



Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Twenty-eighth Day

Tuesday Afternoon

March 7, 2017

The invocation was offered by Matt Barnes, State Director, Indiana Capitol Commission.

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 Slager.

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

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

Washburne
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 247: 96 present; 4 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 9, 2017, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 185, 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 185 as printed January 25, 2017.)

Committee Vote: Yeas 12, Nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 412, 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 412 as reprinted February 3, 2017.)

Committee Vote: Yeas 12, Nays 0.

BEHNING, Chair

Report adopted.

INTRODUCTION OF BILLS

With consent of the members, the following bills and joint resolutions on Bill List 17 were read a first time by title and referred to the respective committees:

SB 112 — Morris, Smaltz, Ober, GiaQuinta

Committee on Veterans Affairs and Public Safety

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

SB 129 — DeVon, Miller D, VanNatter

Committee on Environmental Affairs

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

SB 175 — Kirchhofer
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 307 — Baird, Frye R
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 346 — Clere, Stemler, Engleman
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 347 — Speedy
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 353 — VanNatter, Carbaugh, Lehman, Pressel
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 404 — Mayfield, Washburne
Committee on Public Policy
A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 407 — Torr, Huston
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 409 — Torr
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 413 — Lehman
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 423 — Burton
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 429 — Huston, Klinker
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 467 — Karickhoff, Kirchhofer, Mahan
Committee on Insurance
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 472 — DeVon
Committee on Utilities, Energy and Telecommunications
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

SB 478 — Ober, Negele, DeVon
Committee on Utilities, Energy and Telecommunications
A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 479 — Washburne, Steuerwald, May
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law.

SB 498 — Wesco, Beumer, Hamm
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 499 — Steuerwald, Kirchhofer
Committee on Public Health
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 505 — Zent, Moed, Steuerwald, Richardson
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 514 — Siegrist, Brown T, Carbaugh, GiaQuinta
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

SB 515 — Brown T, Huston
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 517 — Smaltz, Judy, Lawson L
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 532 — Mahan
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 559 — Negele
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Friend.

RESOLUTIONS ON FIRST READING

House Resolution 32

Representative V. Smith introduced House Resolution 32:

A HOUSE RESOLUTION recognizing Young Black Males Legislative Day on April 12, 2017.

Whereas, March 31, 2015, marked the first Young Black Males Legislative Day when 250 students from around the state gathered at the Statehouse to show that they can have a voice in their government and to show the Indiana General Assembly that young black lives matter;

Whereas, Black males are six times more likely to be incarcerated than their white male counterparts. Blacks made up 9.5 percent of the population in Indiana, but 33 percent of the inmates in the Indiana Department of Correction in 2015. African-American males comprise over 75 percent of the defendants in Indianapolis;

Whereas, Indiana's percentage of black male students who experienced out-of-school suspensions was 27 percent in 2015, and was tied for the second highest percentage among all states. In Marion County, the number of out-of-school suspensions represented more than 60 percent of the student population at various schools. Attendance was the fifth most common reason for students being suspended. The high school graduation rate for African-American males is 38 percent, while the graduation rate for white males is 70 percent;

Whereas, Young African-American males are predominantly caught in a cycle of poverty and low expectations, which needs to be recognized. Rectifying this cycle must be prioritized at all levels of government. We must invest in the future of these young men. It is time to make it clear that black male lives matter; and

Whereas, Young black males are concerned about their plight and organized this day to highlight the issues they face: Therefore,

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

SECTION 1. That the Indiana House of Representatives does hereby mark Young Black Males Legislative Day on April 12, 2017.

The resolution was read a first time and adopted by voice vote.

House Concurrent Resolution 34

Representatives Austin and Cook introduced House Concurrent Resolution 34:

A CONCURRENT RESOLUTION recognizing the 100th anniversary of Anderson University.

Whereas, Anderson University was established by Church of God leaders J.T. Wilson and Russell Byrum in 1917 as the Anderson Bible Training School with 65 students;

Whereas, The name of the institution was changed to Anderson College and Seminary in 1929 and to Anderson University in 1987;

Whereas, The university was established and sustained within the free and open traditions of the Church of God;

Whereas, The mission of Anderson University is to educate for a life of faith and service in the church and society, and its faculty, staff, students, and alumni are deeply devoted to the university's core values of integrity, excellence, servant leadership, responsibility, and generosity;

Whereas, The university is committed to being a teaching-learning community, engaged in the pursuit of truth from a Christian faith perspective, and, through academic and Christian discovery, it intends to graduate people with a global perspective who are competent, caring, creative, generous individuals of character and potential;

Whereas, The school has been privileged to have outstanding leaders throughout its history, including Presidents John A. Morrison, Robert Reardon, Robert A. Nicholson, James L. Edwards, and, currently, John S. Pistole;

Whereas, The school now offers more than 50 majors, including programs in the arts, humanities, sciences, business, and theology, and hosts 14 intercollegiate sports competing in NCAA Division III; and

Whereas, Anderson University, under the direction of the university's fifth president, John Pistole, looks to a bright future full of possibility and transformative outreach: 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 recognizes the many contributions of Anderson University on the occasion of its 100th anniversary and looks forward to the next 100 years of higher learning, Christian and academic discovery, faith, and service in honoring the legacy of those who established its campus, nurtured its early work, and continue to uphold and enhance its mission.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to President John Pistole.

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 sponsors: Senators Kruse, Eckerty and Lanane.

House Concurrent Resolution 35

Representatives Pierce, Lehman and Saunders introduced House Concurrent Resolution 35:

A CONCURRENT RESOLUTION honoring the Gold Star Volunteers of the Indiana State Archives.

Whereas, Since 1991, dedicated volunteers have processed and indexed thousands of cubic feet of historical Indiana documents, including land records, naturalization records, institutional records, photographs, and original House and Senate bills;

Whereas, As of the end of 2016, eight volunteers earned Gold Star status by contributing more than 2,500 hours of their time to the Indiana State Archives;

Whereas, Dale Armstrong, Ann January, Boyd Obermeyer, Anne Rodick, and Tom York have accumulated more than 2,500 hours of volunteer time;

Whereas, Mary Etta Boren has volunteered more than 5,000 hours;

Whereas, Sandy Ricketts and Barbara Wood have given more than 10,000 hours of their time to the Indiana State Archives; and

Whereas, These Gold Star Volunteers and many others who contributed their time to the Indiana State Archives made it possible to search more than 1.5 million names online, allowing researchers from around the world to explore Indiana's history: 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 thanks these Gold Star Volunteers for their many hours of dedicated service to the Indiana State Archives, work that has preserved Indiana's history and made it accessible to all Hoosiers.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Indiana State Archives, Dale Armstrong, Ann January, Boyd Obermeyer, Anne Rodick, Tom York, Mary Etta Boren, Sandy Ricketts, and Barbara Wood.

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 Merritt.

House Concurrent Resolution 50

Representatives Bosma and Pelath introduced House Concurrent Resolution 50:

A CONCURRENT RESOLUTION congratulating the Legislative Council and the Legislative Services Agency on the 50th anniversary of their founding, recognizing the value and endorsing the work of the Council and commending the Agency for the consistently high quality of its work.

Whereas, Chapter 50, Acts of 1967, the law creating the Legislative Council and the Legislative Services Agency, was signed by Governor Roger Branigin and took effect on March 4, 1967;

Whereas, The authors of that legislation were Representatives Richard C. Bodine and Charles B. Howard, the sponsor was Senator Jack Mankin, and the legislation passed the House by a vote of 93-0 and the Senate by a vote of 32-10;

Whereas, During the past 50 years, the Council has developed into a constructive and effective bipartisan institution for bringing together House and Senate leadership on matters of common concern, and the Council and the Agency have greatly assisted the work of the entire General Assembly by handling a variety of necessary administrative tasks on behalf of both houses; and

Whereas, The Agency, under the joint leadership's guidance and direction, has matured into a high quality technical support staff, providing such services as bill drafting, committee staffing, research, codification of existing law, document processing, fiscal analysis, program evaluation, publication of the Indiana Code, publication of legislative documents, contract administration, publication of the Indiana Administrative Code and Indiana Register, technology services, GIS and mapping services, and dissemination of information about the General Assembly to all four caucuses of the General Assembly: 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 General Assembly congratulates the Legislative Council and the Legislative Services Agency on the occasion of their fiftieth anniversary year.

