

Adopted	Rejected
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## COMMITTEE REPORT

YES:	13
NO:	1

### MR. SPEAKER:

*Your Committee on Human Affairs, to which was referred House Bill 1015, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 offices and administration.
- 4 Page 1, line 1, delete "IC 24-3-5" and insert "IC 4-6-9.1".
- 5 Page 1, line 2, delete "JULY" and insert "UPON PASSAGE]:".
- 6 Page 1, delete line 3.
- 7 Page 1, line 4, delete "5." and insert "**9.1**".
- 8 Page 1, line 4, after "Gouging" insert "**in Declared Emergencies**".
- 9 Page 1, line 5, delete "As used in this chapter, "commodity" means
- 10 a good," and insert "**(a) Sections 1 through 7 of this chapter apply**
- 11 **to the period during which an emergency is declared and the**
- 12 **twenty-four (24) hours before the declaration by the governor**
- 13 **under IC 10-4-1-7 or IC 10-4-1-7.1.**
- 14 **(b) The definitions in IC 10-4-1-3 apply to this chapter.**
- 15 **Sec. 2. For purposes of this chapter, "price gouging" means**
- 16 **charging a consumer an unconscionable amount for the sale of fuel.**

1       **Price gouging occurs if:**

2               **(1) the amount charged grossly exceeds the average price at**  
3               **which fuel was readily obtainable within the retailer's trade**  
4               **area during the seven (7) days immediately before the**  
5               **declaration of emergency; and**

6               **(2) the increase in the amount charged is not attributable to**  
7               **cost factors to the retailer, including replacement costs, taxes,**  
8               **and transportation costs incurred by the retailer.**

9               **Sec. 3. It is unlawful for a retailer to sell a commodity to a**  
10              **consumer at an unconscionable price within the area for which a**  
11              **state of emergency has been declared.**

12              **Sec. 4. The attorney general has the following powers and duties**  
13              **regarding price gouging:**

14                      **(1) To investigate complaints received claiming price gouging.**

15                      **(2) To seek injunctive relief as appropriate.**

16                      **(3) To seek restitution for victims of price gouging.**

17                      **(4) To institute an action to levy and collect a civil penalty.**

18              **Sec. 5. (a) Information obtained during the attorney general's**  
19              **investigation under this chapter, including information from a**  
20              **person who responds to the investigation and designates the**  
21              **information as confidential, must be maintained as confidential**  
22              **until the investigation is completed by the attorney general and a**  
23              **course of action is determined. The attorney general may not make**  
24              **known in any manner any information obtained in the course of**  
25              **the investigation to persons other than those specified in subsection**  
26              **(c). Once the investigation is completed, if there is an agreed upon**  
27              **settlement or if charges are filed, the information becomes public.**

28                      **(b) This section does not prohibit the use of confidential**  
29              **information to prepare statistics or other general data for**  
30              **publication, if the information is presented in a manner that**  
31              **prevents identification of particular persons or locations under**  
32              **investigation.**

33                      **(c) For purposes of this section, references to the attorney**  
34              **general include other individuals designated in writing and acting**  
35              **on behalf of the attorney general during the investigation. A person**  
36              **designated shall preserve the confidentiality of information under**  
37              **subsection (a).**

38                      **(d) A person who is served with a request for information, a**

1 subpoena to give testimony orally or in writing, or a request or  
2 order to produce books, papers, correspondence, memoranda,  
3 agreements, or other documents or records under this chapter may  
4 apply to any court for protection against abuse or hardship.

5 Sec. 6. If an investigation by the attorney general results in a  
6 finding of price gouging, the attorney general may bring an action  
7 in a circuit or superior court with jurisdiction in the county where  
8 the price gouging allegedly occurred. If the court finds that the  
9 retailer engaged in price gouging, the court may assess a civil  
10 penalty against the retailer. The civil penalty may not be more than  
11 one thousand dollars (\$1,000) per transaction.

12 Sec. 7. Civil penalties collected under section 6 of this chapter  
13 must be deposited in the state general fund.

14 Sec. 8. This chapter preempts the power of local governments to  
15 regulate pricing of commodities under a declaration of emergency:

- 16 (1) under IC 10-4-1-7;
- 17 (2) under IC 10-4-1-7.1; or
- 18 (3) by a local government.

19 SECTION 2. An emergency is declared for this act."

20 Page 1, delete lines 6 through 17.

21 Delete page 2.

(Reference is to HB 1015 as introduced.)

and when so amended that said bill do pass.

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Representative Summers