines 33 through 40.

Page 7, run in lines 32 through 41.

Renumber all SECTIONS consecutively.

(Reference is to ESB 361 as reprinted April 11, 2001.)

LYTLE

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 361, begs leave to report that said bill has been

amended as directed.

LYTLE

Report adopted.

The question then was, Shall the bill pass?

Roll Call 546: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 358

Representative Sturtz called down Engrossed Senate Bill 358 for third reading:

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

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

Roll Call 547: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 352

Representative Crooks called down Engrossed Senate Bill 352 for third reading:

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

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

Roll Call 548: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 351

Representative Kuzman called down Engrossed Senate Bill 351 for third reading:

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

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

Roll Call 549: yeas 89, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Dumezich was present.

Engrossed Senate Bill 337

Representative Hasler called down Engrossed Senate Bill 337 for third reading:

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

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

HOUSE MOTION
(Amendment 337–3)

Mr. Speaker: I move that Engrossed Senate Bill 337 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 6, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 5. IC 36-1-12.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter, "energy conservation measure" means a school facility alteration or an alteration of a structure (as defined in IC 36-1-10-2) designed to reduce energy consumption costs or other operating costs, including the following:

(1) Providing insulation of the school facility or structure and systems within the school facility or structure.

(2) Installing or providing for window and door systems, including:

(A) storm windows and storm doors;

(B) caulking or weatherstripping;

(C) multi-glazed windows and doors;

(D) heat absorbing or heat reflective glazed and coated windows and doors;

(E) additional glazing;

(F) the reduction in glass area; and

(G) other modifications that reduce energy consumption.

(3) Installing automatic energy control systems.

(4) Modifying or replacing heating, ventilating, or air conditioning systems.

(5) Unless an increase in illumination is necessary to conform to Indiana laws or rules or local ordinances, modifying or replacing lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility or structure.

(6) Providing for other energy conservation measures that reduce energy consumption or reduce operating costs, **including future labor, contracted services, and related capital expenditures.**

SECTION 6. IC 36-1-12.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The governing body may enter into an agreement with a public utility to participate in a utility energy efficiency program or enter into a guaranteed energy savings contract with a qualified provider to reduce the school corporation's or the political subdivision's energy consumption costs or operating costs if, after review of the report described in section 6 of this chapter, the governing body finds:

(1) that the amount the governing body would spend on the energy conservation measures under the contract and that are recommended in the report is not likely to exceed the amount to be saved in energy consumption costs and other operating costs over ten (10) years from the date of installation if the recommendations in the report were followed; and

(2) in the case of a guaranteed energy savings contract, the qualified provider provides a written guarantee as described in subsection (d)(2).

(b) Before entering into an agreement to participate in a utility energy efficiency program or a guaranteed energy savings contract under this section, the governing body must publish notice under subsection (c) indicating:

(1) that the governing body is requesting public utilities or qualified providers to propose energy conservation measures through either a utility energy efficiency program or a guaranteed energy savings contract; and

(2) the date, the time, and the place where proposals must be received.

(c) The notice required by subsection (b) must:

(1) be published in two (2) newspapers of general circulation in the county where the school corporation or the political subdivision is located;

(2) be published two (2) times with at least one (1) week between publications and with the second publication made at least thirty (30) days before the date by which proposals must be received; and

(3) meet the requirements of IC 5-3-1-1.

(d) An agreement to participate in a utility energy efficiency program or guaranteed energy savings contract under this section must provide that:

(1) all payments, except obligations upon the termination of the agreement or contract before the agreement or contract expires, may be made to the public utility or qualified provider (whichever applies) in installments, not to exceed the lesser of ten (10) years or the average life of the energy conservation measures installed from the date of final installation; and

(2) in the case of the guaranteed energy savings contract:

(A) the savings in energy and operating costs due to the energy conservation measures are guaranteed to cover the costs of the payments for the measures; and

(B) the qualified provider will reimburse the school corporation or political subdivision for the difference between the guaranteed savings and the actual savings; and

(3) payments are subject to annual appropriation by the fiscal body of the school corporation or political subdivision and do not constitute an indebtedness of the school corporation or political subdivision within the meaning of a constitutional or statutory debt limitation.

