



Journal of the House

State of Indiana

120th General Assembly

First Special Session

First Day

Monday Morning

May 14, 2018

The invocation was offered by Matt Barnes of Public Servants' Prayer.

The House convened at 9:00 a.m. with Speaker Brian C. Bosma in the Chair.

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

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

Austin ●	Kirchhofer
Aylesworth	Klinker
Bacon	Lawson
Baird	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning □	Lucas
Beumer	Lyness
Borders	Macer
C. Brown	Mahan
T. Brown	May
Burton	Mayfield
Candelaria Reardon ●	McNamara
Carbaugh	Miller
Cherry	Moed
Clere	Morris
Cook	Morrison
Culver □	Moseley
Davisson	Negele
DeLaney	Nisly
DeVon	Ober
Dvorak	Olthoff
Eberhart	Pelath
Ellington	Pierce
Engleman	Porter
Errington	Pressel
Forestal	Pryor
Friend	Richardson
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Siegrist
Gutwein	Slager
Hamilton	Smaltz
Hamm	M. Smith
Harris	V. Smith
Hatfield	Soliday
Heaton	Speedy
Heine	Stemler
Huston	Steuerwald
Jordan	Sullivan
Judy	Summers
Karickhoff	J. Taylor
Kersey □	Thompson

Torr
VanNatter
Washburne
Wesco
Wolkins

Wright
J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 1: 95 present; 3 excused; 2 not present. The Speaker announced a quorum in attendance. [NOTE: □ indicates those who were excused. ● indicates those who were absent.]

FILLING VACANT LEGISLATIVE OFFICES

District 82

March 20, 2018

The Honorable Brian C. Bosma
Speaker of the House
Indiana House of Representatives
200 W. Washington Street, Room 3-7
Indianapolis, IN 46204

Dear Speaker Bosma,

On Monday, March 19, 2018 Governor Eric Holcomb announced his intention to appoint me to fill the vacancy at the Indiana Utility Regulatory Commission (IURC) that was created by the retirement of IURC Chairman Jim Atterholt. In order to serve the state in this capacity, I must resign my current position in the Indiana House of Representatives serving District 82, effective Sunday, April 1, 2018. My first day with the Commission will be Monday, April 2, 2018.

It has been my highest honor to represent Hoosiers in District 82 and the Northeast Indiana region for the past five years. I am grateful for the experience and the opportunities that I was afforded as a member of the House Republican Caucus.

Thank you for your leadership and service to our great state. I will miss all of the members of the House of Representatives and I look forward to continuing to work with all of you in this new capacity.

Sincerely,

David L. Ober
State Representative
House District 82

CERTIFICATION OF APPOINTMENT TO A VACANT STATE LEGISLATIVE OFFICE

TO THE HONORABLE BRIAN C. BOSMA
SPEAKER OF THE HOUSE OF REPRESENTATIVES:

WHEREAS, A vacancy occurred in the office of Indiana State House District 82, on April 1, 2018, due to the resignation of Representative David L. Ober, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, The duly elected and acting state chairman of the Indiana Republican Party set the place, date and time of a caucus comprised of the eligible precinct committeemen from Indiana District 82 and sent a notice by first class mail to all precinct committeemen in the caucus at least ten (10) days before the date of the meeting, setting forth the purpose, place, date and time of the meeting;

WHEREAS, The state chairman or his duly appointed designee presided over the aforesaid caucus, which was conducted on April 26, 2018;

WHEREAS, The caucus, voting by secret ballot, and a majority vote of those casting a vote for the candidate, selected an individual who resides within Indiana House District 82 to fill this vacancy;

WHEREAS, The individual selected to fill the aforesaid vacancy had filed a declaration of candidacy with the chairman of the caucus, and had previously filed a statement of economic interests under Indiana Code 2-2.1-3-2 with the Principal Clerk of the House of Representatives, at least seventy-two (72) hours before the time fixed for the caucus, all as required by Indiana Code 3-13-5-3;

WHEREAS, Under Indiana Code 3-13-5-6, the state chairman is required to certify the name of the individual selected under Indiana Code 3-13-5-1 to fill this vacancy to the Speaker of the Indiana House of Representatives; and

WHEREAS, Under Indiana Code 3-13-5-6, the Speaker of the Indiana House of Representatives is required to acknowledge receipt of this certification, submit a copy of the certificate to be included in the Journal of the Indiana House of Representatives on the day when the individual is seated, (or if this certificate is received after the adjournment *sine die* of the General Assembly, on the first day that the Indiana House of Representatives is in session following receipt of this certificate), and immediately forward the certificate to the Secretary of the State of Indiana: NOW, THEREFORE,

