



Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Twenty-ninth Day

Tuesday Afternoon

March 10, 2015

The invocation was offered by Tim Ramseier, Executive Director of Wabash Valley Youth For Christ, a guest of Representative Bob Heaton.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

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

The Speaker ordered the roll of the House to be called:

Arnold	Klinker
Austin	Koch
Aylesworth	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Bauer	Lucas
Behning	Macer <input type="checkbox"/>
Beumer	Mahan
Borders	Mayfield
Braun	McMillin
C. Brown	McNamara
T. Brown	D. Miller
Burton	Moed <input type="checkbox"/>
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cook	Negele
Cox	Niezgodski
Culver <input type="checkbox"/>	Nisly
Davisson	Ober
DeLaney	Olthoff
Dermody	Pelath
DeVon	Pierce
Dvorak	Porter
Eberhart <input type="checkbox"/>	Price
Errington	Pryor
Fine	Rhoads
Forestal	Richardson
Friend	Riecken
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Slager
Gutwein	Smaltz
Hale	M. Smith
Hamm	V. Smith
Harman	Soliday
Harris <input type="checkbox"/>	Speedy
Heaton	Stemler
Huston	Steuerwald
Judy	Sullivan
Karickhoff	Summers
Kersey	Thompson
Kirchhofer	Torr

Truitt
Ubelhor
VanNatter
Washburne
Wesco

Wolkins
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 273: 93 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 12, 2015, at 10:00 a.m.

FRIEND

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 4, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 4 as printed January 8, 2015.)

Committee Vote: Yeas 8, Nays 1.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 171, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 171 as printed January 14, 2015.)

Committee Vote: Yeas 8, Nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 199, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 17, delete "ombudsman" and insert "**small business ombudsman**".

Page 8, line 34, after "corporation" insert "**small business**".

Page 8, line 42, after "corporation" insert "**small business**".

Page 9, line 5, delete "IC 4-22-2.1-3.6" and insert "IC 4-22-2.1-4.5".

Page 9, line 7, delete "3.6." and insert "**4.5**".

Page 9, line 8, delete "ombudsman" and insert "**small business ombudsman**".

Page 10, line 40, reset in roman "small business".

Page 11, line 4, after "corporation" insert "**small business**".

Page 11, line 6, after "corporation" insert "**small business**".
 Page 11, line 10, after "corporation's" insert "**small business**".

Page 11, line 27, after "corporation's" insert "**small business**".

Page 11, line 38, after "corporation" insert "**small business**".
 Page 11, line 42, after "corporation" insert "**small business**".

Page 46, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 56. IC 36-1-12.5-10, AS AMENDED BY P.L.168-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The governing body shall:

(1) provide to the ~~lieutenant governor~~ **director of the Indiana office of energy development** not more than sixty (60) days after the date of execution of the guaranteed savings contract:

- (A) a copy of the executed guaranteed savings contract;
- (B) the:
 - (i) energy or water consumption costs;
 - (ii) wastewater usage costs; and
 - (iii) billable revenues, if any;

before the date of execution of the guaranteed savings contract; and

- (C) the documentation using industry engineering standards for:
 - (i) stipulated savings; and
 - (ii) related capital expenditures; and

(2) annually report to the ~~lieutenant governor~~, **director of the Indiana office of energy development**, in accordance with procedures established by the ~~lieutenant governor~~, **director of the Indiana office of energy development**, the savings resulting in the previous year from the guaranteed savings contract or utility efficiency program.

SECTION 57. IC 36-1-12.5-12, AS AMENDED BY P.L.168-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) An improvement that is not causally connected to a conservation measure may be included in a guaranteed savings contract if:

- (1) the total value of the improvement does not exceed fifteen percent (15%) of the total value of the guaranteed savings contract; and
- (2) either:

(A) the improvement is necessary to conform to a law, a rule, or an ordinance; or

(B) an analysis within the guaranteed savings contract demonstrates that:

- (i) there is an economic advantage to the political subdivision in implementing an improvement as part of the guaranteed savings contract; and
- (ii) the savings justification for the improvement is documented by industry engineering standards.

(b) The information required under subsection (a) must be reported to the ~~lieutenant governor~~, **director of the Indiana office of energy development**."

Renumber all SECTIONS consecutively.

(Reference is to SB 199 as reprinted January 21, 2015.)
 and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 289, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 289 as printed February 13, 2015.)

Committee Vote: Yeas 10, Nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 298, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 3 through 7, begin a new line block indented and insert:

"(1) has served in the active:

- (A) military service;
- (B) naval service; or
- (C) air service; and

(2) was discharged for reasons other than dishonorable."