(e) An agreement or a contract under this chapter is subject to IC 5-16-7.

(f) The governing body may not enter into an agreement or stipulate as to savings under the agreement without appropriate architectural, engineering, or accounting studies.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 337 as reprinted April 11, 2001.)

HASLER

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 337, begs leave to report that said bill has been amended as directed.

HASLER

Report adopted.

The question then was, Shall the bill pass?

Roll Call 550: yeas 92, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:00 p.m. with the Speaker in the Chair.

Representative Bauer was present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1271

Representative Mahern called down Engrossed House Bill 1271 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the constitutional duties of the general assembly.

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

Roll Call 551: yeas 53, nays 46. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Miller.

Representative Mock was present.

Engrossed House Bill 1776

Representative Mahern called down Engrossed House Bill 1776 for third reading:

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

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

Roll Call 552: yeas 53, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Miller.

Representatives Aguilera and Kruzan were excused.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 165

Representative Porter called down Engrossed Senate Bill 165 for third reading:

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

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

HOUSE MOTION
(Amendment 165–11)

Mr. Speaker: I move that Engrossed Senate Bill 165 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 8, line 10, delete "." and insert "**; however, the provision of IC 20-7.5-1-5(a) that requires any items included in the 1972-1973 agreements between an employer school corporation and an employee organization to continue to be bargainable does not apply to the school city.**".

Page 32, delete lines 26 through 33.

Renumber all SECTIONS consecutively.

(Reference is to ESB 165 as reprinted April 12, 2001.)

PORTER

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 165, begs leave to report that said bill has been amended as directed.

PORTER

Report adopted.

The question then was, Shall the bill pass?

Roll Call 553: yeas 81, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

SPECIAL ORDER OF BUSINESS

Engrossed Senate Bill 404

The Speaker handed down for third reading Engrossed Senate Bill 404,sponsored by Representative C. Brown. The bill had been made a special order of business:

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

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

After discussion, Representative C. Brown withdrew the call of Engrossed Senate Bill 404.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:15 p.m. with the Speaker in the Chair.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On April 12, 2001, I signed into law House Enrolled Acts 1229, 1235, 1247, 1361, 1386, 1388, 1475, 1479, 1560, 1608, 1611, 1667, 2041, 2108, and 2117.

FRANK O'BANNON
Governor

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 457

Representative Kromkowski called down Engrossed Senate Bill 457 for third reading:

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

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

HOUSE MOTION
(Amendment 457–1)

Mr. Speaker: I move that Engrossed Senate Bill 457 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 11, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 13. IC 36-7-31.3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) A tax area must be initially established by resolution:

(1) except as provided in subdivision (2), before July 1, 1999; **or**

(2) in the case of a second class city, before July 1, 2002;

according to the procedures set forth for the establishment of an economic development area under IC 36-7-14. A tax area may be changed or the terms governing the tax area revised in the same manner as the establishment of the initial tax area.

(b) In establishing the tax area, the city or county legislative body must make the following findings instead of the findings required for the establishment of economic development areas:

(1) There is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used:

(A) by a professional sports franchise; or

(B) for convention or tourism related events.

(2) The capital improvement that will be undertaken or that has been undertaken in the tax area will benefit the public health and welfare and will be of public utility and benefit.

(3) The capital improvement that will be undertaken or that has been undertaken in the tax area will protect or increase state and local tax bases and tax revenues.

(c) The tax area established under this chapter is a special taxing district authorized by the general assembly to enable the ~~county~~ **designating body** to provide special benefits to taxpayers in the tax area by promoting economic development that is of public use and benefit.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 457 as printed April 6, 2001.)

KROMKOWSKI

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 457, begs leave to report that said bill has been amended as directed.

KROMKOWSKI

Report adopted.

The question then was, Shall the bill pass?

Roll Call 554: yeas 87, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 321

Representative Weinzapfel called down Engrossed Senate Bill 321 for third reading:

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

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

Roll Call 555: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Bauer, Kuzman, and Wolkins were excused.

Engrossed Senate Bill 320

Representative Weinzapfel called down Engrossed Senate Bill 320 for third reading:

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

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

Roll Call 556: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

Engrossed Senate Bill 317

Representative Fry called down Engrossed Senate Bill 317 for third reading:

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

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

Representatives Gregg and Mannweiler were excused from voting.

Roll Call 557: yeas 66, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 313

Representative C. Brown called down Engrossed Senate Bill 313 for third reading:

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

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

Roll Call 558: yeas 87, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Wolkins was present.

Engrossed Senate Bill 310

Representative Pelath called down Engrossed Senate Bill 310 for third reading:

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

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

Roll Call 559: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Mellinger was excused.

Engrossed Senate Bill 309

Representative Crawford called down Engrossed Senate Bill 309 for third reading:

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

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

Roll Call 560: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 272

Representative Sturtz called down Engrossed Senate Bill 272 for third reading:

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

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

Representative Espich was excused from voting. Roll Call 561: yeas 78, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 538

Representative Crosby called down Engrossed Senate Bill 538 for third reading:

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

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

Roll Call 562: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 263

Representative Stilwell called down Engrossed Senate Bill 263 for third reading:

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

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

Roll Call 563: yeas 88, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 262

Representative Bottorff called down Engrossed Senate Bill 262 for third reading:

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

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

Roll Call 564: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 261

Representative Saunders called down Engrossed Senate Bill 261 for third reading:

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

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

Roll Call 565: yeas 87, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 240

Representative Crooks called down Engrossed Senate Bill 240 for third reading:

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

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

Roll Call 566: yeas 89, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 236

Representative Weinzapfel called down Engrossed Senate Bill 236 for third reading:

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

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

Roll Call 567: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer was present.

Engrossed Senate Bill 231

Representative Kersey called down Engrossed Senate Bill 231 for third reading:

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

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

Roll Call 568: yeas 55, nays 40. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 230

Representative Sturtz called down Engrossed Senate Bill 230 for third reading:

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

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

HOUSE MOTION
(Amendment 230–1)

Mr. Speaker: I move that Engrossed Senate Bill 230 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 2, after line 8, begin a new line block indented and insert:
"**(13) An individual who is:**
(A) an employee of a federal agency; and
(B) authorized to make arrests and carry a firearm in the performance of the individual's official duties.".
(Reference is to ESB 230 as printed March 30, 2001.)

STURTZ

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 230, begs leave to report that said bill has been amended as directed.

STURTZ

Report adopted.

The question then was, Shall the bill pass?

Roll Call 569: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 229

Representative Crosby called down Engrossed Senate Bill 229 for third reading:

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

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

Roll Call 570: yeas 80, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer was excused.

Engrossed Senate Bill 226

Representative Weinzapfel called down Engrossed Senate Bill 226 for third reading:

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

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

Roll Call 571: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 216

Representative Crawford called down Engrossed Senate Bill 216 for third reading:

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

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

HOUSE MOTION
(Amendment 216–2)

Mr. Speaker: I move that Engrossed Senate Bill 216 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:
Page 3, line 16, delete "on".
Page 3, line 31, delete "subsection(a)" and insert "**subsection (a)**".
Page 3, line 33, delete "subsection(a)" and insert "**subsection (a)**".
Page 3, line 42, after "(UB92)" insert "**.**".
Page 4, line 6, delete "subsection(a)" and insert "**subsection (a)**".
Page 4, line 8, delete "subsection(a)" and insert "**subsection (a)**".
(Reference is to ESB 216 as reprinted April 10, 2001.)

CRAWFORD

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 216, begs leave to report that said bill has been amended as directed.

CRAWFORD

Report adopted.

The question then was, Shall the bill pass?

Roll Call 572: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer was present.

Engrossed Senate Bill 215

Representative C. Brown called down Engrossed Senate Bill 215 for third reading:

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

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

Roll Call 573: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 206

Representative Steele called down Engrossed Senate Bill 206 for third reading:

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

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

Roll Call 574: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 204

Representative T. Adams called down Engrossed Senate Bill 204 for third reading:

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

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

Roll Call 575: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:45 p.m. with the Speaker in the Chair.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 190

Representative Weinzapfel called down Engrossed Senate Bill 190 for third reading:

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

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

HOUSE MOTION
(Amendment 190–3)

Mr. Speaker: I move that Engrossed Senate Bill 190 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 6, line 7, delete "**thirty-three percent (33%)**" and insert "**twenty-five percent (25%)**".