AS THE DULY ELECTED
AND ACTING CHAIRMAN OF THE
INDIANA REPUBLICAN STATE COMMITTEE,

- (1) I certify that David Abbott was selected by the aforesaid caucus to fill the vacancy existing in the Office of the Indiana House of Representatives, District 82;
- (2) I request that the Speaker of the House of Representatives acknowledge receipt of this Certificate by his signature below as provided for by Indiana Code 3-13-5-6;
- (3) I request that the Speaker of the House of Representatives include a copy of this Certificate in the Journal of the Indiana House of Representatives as provided in Indiana Code 1-3-5-6; and
- (4) I request that this Certificate be immediately forwarded to the Secretary of State, as provided by Indiana Code 3-13-5-6.

CERTIFIED, THIS DAY THE TWENTY-SIXTH DAY OF APRIL, 2018:

Kyle Hupfer,
Indiana Republican State Chairman

ACKNOWLEDGMENT OF RECEIPT BY THE
SPEAKER OF THE HOUSE OF REPRESENTATIVES

I hereby acknowledge receipt of this Certificate by my signature below this 30th day of April, 2018.

Signed: Brian C. Bosma
Speaker of the Indiana House of Representatives

NOTIFICATION TO
SECRETARY OF STATE

March 20, 2018

The Honorable Connie Lawson
Indiana Secretary of State
201 State House
Indianapolis, IN 46204

Dear Secretary Lawson:

This is to officially notify you that this office has received from the Chair of the Indiana Republican Committee, a copy of the certification of the election of David Abbott to represent State House District 82, filling the vacancy created by the resignation of David L. Ober. Representative David Abbott was duly elected on April 26, 2018, in a caucus of precinct committee persons in Indiana House District 82.

Sincerely,

Brian C. Bosma
Speaker of the House

CERTIFICATE OF SELECTION
TO STATE LEGISLATIVE OFFICE

TO THE HONORABLE BRIAN C. BOSMA
SPEAKER OF THE INDIANA
HOUSE OF REPRESENTATIVES

WHEREAS, A vacancy occurred in the office of Indiana State Representative, District 82, due to the resignation of the Honorable David L. Ober, who was elected to that office as a candidate of the Indiana Republican Party;

WHEREAS, On April 26, 2018, a caucus composed of Republican Party precinct committeemen from Indiana House District 82 selected David Abbott to fill the vacancy in Indiana House District 82;

WHEREAS, Kyle Hupfer, Chairman of the Indiana Republican Party, certified the selection of David Abbott to fill the vacancy in the office of Indiana State Representative, District 82, to the Speaker of the House of Representatives and the Speaker of the House Representatives acknowledged receipt of the certification;

WHEREAS, The Speaker of the House of Representatives forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office: NOW, THEREFORE,

AS THE DULY ELECTED AND ACTING INDIANA SECRETARY OF STATE, I certify that the Honorable David Abbott has been selected to fill the vacancy existing in the office of Indiana State Representative, District 82.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this Ninth day of May, 2018, being the 242nd year of the Independence of the United States, and the 202nd year of the Statehood of Indiana.

CONNIE LAWSON
Indiana Secretary of State

Representative-elect David Abbott was sworn into office on May 5, 2018 by Justice Steve David. The oath of office is: "I, David Abbott, do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of Indiana, and that I will faithfully and

impartially discharge my duties as a member of the House of Representatives of the General Assembly of the State of Indiana to the best of my skill and ability, so help me God."

Sworn before me, Justice Steve David, this fifth day of May, 2018.

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS
PROCLAMATION

TO ALL WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, The Constitution of the State of Indiana provides, in Article IV, Section 9, that the Governor may call a special session of the Indiana General Assembly by proclamation at any time, " if, in the opinion of the Governor, the public welfare shall require it"; and

WHEREAS, In my opinion, the public welfare requires a special session of the 120th General Assembly, in order to address and resolve important issues of school safety and funding, as well as federal and state tax compliance, for the protection and benefit of our State and its people:

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby proclaim and call a special session of the 120th Indiana General Assembly to convene on May 14, 2018.

SEAL IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 20th day of April, 2018.

Eric J. Holcomb.
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State

The Proclamation was read in full.

**ORGANIZATION OF THE
FIRST SPECIAL SESSION**

HOUSE MOTION

Mr. Speaker: I move that a committee of four (4) members of this House be appointed by the Speaker to notify the Senate that the House of Representatives has met, formed a quorum, and is now prepared to proceed with legislative business and to receive any communications which the Senate may transmit.