SECTION 2. That the General Assembly recognizes and strongly endorses the value of the Legislative Council as a forum for discussion and action on matters of common concern to the House and Senate.

SECTION 3. That the General Assembly salutes the staff of the Legislative Services Agency for its professionalism, enthusiasm, diligence, and overall contribution to the quality of the legislative process.

SECTION 4. That the Principal Clerk of the House of Representatives is directed to furnish a copy of this resolution to each member of the Legislative Council and to the Executive Director of the Legislative Services Agency.

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 sponsors: Senators Long and Lanane.

Senate Concurrent Resolution 17

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

A CONCURRENT RESOLUTION memorializing former senator Larry Borst.

Whereas, Lawrence M. "Larry" Borst, Jr., was born on July 16, 1927, in Champaign County, Ohio, to the late Lawrence M. and Mary Waldeck Borst;

Whereas, Borst married Eldoris J. Wood on March 20, 1948, in Columbus, Ohio, and together they had three children, Elizabeth, Philip, and David Borst;

Whereas, Borst was a World War II Army veteran;

Whereas, Borst was a 1950 graduate of The Ohio State University School of Veterinary Medicine and was the owner of Shelby Street Animal Clinic, retiring in 1986;

Whereas, Borst served in the Indiana House of Representatives and the Indiana Senate a total of 38 years, received the 1987 National Legislator of the Year award, and was recognized with many other honors and awards during his public service life;

Whereas, Former state senator Larry Borst was one of the most influential budget leaders in modern state history;

Whereas, For more than three decades, Borst was chairman of the Senate Finance Committee, the panel through which the budget and all tax legislation has to pass;

Whereas, Both an understated and commanding presence, Borst was nicknamed the "Silver Fox," a nod to his thick gray hair and his crafty approach to legislation;

Whereas, His colleagues referred to him as the "titan of Indiana politics," and they recall that Borst played a major role in helping to transform Indianapolis into the great city that it is today;

Whereas, Borst, who wrote a book recounting his career called, "Gentlemen, It's Been My Pleasure," had a major role in developing Uni-Gov, which largely merged Marion County and Indianapolis government, and he crafted a number of tax-restructuring programs, helped craft former Governor Bob Orr's A+ education plan, helped determine the distribution of tobacco settlement money for health programs, wrote the law that brought pari-mutuel wagering for horse racing to Indiana, and helped create the Hoosier Lottery;

Whereas, Borst studied legislation intently and knew the details and intricacies of every bill that came before his committee, often more so than the authors and proponents;

Whereas, According to veteran Statehouse journalists, Borst was truly the Silver Fox because he could see the end game of every session before it began, and he was a brilliant politician who used that skill to serve his greater purpose - that of a statesman;

Whereas, Those who knew him at the Statehouse recount that he truly did things for Indiana's benefit, not just until the next election, but for the next decade;

Whereas, Borst passed away on December 20, 2016, at age 89, and he is survived by his wife Eldoris, daughter Elizabeth (Bill) Murphy, sons Philip (Jill) Borst, and David Borst, grandchildren Adam (Amanda) Yates, Brandon Yates, Alex Borst, Eric Borst, and brother John Borst;

Whereas, The passing of Larry Borst is a great loss to all Hoosiers, to whom Borst dedicated so much of his life in public service; and

Whereas, It is fitting that the Indiana General Assembly honors and memorializes the life of Larry Borst, a Hoosier who served the state of Indiana with honor and integrity during his lifetime: 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 Senate memorializes former senator Larry Borst, and expresses its deep gratitude for his many years of service to Hoosiers.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the family of Larry Borst.

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.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Friend.

Senate Concurrent Resolution 29

The Speaker handed down Senate Concurrent Resolution 29, sponsored by Representative Klinker:

A CONCURRENT RESOLUTION honoring Jack E. Schult on the occasion of his retirement.

Whereas, Jack E. Schult graduated from Jefferson High School in Lafayette, Indiana, and received his B.S. and M.S. in Secondary Administration and Supervision from Purdue University;

Whereas, Jack's career with Lafayette School Corporation spanned a duration of more than fifty years, during which time he served his community as a teacher, administrator, and coach;

Whereas, As both an assistant and head coach, Jack was instrumental in Jefferson High School achieving the third highest number of sectional championships and the state record for 29 consecutive sectional championships;

Whereas, During his 52 years in the Lafayette School Corporation, Jack was the head coach of the junior varsity football team for nine years, the junior varsity basketball team for nine years, the junior varsity baseball team for four years, the varsity tennis team for three years, and the varsity basketball team for two years. He was also the assistant coach of the varsity basketball team for sixteen years;

Whereas, In addition, Jack was the Assistant Athletic Director of Jefferson High School from 1980 until 1999;

Whereas, During his many years coaching at Jefferson High School, Jack never had a losing season;

Whereas, As a coach at Jefferson High School, Jack has received four state championship rings: one as head coach of the 1975 state champion tennis team, one as assistant coach of the 1964 state champion basketball team, one as assistant coach of the 1973 state champion baseball team, and one as assistant coach of the 1967 state runner-up basketball team. He also was the assistant coach of the 1969 Jefferson High School state champion baseball team;

Whereas, Jack has received various honors for his excellence in coaching. He was named the North Central Conference Tennis Coach of the Year in 1975 and 1976, inducted into the Jefferson High School Hall of Fame in 2013, and inducted into the Indiana Tennis Hall of Fame in 1985;

Whereas, In addition to coaching in real life, Jack played the role of a basketball coach in the classic film "Hoosiers," which was filmed in Indiana between the years 1981 and 1987. He also played the role of a baseball coach in the film "Eight Men Out";

Whereas, Jack's love of coaching developed at a young age. He began coaching basketball at St. Ann's in 1956 while he was still in high school, and coached the Central Catholic High School junior varsity basketball team and varsity football team for three years while he was a student at Purdue University;

Whereas, Jack has written articles on basketball drills published in Scholastic Coach magazine, he has served as program director and lecturer at Indiana State Basketball Clinic, and he has served on the Board of Directors of the Indiana Basketball Coaches Association and the Indiana Tennis Coaches Association;

Whereas, Jack retired from his career with Lafayette School Corporation in 2016, and his enthusiasm and dedication to coaching will be greatly missed; and

Whereas, It is fitting that the Indiana General Assembly honors Jack E. Schult on the occasion of his retirement, thanks him for his many years of service to Indiana scholar-athletes in his community, and wishes him health and happiness in the years to come: 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 Jack E. Schult on the occasion of his retirement, thanks him for his dedication to coaching and teaching students in his community, and wishes him health and happiness in the years to come.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Jack E. Schult.

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 Representative Hamilton be added as cosponsor of Engrossed Senate Bill 166.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Baird, Judy and Klinker be added as cosponsors of Engrossed Senate Bill 185.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lehman, Siegrist and Schaibley be added as cosponsors of Engrossed Senate Bill 276.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heaton be added as cosponsor of Engrossed Senate Bill 283.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Wesco, Errington and Jordan be added as cosponsors of Engrossed Senate Bill 412.

SULLIVAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cherry be added as cosponsor of Engrossed Senate Bill 507.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heine be added as cosponsor of Engrossed Senate Bill 510.

KIRCHHOFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Borders and Hamm be added as cosponsors of House Concurrent Resolution 32.

FRYE

Motion prevailed.

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, 23, 29 and 32 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 McNamara, the House adjourned at 2:53 p.m., this seventh day of March, 2017, until Thursday, March 9, 2017, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives