



# Journal of the House

State of Indiana

118th General Assembly

Second Regular Session

Third Day

Thursday Morning

January 9, 2014

The invocation was offered by Pastor Jeremy Bialek of Indianapolis Christian Fellowship, the guest of Representative Justin W. Moed.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Justin W. Moed.

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

Arnold	Kubacki
Austin	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Battles	Lucas
Bauer	Lutz <input type="checkbox"/>
Behning	Macer
Beumer	Mahan
Braun	Mayfield
C. Brown	McMillan
T. Brown	McNamera
Burton	Messmer
Candelaria Reardon	Moed
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley <input type="checkbox"/>
Cox	Neese <input type="checkbox"/>
Culver	Negele
Davison	Niemeyer
DeLaney	Niezgodski
Dermody	Ober
DeVon	Pelath
Dvorak <input type="checkbox"/>	Pierce
Eberhart	Porter
Errington	Price
Forestal	Pryor
Friend	Rhoads
Frizzell <input type="checkbox"/>	Richardson
Frye	Riecken
GiaQuinta	Saunders <input type="checkbox"/>
Goodin	Shackleford
Gutwein	Slager
Hale	Smaltz
Hamm	M. Smith
Harman	V. Smith
Harris	Soliday
Heaton	Speedy
Heuer	Stemler
Huston	Steuerwald
Karickhoff	Sullivan
Kersey	Summers
Kirchhofer	Thompson
Klinker	Torr
Koch	Truitt

Turner  
Ubelhor  
VanDenburgh  
VanNatter  
Washburne

Wesco  
Wolkins  
Zent  
Ziemke  
Mr. Speaker

Roll Call 3: 94 present; 6 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 Monday, January 13<sup>th</sup>, 2014, at 1:30 p.m.

FRIEND

The motion was adopted by a constitutional majority.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 3

Representatives Heaton and Baird introduced House Concurrent Resolution 3:

A CONCURRENT RESOLUTION honoring Sammy Lee Davis.

*Whereas, The Medal of Honor is the highest military decoration awarded by the United States of America;*

*Whereas, The President of the United States, in the name of Congress, has awarded more than 3,400 Medals of Honor to our nation's bravest soldiers, sailors, airmen, Marines, and Coast Guard members since the medal's creation in 1861;*

*Whereas, Although the Medal of Honor was created for the Civil War, Congress made it a permanent decoration in 1863;*

*Whereas, There are only 78 Medal of Honor recipients living today;*

*Whereas, Sammy Lee Davis is one of them;*

*Whereas, Sammy Lee Davis was awarded the Medal of Honor for "conspicuous gallantry and intrepidity in action at the risk of his life and beyond the call of duty" while serving with the U.S. Army, 2d Battalion, 4th Artillery, 9th Infantry Division at Firebase Cudgel, Cai Lay, Republic of Vietnam on November 18, 1967;*

*Whereas, Private First Class Davis earned the Medal of Honor while serving as a cannoneer at a remote fire support base;*

*Whereas, While under heavy enemy mortar attack and a fierce ground assault, the artillery piece of Pfc. Davis and his gun crew was hit by an enemy round and the resulting blast hurled them from their weapons and blew Pfc. Davis into a foxhole;*

*Whereas, Returning to his weapon and ignoring repeated warning to seek cover, Pfc. Davis began firing the howitzer and was painfully injured when an enemy mortar round exploded within 20 meters of his position;*

*Whereas, Disregarding his injuries and inability to swim, Pfc. Davis boarded an air mattress and crossed the river separating the enemy from the fire support base to rescue three wounded comrades on the other side;*

*Whereas, Upon reaching the wounded men, Pfc. Davis began firing into the dense vegetation to prevent the Viet Cong from advancing;*

*Whereas, While the most seriously wounded soldier was transported across the river, Pfc. Davis protected the two remaining men until he could pull them across the river to the fire support base;*

*Whereas, Suffering from painful wounds, Pfc. Davis refused medical attention and joined another howitzer crew to fire at the large Viet Cong force until it fled; and*

*Whereas, Bravery in the service of your country merits special recognition, and it is fitting that the recipients of the nation's highest military decoration be honored and remembered for the role they played in making the world safe for future generations: 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 acknowledge the great bravery and sacrifice made by Sammy Lee Davis in the defense of his country during the time of war by placing the appropriate signage at each of the entrances of Indiana State Road 46 and U.S. Route 231 into Owen County to honor his great bravery in the face of overwhelming danger.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Sammy Lee Davis and his family.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1004, 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 5, line 18, after "is" insert "**provided by a school that is**".