LEHMAN

Motion prevailed. The Speaker appointed Representatives Richardson, Sullivan, Goodin and Bartlett.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to notify the Senate that the House has met, has formed a quorum, and is prepared to proceed with the legislative business to receive any communications which the Senate may transmit, respectfully reports that is has performed the duties assigned.

RICHARDSON GOODIN
SULLIVAN BARTLETT

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that a committee of four (4) members of this House be appointed by the Speaker to act with a like committee of the Senate to wait upon the Governor and to notify him of the organization of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business.

LEHMAN

Motion prevailed. The Speaker appointed Representatives Steuerwald, Karickhoff, GiaQuinta and Klinker.

COMMITTEE REPORT

Mr. Speaker: Your committee which was appointed to act with a like committee of the Senate to wait upon the Governor, to notify him of the organization of both Houses of the General Assembly, and to inform him that they are ready for the transaction of legislative business, begs leave to report that is has performed the duties assigned.

STEUERWALD GIAQUINTA
KARICKHOFF KLINKER

Report adopted.

RULES SUSPENSION

HOUSE MOTION

Mr. Speaker: I move that in accordance with Indiana Constitution Article 4, Section 18, solely for House Bill 1230(ss), House Bill 1242(ss), House Bill 1315(ss), House Bill 1316(ss), and House Bill 1457(ss), true and accurate copies of which are attached hereto, the Constitutional provision requiring all bills be read on three separate days be dispensed with and that the House Rules listed below be suspended so that House Bill 1230(ss), House Bill 1242(ss), House Bill 1315(ss), House Bill 1316(ss), and House Bill 1457(ss) need not be printed, need not be referred to committee, may be read the second time by title, considered engrossed, read the third time, and placed upon its passage:

- House Rule 59.1, Noticed of Meetings;
- House Rule 60, Announcement of Meetings;
- House Rule 103, Time to File;
- House Rule 109, Numbering;
- House Rule 112, Referral to Committee;
- House Rule 123, Record of Committee Vote;
- House Rule 129, First Printing—Form;
- House Rule 130; First Printing—Laid on Desks;
- House Rule 141; Calendar of Bills;
- House Rule 142; Eligibility;
- House Rule 143; Calling Down on Second Reading;
- House Rule 144; Engrossment—Reprinting; and
- House Rule 145; Engrossment —Supervision

TORR, Chair

The Speaker ordered the roll of the House to be called for seconding of the motion pursuant to House Rule 8. Roll Call 2: yeas 68, nays 27. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that in accordance with Indiana Constitution Article 4, Section 18, solely for House Bill 1230(ss), House Bill 1242(ss), House Bill 1315(ss), House Bill 1316(ss), and House Bill 1457(ss), true and accurate copies of which are attached hereto, the Constitutional provision requiring all bills be read on three separate days be dispensed with and that the House Rules listed below be suspended so that House Bill 1230(ss), House Bill 1242(ss), House Bill 1315(ss), House Bill 1316(ss), and House Bill 1457(ss) not be printed, need not

be referred to committee, may be read the second time by title, considered engrossed, read the third time, and placed upon its passage:

House Rule 59.1, Noticed of Meetings;
 House Rule 60, Announcement of Meetings;
 House Rule 103, Time to File;
 House Rule 109, Numbering;
 House Rule 112, Referral to Committee;
 House Rule 123, Record of Committee Vote;
 House Rule 129, First Printing—Form;
 House Rule 130; First Printing—Laid on Desks;
 House Rule 141; Calendar of Bills;
 House Rule 142; Eligibility;
 House Rule 143; Calling Down on Second Reading;
 House Rule 144; Engrossment—Reprinting; and
 House Rule 145; Engrossment —Supervision

TORR, Chair

The Speaker ordered the roll of the House to be called for a motion to invoke Article 4, Section 18 and to suspend the rules. Roll Call 3: yeas 68, nays 27. Motion prevailed.

INTRODUCTION OF BILLS

With consent of the members, the following bills and joint resolutions on Bill List 1 were read a first time by title and referred to the respective committees:

HB 1230(ss) — McNamara, Cook, Behning, Goodin

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

HB 1242(ss) — Brown T, Huston

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

HB 1315(ss) — Brown T

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

HB 1316(ss) — Brown T

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

HB 1457(ss) — Steuerwald

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

Representatives Austin and Candelaria Reardon, who had not been present, are now here.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1230(ss)

Representative McNamara called down Engrossed House Bill 1230(ss) 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 4: yeas 96, 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. Senate sponsor: Senator Raatz.

Engrossed House Bill 1242(ss)

Representative T. Brown called down Engrossed House Bill 1242(ss) for third reading:

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

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

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of House Bill 1242(ss). Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of House Bill 1242(ss). Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety.

MOED

Motion prevailed.

Roll Call 5: yeas 74, nays 20. 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 Holdman.

Engrossed House Bill 1316(ss)

Representative T. Brown called down Engrossed House Bill 1316(ss) for third reading:

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

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

Roll Call 6: yeas 75, nays 22. 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 Holdman.

Engrossed House Bill 1457(ss)

Representative Steuerwald called down Engrossed House Bill 1457(ss) for third reading:

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

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

Roll Call 7: yeas 97, 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. Senate sponsor: Senator Head.

Representatives McNamara and Speedy, who had been present, are now excused.

Engrossed House Bill 1315(ss)

Representative T. Brown called down Engrossed House Bill 1315(ss) 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 8: 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. Senate sponsor: Senator Mishler.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1230(ss), 1242(ss), 1316(ss), 1457(ss) and 1315(ss) on May 14.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On May 14, 2018, I signed into law House Enrolled Acts 1230(ss), 1242(ss), 1315(ss), 1316(ss) and 1457(ss).

ERIC HOLCOMB
Governor

OTHER BUSINESS ON THE SPEAKER’S TABLE

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Senate for the purpose of ascertaining if the Senate has any further legislative business to transact with the House of Representatives.

LEHMAN

Motion prevailed. The Speaker appointed Representatives Washburne, Hamm, Shackelford and Pierce.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to ascertain if the Senate has further legislative business to transact with the House of Representatives has performed the duties assigned to them. The committee reports that the Senate has no further legislative business to transact with the House of Representatives.

WASHBURNE SHACKLEFORD
HAMM PIERCE

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Governor for the purpose of ascertaining if the Governor has any further communication to make to the House of Representatives.

LEHMAN

Motion prevailed. The Speaker appointed Representatives Abbott, Beumer, Porter and Candelaria Reardon.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to ascertain if the Governor has further legislative business to transact with the House of Representatives has performed the duties assigned to them. The committee reports that the Governor has no further business with the House of Representatives.

ABBOTT PORTER
BEUMER REARDON

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to inform the Senate that the House of Representatives has completed its business and is ready to adjourn.

LEHMAN

Motion prevailed. The Speaker appointed Representatives Gutwein, Baird, Wright and J. Taylor.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to inform the Senate that the House of Representatives has completed its business and is ready to adjourn, has performed the duties assigned to them. The committee reports that they have informed the Senate that the House of Representatives has completed its business and is ready to adjourn.

GUTWEIN WRIGHT
BAIRD J. TAYLOR

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to inform the Governor that the House of Representatives has completed its business and is ready to adjourn.

LEHMAN

Motion prevailed. The Speaker appointed Representatives Friend, M. Smith, Lawson and Bauer.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to inform the Governor that the House of Representatives has completed its business and is ready to adjourn, has performed the duties assigned to them. The committee reports that they have informed the Governor that the House of Representatives has completed its business and is ready to adjourn.

FRIEND LAWSON
M. SMITH BAUER

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the House of Representatives of the First Special Session of the 120th Indiana General Assembly do now adjourn *sine die* at 12:32 p.m., this fourteenth day of May, 2018.

HAMM

Motion prevailed; the House adjourned *sine die*.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

"I move that Senators Ruckleshaus, Sandlin, Bray and L. Brown be appointed as a committee of four members of the Senate to notify the House of Representatives that the Senate has met, has formed a quorum, and is now prepared to proceed with legislative business and to receive any communications

which the House of Representatives may transmit. Senator Ruckleshaus shall serve as Chair of the Committee."

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 adopted the following motion:

"I move that Senators Eckerty, J. Smith, Bray and L. Brown be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Governor and to notify him of the convening of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly."

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, without amendments, House Bills 1230(ss), 1242(ss), 1316(ss), 1457(ss) and 1315(ss) 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 adopted the following committee report:

"Your committee appointed to confer with the Governor to ascertain whether or not he has any further communications to make to the Senate hereby reports that your Committee of Senators Rucklehaus, Sandlin, Raatz and L. Brown has waited upon the Governor and the Governor has no further communications to make to the Senate."

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 adopted the following committee report:

"Your committee appointed to ascertain whether the House of Representatives has any further legislative business to transact hereby reports that your Committee of Senators Eckerty, J. Smith, Raatz and L. Brown has conferred with the House of Representatives and the House of Representatives has no further business to transact with the Senate."

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 adjourned the First Special Session of the 120th Indiana General Assembly *sine die* on the fourteenth day of May, 2018 at 3:31 p.m.

JENNIFER L. MERTZ
Principal Secretary of the Senate