Page 2, line 13, delete "A private" and insert "**Except as provided in section 10 of this chapter, a private**".

Page 2, after line 27, begin a new paragraph and insert:

"**Sec. 10. Any policy adopted under section 5 of this chapter may not:**

(1) apply to or abrogate a collectively bargained agreement in effect before the adoption of this policy; and

(2) interfere with an employer's obligations under the federal National Labor Relations Act (29 U.S.C. 151 et seq.) or the federal Uniformed Services Employment and Reemployment Act (38 U.S.C. 4301 et seq.)."

Renumber all SECTIONS consecutively.

(Reference is to SB 298 as printed January 21, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 306, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 306 as printed February 11, 2015.)

Committee Vote: Yeas 6, Nays 3.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 434, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 434 as printed February 13, 2015.)

Committee Vote: Yeas 10, Nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 489, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, after "irregular" insert "material".
 (Reference is to SB 489 as reprinted February 24, 2015.)
 and when so amended that said bill do pass.
 Committee Vote: yeas 11, nays 0.

MAHAN, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 34

Representatives Beumer, Arnold, Mayfield, Wright, Morrison, Friend, Frizzell, Leonard, Richardson, Culver, DeVon, Nisly, Cox, Koch, Zent, Truitt, GiaQuinta, Harman, VanNatter, Kirchhofer, Ziemke, Wolkins, Negele, Miller, Eberhart, Heaton, Aylesworth, Braun, Gutwein, Lehe, Mahan, Pryor, Goodin, Judy, Washburne, Thompson, Cherry, Pelath, Lawson, Bauer, Harris, Lehman, Moseley, DeLaney, Baird, Dermody, Olthoff, Clere, Davisson, McNamara, Torr, Errington and Rhoads introduced House Concurrent Resolution 34:

A CONCURRENT RESOLUTION recognizing the importance and sustainability of Indiana's hardwood industry.

Whereas, Indiana's hardwood industry has a worldwide reputation for growing, managing, and producing high quality hardwood trees and products;

Whereas, There are over 4.7 million acres of forest land in Indiana, and this acreage has increased by more than 40,000 acres since 1998, representing 20 percent of Indiana's land base;

Whereas, Forest resources have been a staple of the state's economy since its beginning, sustaining businesses, families, and rural communities;

Whereas, The Indiana Hardwood Lumbermen's Association has been in continuous existence since 1898, and the industry employs over 35,000 people with an additional 86,000 jobs generated in economic sectors supported by the hardwood industry;

Whereas, In 2010 the hardwood industry had a \$16.6 billion annual economic impact with sawtimber growth volume exceeding harvest levels annually;

Whereas, Indiana's forests are certified as sustainable by both the Sustainable Forestry Initiative (SFI) and the Forest Stewardship Council (FSC), assuring customers globally that Indiana manages its forests in an environmentally responsible and sustainable manner;

Whereas, With 86 percent of its forests privately owned, Indiana is a leading producer of wood office furniture, manufactured homes, wood cabinets, wooden caskets and coffins, and hardwood plywood products; and

Whereas, Hardwoods are the largest component of Indiana's agricultural economy in terms of jobs, wages, and economic impact, and the industry has long been known for its careful and sustainable stewardship of the state's forest resources through continuing principles of sustainable forestry: Therefore,

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

SECTION 1. That the Indiana General Assembly wishes to recognize the impact the hardwood industry has on Indiana's economy.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the Indiana Hardwood Lumbermen's Association.

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 Head.

House Concurrent Resolution 35

Representatives Pierce, Mayfield, Heaton, Ubelhor and Koch introduced House Concurrent Resolution 35:

A CONCURRENT RESOLUTION commemorating the 100th anniversary of the Greater Bloomington Chamber of Commerce.

Whereas, In 1915, the Greater Bloomington Chamber of Commerce was established by a group of local business leaders;

Whereas, For the past 100 years the Greater Bloomington Chamber of Commerce has proudly served the Bloomington and Monroe County business community, as well as the community as a whole, with integrity, leadership, and collaboration;

Whereas, For 100 years the Greater Bloomington Chamber of Commerce has provided leadership through member engagement, business advocacy, and civic partnerships to strengthen its community and business environment; to be the voice of business in greater Bloomington; to advance collaborative, regional partnerships; to engage and foster young professionals; to prepare students for the world of work and recognize community leaders; to effectively communicate with Chamber members and the community and to operate the Chamber with excellence and innovation;

Whereas, In fulfilling that mission, the Greater Bloomington Chamber of Commerce identifies community needs, concerns, and opportunities, and develops programs that satisfy those needs;

Whereas, The Chamber's accomplishments include leading support for local and statewide priority transportation improvements; developing of public water resources such as Lakes Lemon, Griffy, and Monroe; revitalizing downtown Bloomington; and being named Indiana Chamber of the Year and recognized nationally as 2012 Chamber of the Year;

Whereas, The Chamber has demonstrated its support of Bloomington and Monroe County education by leading school bond referendums, making programs and opportunities available through the Franklin Initiative; and

Whereas, Residents and businesses have benefited from the efforts of the Greater Bloomington Chamber of Commerce and its members, creating an exceptional quality of life as recognized by the Indiana Chamber's Community of the Year award, the number one national ranking for City Work-Life Balance, the number two ranking for High-Tech GDP concentration, the number four ranking for Best Places for Business Careers, and being identified as one of the top 50 Hottest Small Cities for Entrepreneurs, one of America's Best Cities for Doing Business, and one of America's Smartest Cities: 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 commemorates the 100th anniversary of the Greater Bloomington Chamber of Commerce, recognizes the Chamber as the leading business organization in Monroe County, and honors it as the organization that "builds better business and better community".

SECTION 2. That the members of the Legislature applaud and recognize the Greater Bloomington Chamber of Commerce

for its 100 years of service to the business community in Bloomington and Monroe County.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Greater Bloomington Chamber of Commerce.

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 Stoops.

Senate Concurrent Resolution 17

The Speaker handed down Senate Concurrent Resolution 17, sponsored by Representative Steuerwald:

A CONCURRENT RESOLUTION honoring Ruth Funk Jensen for her many years of service to Hendricks County, Indiana, in celebration of her 90th birthday.

Whereas, Ruth Funk Jensen was born on March 10, 1925, in Casey County, Kentucky to Thomas Chelf and Mary Wethington Chelf, and as a child, Ruth was surrounded by the love of her parents, her sister Clementine, and her five brothers Ernest, Buck, Herschel, Elmer, and Bob;

Whereas, The Chelf family moved from Casey County, Kentucky to Lizton, Indiana in 1926;

Whereas, On September 28, 1943, Ruth became a war bride at the age of 17 marrying her husband, Merle Funk, after taking the train to California to be with him before he deployed to the Phillipines;

Whereas, Upon returning to Indiana, Ruth worked at Marmon-Harrington, located on West Washington Street in Indianapolis, where Jeeps were manufactured to support the U.S. Military;

Whereas, In 1957, Ruth and Merle moved to Danville, Indiana, and became involved with the Hendricks County Republican Party;

Whereas, In 1962, Merle was elected and served two terms as Hendricks County Sheriff, at which time Ruth and Merle moved with their three children into the Hendricks County Jail where Ruth began her tenure as Matron;

Whereas, Ruth served as President of the Hendricks County Republican Women's Federation and in this role she had the pleasure of attending a reception for Ronald and Nancy Reagan where Ruth had the opportunity to shake hands and speak with our future President;

Whereas, The Funk family's stay in the Hendricks County Jail was a significant period of time in Indiana history, when the Sheriff and his family would live in the jail with his wife serving as Matron, and the Funk family was the last to reside in the Hendricks County Jail with their children;

Whereas, The old Hendricks County Jail now serves as a museum for the county; and

Whereas, When Ruth concluded her tenure as Matron of the Hendricks County Jail, she then served faithfully as a secretary in the Indiana Senate for several years: 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 honors Ruth Funk Jensen for her many years of service to Hendricks County and the State of Indiana in celebration of her 90th birthday.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ruth Funk Jensen.

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.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representatives Davisson and Clere be added as cosponsors of Engrossed Senate Bill 93.

SMITH, M.

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stemler be added as cosponsor of Engrossed Senate Bill 98.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pryor be added as cosponsor of Engrossed Senate Bill 309.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Pryor be added as cosponsors of Engrossed Senate Bill 374.

TRUITT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Davisson be added as cosponsor of Engrossed Senate Bill 406.

MCMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stemler be added as cosponsor of Engrossed Senate Bill 441.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as cosponsor of Engrossed Senate Bill 515.

SOLIDAY

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 Bill 1549 and the same is herewith returned to the House.

JENNIFER L. MERTZ
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 31 and 33 and the same are herewith returned to the House.

JENNIFER L. MERTZ
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 Resolutions 17, 20 and 24 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Errington, the House adjourned at 2:02 p.m., this tenth day of March, 2015, until Thursday, March 12, 2015, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives