



STATE OF INDIANA
OFFICE OF THE GOVERNOR
State House, Second Floor
Indianapolis, Indiana 46204

Mitchell E. Daniels, Jr.
Governor

OST-2005-22114-4

May 20, 2005

Neil R. Eisner, Esquire
Assistant General Counsel for Regulation
and Enforcement
Office of General Counsel
U.S. Department of Transportation
400 Seventh Street S.W.
Washington, D.C. 20590

Dear Neil:

I am enclosing a copy of Senate Enrolled Act 127, enacted during the regular session of the 114th General Assembly and related to time observance in the State of Indiana (the "Act").

As provided in the Act, the Indiana General Assembly and I hereby petition the United States Department of Transportation to hold hearings on the location of the boundary between the Eastern Time Zone and the Central Time Zone in Indiana. Please note that, in accordance with the Act, we also advise you that any administrative action to change the boundary should not change the time zone for any of the Indiana counties specified in Section 3(b) of the Act.

We immensely appreciate the efforts you and your staff have contributed to date in assisting Indiana on this issue.

Sincerely,

A handwritten signature in black ink that reads "Mitchell Daniels".

Mitchell E. Daniels, Jr.



APR 5 2005 10:50

Reprinted
April 5, 2005

7:00 PM APR 5 2005

ENGROSSED SENATE BILL No. 127

DIGEST OF SB 127 (Updated April 4, 2005 4:44 pm - DI 75)

Citations Affected: IC 1-1; IC 8-15; IC 8-23; noncode.

Synopsis: Requires Indiana to observe daylight saving time throughout the state. Urges Governor Daniels to petition the United States Department of Transportation to initiate proceedings to hold hearings on the issue of the time zone or time zones in which Indiana's ninety-two counties should be located. Provides that the state supports the effort of any county to change the time zone in which the county is located under procedures established by federal law. Provides that the county executive of a county may exempt itself from observing daylight saving time. Requires the Indiana department of transportation to erect and maintain where appropriate signage indicating a change in the time zone line in each direction on a tollway and on the state highway system.

Effective: Upon passage; January 1, 2006.

Riegsecker, Zakas
(HOUSE SPONSORS — TORR, WOLKINS)

January 4, 2005, read first time and referred to Committee on Commerce and Transportation.
February 10, 2005, amended, reported favorably — Do Pass.
February 22, 2005, read second time, amended, ordered engrossed.
February 23, 2005, engrossed.
February 28, 2005, read third time, passed. Yeas 38, nays 10.
HOUSE ACTION
March 14, 2005, read first time and referred to Committee on Public Policy and Veterans Affairs.
March 31, 2005, amended, reported — Do Pass.
April 4, 2005, read second time, amended, ordered engrossed.

ES 127—LS 6412/DI 96+



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Reprinted
April 5, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

**ENGROSSED
SENATE BILL No. 127**



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

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 1-1-8.1-3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 3. The state supports the county executive
4 of any county that seeks to change the time zone in which the
5 county is located under the procedures established by federal law.**

6 SECTION 2. IC 1-1-8.1-4 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: **Sec. 4. (a) This section applies to a county that
9 meets either of the following descriptions:**

10 (1) **The county is adjacent to the boundary between the
11 Central Time Zone and the Eastern Time Zone.**

12 (2) **The county is adjacent to a county that has exempted itself
13 from observance of daylight saving time under this section.**

14 (b) **Notwithstanding any other law, daylight saving time is not
15 required to be observed in a county to which this section applies if
16 the county executive adopts a resolution providing that daylight
17 saving time is not required to be observed in the county.**

18 SECTION 3. IC 8-15-3-22.5 IS ADDED TO THE INDIANA CODE

ES 127—LS 6412/DI 96+



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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: **Sec. 22.5. Where appropriate, the department
3 shall erect and maintain signage indicating a change in the time
4 zone line in each direction on a tollway.**

5 SECTION 4. IC 8-23-4-13 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: **Sec. 13. Where appropriate, the department
8 shall erect and maintain signage indicating a change in the time
9 zone line in each direction on:**

10 (1) a highway located within the state highway system as set
11 forth in section 2(a) of this chapter; and

12 (2) the interstate highway system.

13 SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE
14 JANUARY 1, 2006]: IC 1-1-8.1-1; IC 1-1-8.1-2.

15 SECTION 6. [EFFECTIVE UPON PASSAGE] **The Indiana
16 general assembly urges Governor Daniels to petition the United
17 States Department of Transportation to initiate proceedings under
18 the Uniform Time Act of 1966 to hold hearings in the appropriate
19 locations in Indiana on the issue of the time zone or time zones in
20 which Indiana's ninety-two (92) counties should be located.**

21 SECTION 7. [EFFECTIVE UPON PASSAGE] **As provided in
22 IC 1-1-1-8, the provisions of this act are severable.**

23 SECTION 8. **An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 127.

RIEGSECKER

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill No. 127, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 5, delete "on" and insert "**on:**
(A)".

Page 2, line 7, delete "State Road 331" and insert "**U.S. 31**".

Page 2, line 8, delete "County." and insert "**County; and
(B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in
St. Joseph County to the boundary line between Indiana
and Michigan.**".

and when so amended that said bill do pass.

(Reference is to SB 127 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 6, Nays 3.

SENATE MOTION

Madam President: I move that Senate Bill 127 be amended to read as follows:

Page 2, line 8, delete "and".

Page 2, line 11, delete "." and insert "**; and**".

Page 2, between lines 11 and 12, begin a new line double block indented and insert:

"(C) a highway classified by the Indiana department of transportation as an INDOT Freeway."

(Reference is to SB 127 as printed February 11, 2005.)

RIEGSECKER

ES 127—LS 6412/DI 96+

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred Senate Bill 127, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning general provisions.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 127 as reprinted February 23, 2005.)

ALDERMAN, Chair

Committee Vote: yeas 8, nays 4.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 127 be amended to read as follows:

Delete the title and insert the following:

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

Replace the effective date in SECTION 1 with "[EFFECTIVE JANUARY 1, 2006]".

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

"SECTION 1. IC 1-1-8.1-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. The state supports the county executive of any county that seeks to change the time zone in which the county is located under the procedures established by federal law.**

SECTION 2. IC 1-1-8.1-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) This section applies to a county that meets either of the following descriptions:**

- (1) The county is adjacent to the boundary between the Central Time Zone and the Eastern Time Zone.**
- (2) The county is adjacent to a county that has exempted itself from observance of daylight saving time under this section.**



(b) Notwithstanding any other law, daylight saving time is not required to be observed in a county to which this section applies if the county executive adopts a resolution providing that daylight saving time is not required to be observed in the county."

Page 1, line 1, delete "IC 1-1-8.1 IS" and insert "THE FOLLOWING ARE".

Page 1, line 2, delete "." and insert ": IC 1-1-8.1-1; IC 1-1-8.1-2."

Page 1, delete lines 3 through 5.

Page 1, between lines 11 and 12, begin a new paragraph and insert: **"SECTION 5. [EFFECTIVE UPON PASSAGE] As provided in IC 1-1-8, the provisions of this act are severable."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 127 as printed April 1, 2005.)

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 127 be amended to read as follows:

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

"SECTION 1. IC 8-15-3-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22.5. Where appropriate, the department shall erect and maintain signage indicating a change in the time zone line in each direction on a tollway.

SECTION 2. IC 8-23-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. Where appropriate, the department shall erect and maintain signage indicating a change in the time zone line in each direction on:

- (1) a highway located within the state highway system as set forth in section 2(a) of this chapter; and**
- (2) the interstate highway system."**

Page 1, line 12, after "4" insert ".".

Renumber all SECTIONS consecutively.

(Reference is to ESB 127 printed April 1, 2005.)

VAN HAAFTEN