Page 8, delete line 7.

(Reference is to HB 1004 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 3.

BEHNING, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1008, 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 HB 1008 as introduced.)

Committee Vote: Yeas 13, Nays 0.

MCMILLIN, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and

Apportionment, to which was referred House Bill 1032, 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 amend the Indiana Code concerning the general assembly.

Page 4, delete lines 34 through 37.

(Reference is to HB 1032 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

SMITH M, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1041, 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 HB 1041 as introduced.)

Committee Vote: Yeas 10, Nays 0.

FRYE, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1057, 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 2, after "verify" strike "a".

Page 2, line 3, strike "distance" and insert "**distances**".

Page 2, line 6, delete "abrogates" and insert "**replaces**".

Page 2, line 7, delete "the subject matter" and insert "**distances established or methods of verification developed under**".

Page 2, line 8, delete "of".

(Reference is to HB 1057 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SOLIDAY, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1059, 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 1, line 3, delete "JULY 1, 2014]:" and insert "JANUARY 1, 2015]:".

Page 1, line 9, delete "JULY 1, 2014]:" and insert "JANUARY 1, 2015]:".

Page 2, line 3, delete "JULY 1, 2014]:" and insert "JANUARY 1, 2015]:".

Page 2, line 30, delete "JULY 1," and insert "JANUARY 1, 2015]:".

Page 2, line 31, delete "2014]:".

(Reference is to HB 1059 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SOLIDAY, Chair

Report adopted.

## INTRODUCTION OF BILLS

With consent of the members, the following bills and joint resolutions on Bill List 2 were read a first time by title and referred to the respective committees:

### **HB 1043 — Withdrawn**

**HB 1062** — Huston, Clere, Errington

Committee on Ways and Means

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

### **HB 1063** — Huston

Committee on Education

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

### **HB 1064** — McNamara

Committee on Education

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

### **HB 1065** — Culver

Committee on Ways and Means

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

### **HB 1066** — Wolkins

Committee on Local Government

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

### **HB 1067 — Withdrawn**

### **HB 1068** — Soliday

Committee on Judiciary

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

### **HB 1069** — Ziemke

Committee on Ways and Means

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

### **HB 1070** — Mayfield

Committee on Courts and Criminal Code

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

### **HB 1071** — Clere, Cherry, Koch, Stemler

Committee on Ways and Means

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

### **HB 1072** — Burton

Committee on Judiciary

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

### **HB 1073** — Burton

Committee on Public Policy

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

### **HB 1074** — Burton, Niezgodski

Committee on Employment, Labor and Pensions

A BILL FOR AN ACT concerning pensions.

### **HB 1075** — Burton, Niezgodski

Committee on Employment, Labor and Pensions

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

### **HB 1076** — Zent, Soliday

Committee on Judiciary

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

### **HB 1077** — Lehman

Committee on Insurance

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

### **HB 1078** — Hamm

Committee on Ways and Means

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

### **HB 1079** — Karickhoff

Committee on Education

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

### **HB 1080** — Karickhoff

Committee on Roads and Transportation

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

### **HB 1081** — Niezgodski

Committee on Environmental Affairs

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

### **HB 1082** — Niezgodski

Committee on Employment, Labor and Pensions

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

### **HB 1083** — Torr

Committee on Employment, Labor and Pensions

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

### **HB 1084** — Pryor

Committee on Education

A BILL FOR AN ACT concerning higher education.