Page 7, line 25, delete "**thirty-three percent (33%)**" and insert "**twenty-five percent (25%)**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 190 as reprinted April 12, 2001.)

WEINZAPFEL

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 190, begs leave to report that said bill has been amended as directed.

WEINZAPFEL

Report adopted.

The question then was, Shall the bill pass?

After discussion, Representative Weinzapfel withdrew the call of Engrossed Senate Bill 190.

Engrossed Senate Bill 182

Representative Cook called down Engrossed Senate Bill 182 for third reading:

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

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

Roll Call 576: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Kruzan was present. Representative Becker was excused.

Engrossed Senate Bill 174

Pursuant to House Rule 146.3, the sponsor of Engrossed Senate Bill 174, Representative Kuzman, granted consent to the cosponsor, Representative Foley, to call the bill down for third reading. Representative Foley called down Engrossed Senate Bill 174 for third reading:

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

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

HOUSE MOTION
(Amendment 174–1)

Mr. Speaker: I move that Engrossed Senate Bill 174 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 15, line 10, after "in" insert "**IC**".

(Reference is to ESB 174 as printed April 9, 2001.)

KUZMAN

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 174, begs leave to report that said bill has been amended as directed.

KUZMAN

Report adopted.

The question then was, Shall the bill pass?

Roll Call 577: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Kruzan was excused.

Engrossed Senate Bill 152

Representative Sturtz called down Engrossed Senate Bill 152 for third reading:

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

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

Roll Call 578: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 151

Representative Sturtz called down Engrossed Senate Bill 151 for third reading:

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

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

Roll Call 579: yeas 88, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 33

Representative Sturtz called down Engrossed Senate Bill 33 for third reading:

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

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

Roll Call 580: yeas 89, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 137

Representative Crawford called down Engrossed Senate Bill 137 for third reading:

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

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

Roll Call 581: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill.

Engrossed Senate Bill 96

Pursuant to House Rule 146.3, the sponsor of Engrossed Senate Bill 96, Representative Kuzman, granted consent to the cosponsor, Representative Alderman, to call the bill down for third reading. Representative Alderman called down Engrossed Senate Bill 96 for third reading:

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

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

Roll Call 582: yeas 81, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 67

Representative Dvorak called down Engrossed Senate Bill 67 for third reading:

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

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

Roll Call 583: yeas 71, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 50

Representative Klinker called down Engrossed Senate Bill 50 for third reading:

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

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

Roll Call 584: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 404

Representative C. Brown called down Engrossed Senate Bill 404 for third reading:

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

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

Roll Call 585: yeas 55, nays 38. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 19

Representative Welch called down Engrossed Senate Bill 19 for third reading:

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

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

Roll Call 586: yeas 83, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Becker was present.

Engrossed Senate Bill 8

Representative Welch called down Engrossed Senate Bill 8 for third reading:

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

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

Roll Call 587: yeas 87, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Becker was excused.

Engrossed Senate Bill 5

Representative Welch called down Engrossed Senate Bill 5 for third reading:

A BILL FOR AN ACT concerning motor vehicles.

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

Roll Call 588: yeas 84, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 190

Representative Weinzapfel called down Engrossed Senate Bill 190 for third reading:

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

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

Roll Call 589: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

[*Journal Clerk's note: a third reading amendment to Engrossed Senate Bill 190 was adopted when it was first called down for third reading, see page 969.*]

Engrossed Senate Bill 464

Representative Weinzapfel called down Engrossed Senate Bill 464 for third reading:

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

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

Roll Call 590: yeas 86, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 329

Representative Kromkowski called down Engrossed Senate Bill 329 for third reading:

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

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

HOUSE MOTION
(Amendment 329–2)

Mr. Speaker: I move that Engrossed Senate Bill 329 be recommitted to a Committee of One, its sponsor, with specific instructions to

amend as follows:

Page 12, after line 4 , begin a new paragraph and insert: SECTION 25. IC 36-2-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) This subsection does not apply to a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The executive shall divide the county into three (3) districts that are composed of contiguous territory and are reasonably compact. The district boundaries drawn by the executive must not cross precinct boundary lines and must divide townships only when a division is clearly necessary to accomplish redistricting under this section. If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A county redistricting commission shall divide the

county into three (3) single-member districts that comply with subsection (d). The commission is composed of:

(1) the members of the Indiana election commission;

(2) two (2) members of the senate selected by the president pro tempore, one (1) from each political party; and

(3) two (2) members of the house of representatives selected by the speaker, one (1) from each political party.

~~The legislative members of the commission have no vote and may act in an advisory capacity.~~ A majority vote of the voting members is required for the commission to take action. The commission may meet as frequently as necessary to perform its duty under this subsection. The commission's members above that provided for them as members of the Indiana election commission, the senate, or the house of representatives.

(c) This subsection applies to a county having a population of more n two hundred thousand (200,000) but less than three hundred thousand (3) single-member districts that comply with subsection (d).

(d) Single member districts established under subsection 9b) or (c) must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) contain, as nearly as is possible, equal population; and

(3) not cross precinct lines.

(e) A division under subsection (a), (b), or (c) will be made:

(1) in 2001 and every ten (10) years after that; and

(2) when the county adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

(Reference is to ESB 329 as reprinted April 10, 2001.)

KROMKOWSKI

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

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 329, begs leave to report that said bill has been amended as directed.

KROMKOWSKI

Report adopted.

The question then was, Shall the bill pass?

Roll Call 591: yeas 60, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 365

Representative Pelath called down Engrossed Senate Bill 365 for third reading:

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

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

Representative Murphy was excused from voting. Roll Call 592: yeas 87, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 524

Representative Bauer called down Engrossed Senate Bill 524 for third reading:

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

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

Roll Call 593: yeas 63, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, April 16, 2001 at 1:00 p.m.

STEVENSON

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1207, 1705, 1742, and 1977 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1554, 1570, 1674, and 1710 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1212 and 1418 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1342, 1578, and 1636 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1487, 1510, 1618, 1663, 1727, 1829, 1874, 1894, 1902, 1937, 1958, 1973, 2014, 2037, and 2100

with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1499, 1511, 1541, 1555, 1585, 1599, 1628, 1647, 1671, 1673, 1781, and 1813 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1001:

Conferees: R. Meeks and Simpson
Advisors: Borst, Johnson, Skillman, Kenley, Alexa, Blade, and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 104 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Alexa

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 131 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Wheeler, Chair; and Lewis

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 141 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Long, Chair; and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that 1the Senate has not concurred in House amendments to Engrossed Senate Bill 176 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 199 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Alexa

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 389 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Zakas, Chair; and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 456 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Hershman, Chair; and R. Young

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 501 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Landske, Chair; and Rogers
Advisors: Antich and C. Lawson

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 99 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 585, Roll Call 513, on April 12, 2001. In support of this petition, I submit the following reason:

"I was present, but when I attempted to vote, I was unable to reach the button. I intended to vote Yea."

FOLEY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 513 to* 85 yeas, 0 nays. The corrected roll call is printed with this Journal.]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 243, Roll Call 525, on April 12, 2001. In support of this petition, I submit the following reason:

"I was present, but when I attempted to vote, I was unable to reach the button. I intended to vote Yea."

FOLEY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 525 to 74 yeas, 18 nays. The corrected roll call is printed with this Journal.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Bodiker be removed as author of House Bill 1113, Representative Grubb be substituted as author, and Representative Bodiker be added as coauthor.

BODIKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representative Bosma be added as cosponsor of Engrossed Senate Bill 165.

PORTER

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

HOUSE MOTION

Mr. Speaker: I move that Representative Crosby be added as cosponsor of Engrossed Senate Bill 471.

KLINKER

Motion prevailed.

On the motion of Representative Goodin the House adjourned at 7:55 p.m., this twelfth day of April, 2001, until Monday, April 16, 2001, at 1:00 p.m.

JOHN R. GREGG
Speaker of the House of Representatives

LEE ANN SMITH
Principal Clerk of the House of Representatives