### **HB 1085** — Withdrawn

### **HB 1086** — Gutwein

Committee on Ways and Means

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

### **HB 1087** — Gutwein

Committee on Employment, Labor and Pensions

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

### **HB 1088** — Battles

Committee on Education

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

### **HB 1089** — Battles

Committee on Courts and Criminal Code

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

- HB 1090** — Dvorak  
Committee on Natural Resources  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- HB 1091** — Dvorak  
Committee on Employment, Labor and Pensions  
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- HB 1092** — Dvorak  
Committee on Courts and Criminal Code  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1093** — Huston  
Committee on Education  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1094** — Heaton, Hamm  
Committee on Insurance  
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1095** — Richardson  
Committee on Courts and Criminal Code  
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- HB 1096** — Richardson  
Committee on Elections and Apportionment  
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1097** — Frizzell  
Committee on Judiciary  
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.
- HB 1098** — Morrison  
Committee on Education  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1099** — Niemeyer  
Committee on Local Government  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1100** — Niemeyer  
Committee on Environmental Affairs  
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- HB 1101** — Niemeyer  
Committee on Local Government  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1102** — Niemeyer  
Committee on Ways and Means  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1103** — Niemeyer  
Committee on Local Government  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1104** — Soliday  
Committee on Roads and Transportation  
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- HB 1105** — Ziemke  
Committee on Family, Children and Human Affairs  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1106** — Kubacki  
Committee on Public Health  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1107** — Leonard  
Committee on Local Government  
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- With consent of the members, the following bills and joint resolutions on Bill List 3 were read a first time by title and referred to the respective committees:
- HB 1108** — Harman  
Committee on Local Government  
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.
- HB 1109** — Harman, Neese  
Committee on Ways and Means  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1110** — Mahan, Kubacki, Riecken  
Committee on Family, Children and Human Affairs  
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- HB 1111** — Macer  
Committee on Employment, Labor and Pensions  
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.
- HB 1112** — Macer  
Committee on Ways and Means  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1113** — Zent, Bacon, Riecken  
Committee on Education  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1114** — Davisson  
Committee on Public Health  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1116** — Dermody, GiaQuinta  
Committee on Public Policy  
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- HB 1117** — Macer  
Committee on Veterans Affairs and Public Safety  
A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

- HB 1118** — Macer  
Committee on Employment, Labor and Pensions  
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- HB 1119** — Heaton, Koch  
Committee on Financial Institutions  
A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.
- HB 1120** — Heaton  
Committee on Judiciary  
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- HB 1121** — Koch  
Committee on Government and Regulatory Reform  
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- HB 1122** — M. Smith  
Committee on Government and Regulatory Reform  
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- HB 1123** — Thompson, Lehman  
Committee on Insurance  
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1124** — Thompson, Karickhoff  
Committee on Ways and Means  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1125** — Forestal  
Committee on Ways and Means  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1126** — Ober  
Committee on Employment, Labor and Pensions  
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- HB 1127** — Ober, McMillin  
Committee on Judiciary  
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- HB 1128** — Goodin, McMillin  
Committee on Courts and Criminal Code  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- HB 1129** — Goodin  
Committee on Ways and Means  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1130** — Goodin  
Committee on Public Policy  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1131** — Goodin  
Committee on Public Health
- A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1132** — Friend  
Committee on Utilities and Energy  
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- HB 1133** — VanDenburgh  
Committee on Government and Regulatory Reform  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1134** — VanDenburgh  
Committee on Elections and Apportionment  
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- HB 1135** — VanDenburgh  
Committee on Elections and Apportionment  
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1136** — Macer  
Committee on Roads and Transportation  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1137** — Hale, Turner, McMillin, Macer  
Committee on Family, Children and Human Affairs  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1138** — Wesco, Thompson  
Committee on Education  
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.
- HB 1139** — Bauer, Clere  
Committee on Public Health  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1140** — Mahan, McMillin, Lawson  
Committee on Courts and Criminal Code  
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.
- HB 1141** — McNamara, Ober, Kubacki  
Committee on Government and Regulatory Reform  
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.
- HB 1142** — McNamara, Lawson  
Committee on Courts and Criminal Code  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1143** — Wolkins  
Committee on Environmental Affairs  
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- HB 1153** — Turner, Thompson  
Committee on Judiciary  
A BILL FOR AN ACT to amend the Indiana Code concerning marriage.

**HJR 1** — M. Smith

Committee on Judiciary

A JOINT RESOLUTION proposing an amendment to Article 4, Section 5 of the Constitution of the State of Indiana concerning legislative apportionment.

**HJR 2** — Dvorak

Committee on Judiciary

A JOINT RESOLUTION proposing an amendment to Article 10 of the Constitution of the State of Indiana by adding a new Section concerning finance.

**HJR 3** — Turner, Wesco, Culver, Rhoads

Committee on Judiciary

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana by adding a new Section concerning marriage.

**HJR 4** — DeLaney

Committee on Judiciary

A JOINT RESOLUTION proposing an amendment to Article 7 of the Constitution of the State of Indiana by adding new Sections concerning courts and court officers.

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

**Referrals to Ways and Means**

The Speaker announced, pursuant to House Rule 127, that House Bill 1059 had been referred to the Committee on Ways and Means.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Lehman, the House adjourned at 10:30 a.m., this Ninth day of January, 2014, until Monday, January 13, 2014, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives