



Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Twenty-fifth Day

Monday Morning

February 27, 2017

The invocation was offered by Pastor Matt Bean of Greenwood Christian Church in Greenwood, a guest of Representative Burton.

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 Burton.

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

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

Washburne
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 225: 91 present; 9 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 Tuesday, February 28, 2017, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Resolution 12

Representative DeLaney introduced House Resolution 12:

A HOUSE RESOLUTION congratulating Audra Hansen on the occasion of her 90th birthday.

Whereas, Audra Hansen was born 90 years ago on March 5;

Whereas, For more than 20 years Audra Hansen was a 2nd grade teacher working in both the Brownsburg community school and Indianapolis Public Schools systems;

Whereas, After retirement, Audra Hansen worked until the age of 84 at the national headquarters of Alpha Gamma Delta fraternity;

Whereas, Audra Hansen has lived a quiet life of civic involvement, serving many years as an election day poll worker, a volunteer guide at Riley Hospital for Children in Indianapolis, a leader with the Boy Scouts and Girl Scouts, and a supporter of the Juvenile Diabetes Research Foundation;

Whereas, Audra Hansen is also active in the Meridian Street United Methodist Church, where she served as a volunteer receptionist for several years; and

Whereas, It is a joy to note the 90th birthday of a lady whose life has so positively influenced her community, her state, and her country: 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 congratulates Audra Hansen on the occasion of her 90th birthday and wishes her many more years filled with happiness and contentment.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Audra Hansen and her family.

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

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1617

Representative Speedy called down Engrossed House Bill 1617 for third reading:

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

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

Roll Call 226: yeas 91, 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 sponsors: Senators Sandlin and Freeman.

Representatives Borders and V. Smith, who had been excused, are now present.

Engrossed House Bill 1496

Representative Smaltz called down Engrossed House Bill 1496 for third reading:

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

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

Roll Call 227: yeas 88, nays 4. 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 Alting.

Engrossed House Bill 1493

Representative T. Brown called down Engrossed House Bill 1493 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

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

Roll Call 228: yeas 92, 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 Mishler.

Engrossed House Bill 1489

Representative T. Brown called down Engrossed House Bill 1489 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 229: yeas 77, nays 15. 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 J. Smith.

Engrossed House Bill 1463

Representative Carbaugh called down Engrossed House Bill 1463 for third reading:

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

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

Roll Call 230: yeas 68, nays 25. 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 Boots.

Representative Candelaria Reardon, who had been excused, is now present.

Engrossed House Bill 1450

Representative Leonard called down Engrossed House Bill 1450 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 231: yeas 91, 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 sponsors: Senators Mishler and Raatz.

Engrossed House Bill 1422

Representative Pressel called down Engrossed House Bill 1422 for third reading:

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

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

Roll Call 232: yeas 93, 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 Bohacek.

Engrossed House Bill 1394

Representative Frizzell called down Engrossed House Bill 1394 for third reading:

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

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

Roll Call 233: yeas 93, 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 M. Young.

Engrossed House Bill 1317

Representative C. Brown called down Engrossed House Bill 1317 for third reading:

A BILL FOR AN ACT concerning transportation.

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

Roll Call 234: yeas 93, 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 sponsors: Senators Niemeyer, Tallian and Melton.

Representative Austin, who had been excused, is now present

Engrossed House Bill 1289

Representative Bacon called down Engrossed House Bill 1289 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

Roll Call 235: yeas 75, nays 19. 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 Becker.

RECESS

The House was called back to order at 2:10 p.m. by the Speaker.

Representatives Lawson, Porter, Davisson and J. Young, who had been excused, are now present.

Representatives Dvorak and J. Taylor, who had been present, are now excused.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 30

Representatives Saunders, Clere, Pierce and Stemler introduced House Concurrent Resolution 30:

A CONCURRENT RESOLUTION petitioning the National Park Service to complete the Eastern Legacy Special Resource Study mandated by Congress in 2008 and to recommend inclusion of the Eastern Legacy sites, which include Indiana locations, in the Lewis and Clark National Historic Trail.

Whereas, The Lewis and Clark National Historic Trail was established by Congress in 1978 and extended to the West from Wood River, Illinois, to the mouth of the Columbia River in Oregon and Washington;

Whereas, Section 343 of Public Law 110-229, enacted by the Congress of the United States in 2008, directed the National Park Service to conduct a Special Resources Study to assess the suitability and feasibility of extending the Lewis and Clark National Historic Trail by including the Eastern Legacy sites, the historic routes and sites in the East that were vital to the preparation and planning of the Lewis and Clark Corps of Discovery Expedition;

Whereas, Extending the Lewis and Clark National Historic Trail eastward fulfills the objectives of the National Trails System, established in 1968, to provide for the ever-increasing outdoor recreation needs of an expanding population and to promote the preservation of public access to, travel within, and enjoyment and appreciation of open-air, outdoor areas and historic resources of the nation;

Whereas, Stephen Ambrose wrote in his book, Undaunted Courage, "Lewis tied up at Clarksville and set off to meet his partner, who was living with his older brother, General George Rogers Clark. When they shook hands, the Lewis and Clark Expedition began.";

Whereas, Lewis and Clark recruited and enlisted the first members of the Corps of Discovery before departing down the Ohio River for the West from Clarksville on October 26, 1803;

Whereas, William Bratton of Waynetown, Montgomery County, joined the Expedition near Clarksville and completed the entire journey serving as a hunter, blacksmith, and saltmaker; and

Whereas, Tourism is an important part of Indiana's economy, and completing the Lewis and Clark National Historic Trail to include Eastern Legacy sites such as Indiana's Falls of the Ohio

would greatly benefit the tourism industry and overall economy of the state: 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 National Park Service in the United States Department of the Interior is hereby urged and petitioned to expeditiously complete, and provide to Congress, the Eastern Legacy Special Resource Study.

SECTION 2. That the report of the Eastern Legacy Special Resource Study shall include a recommendation that the Lewis and Clark National Historic Trail be extended to the east by inclusion of the historically significant eastern corridors of the Corps of Discovery expedition for the period of 1803 through 1809.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each member of the Indiana Congressional delegation, Jonathan B. Jarvis, Director of the National Park Service, and Cameron H. Sholly, Regional Director, Midwest Region of the National Park Service.

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 Grooms.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1001

Representative T. Brown called down Engrossed House Bill 1001 for third reading:

A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.

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

Roll Call 236: yeas 68, nays 29. 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 sponsors: Senators Kenley and Tallian.

Engrossed House Bill 1008

Representative Huston called down Engrossed House Bill 1001 for third reading:

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

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

Roll Call 237: yeas 95, 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 sponsors: Senators Eckerty and Mishler.

Representative Forestal, who had been present, is now excused.

Engrossed House Bill 1024

Representative Bartlett called down Engrossed House Bill 1024 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 238: yeas 83, nays 12. 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 sponsors: Senators Kruse, Randolph, G. Taylor and Merritt.

Representative Candelaria Reardon, who had been present, is now excused.

Engrossed House Bill 1128

Representative Bacon called down Engrossed House Bill 1128 for third reading:

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

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

Roll Call 239: yeas 54, nays 41. 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 sponsors: Senators L. Brown and Houchin.

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

Engrossed House Bill 1129

Representative Thompson called down Engrossed House Bill 1129 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 240: yeas 75, nays 19. 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 Hershman.

Engrossed House Bill 1273

Representative Baird called down Engrossed House Bill 1273 for third reading:

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

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

Roll Call 241: yeas 93, 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 sponsors : Senators Crider and Bray.

Engrossed House Bill 1441

Representative Porter called down Engrossed House Bill 1441 for third reading:

A BILL FOR AN ACT concerning health.

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

Roll Call 242: yeas 92, 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 sponsors: Senators Becker, Breaux, G. Taylor and Ruckleshaus.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Representative V. Smith, who had been present, is now excused.

Engrossed House Bill 1494

Representative Wolkins called down Engrossed House Bill 1494 for third reading:

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

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 1494, 3rd reading. Pursuant to House Rule 168, the reason for the request is the following:

My family and I, in partnership with another group, have a financial interest in a farming business that will be subjected to the regulatory changes addressed in this bill. I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety.

ERRINGTON

Motion prevailed.

Roll Call 243: yeas 66, nays 25. 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 sponsors: Senators Messmer and Glick.

Engrossed House Bill 1578

Representative Kirchhofer called down Engrossed House Bill 1578 for third reading:

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

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

Roll Call 244: yeas 54, nays 38. 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 L. Brown.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 11

The Speaker handed down Senate Concurrent Resolution 11, sponsored by Representative Morris:

A CONCURRENT RESOLUTION congratulating the University of Saint Francis football team on its 2016 National Association of Intercollegiate Athletics (NAIA) championship title. *Whereas, On December 17, 2016, the University of Saint Francis football team won its first NAIA championship title with its 38-17 win over Baker University;*

Whereas, This was the University of Saint Francis football team's fourth appearance in the conference championship game;

Whereas, The University of Saint Francis Cougars ended the season with an impressive record of 13-1 overall, and 5-1 within their conference;

Whereas, The University of Saint Francis football team is coached by Kevin Donley;

Whereas, The University of Saint Francis, a Catholic University in the Franciscan tradition, enrolls over 1,800 students and nearly 300 students in its undergraduate and graduate programs, respectively;

Whereas, These conference championship football players are student-athletes who managed to balance countless hours

of football practices and games on top of a full academic course load;

Whereas, The Indiana General Assembly commends these student-athletes for their hard work, discipline, and commitment to both academics and football; and

Whereas, It is fitting that the Indiana General Assembly congratulates the University of Saint Francis football team on winning its first NAIA championship title: 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 congratulates the University of Saint Francis football team on winning the 2016 NAIA conference championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Kevin Donley, Head Coach of the University of Saint Francis football team, and Mike McCaffrey, Athletic Director of the University of Saint Francis.

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 Concurrent Resolution 22

The Speaker handed down Senate Concurrent Resolution 22, sponsored by Representative C. Brown:

A CONCURRENT RESOLUTION honoring Richard Gordon Hatcher on the 50th Anniversary of being elected as Mayor for the city of Gary.

Whereas, Richard Hatcher was born on July 10, 1933, in Michigan City to Carlton and Catherine Goodwin Hatcher;

Whereas, Richard Hatcher received a B.S. degree in business and government from Indiana University and a bachelor of law with honors in criminal law and a J.D. from Valparaiso University School of Law;

Whereas, after moving to Gary, Richard Hatcher began practicing law in East Chicago, and in 1961, began serving as a deputy prosecutor for Lake County until he was elected to Gary's City Council in 1963;

Whereas, Richard Hatcher was the first and only freshman elected president of the City Council in the history of the city;

Whereas, inaugurated as Mayor of Gary in 1968, Richard Hatcher was one of the first elected African-American mayors of a United States metropolitan city and the first in Indiana;

Whereas, while serving as mayor, Richard Hatcher became known throughout the world as a fervent and prolific civil rights spokesman who developed innovative approaches to urban problems and was a national and international spokesman for civil rights, minorities, the poor, and the needs of American cities;

Whereas, Richard Hatcher has served the Democratic Party on all levels: a member of the National Committee, a member of the Indiana State Democratic Central Committee, chairman of the Gary Democratic Precinct Organization, vice chairman of the Democratic National Committee, and chairman for Jesse Jackson's presidential campaign;

Whereas, as a result of his civil rights activities, Richard Hatcher has been the recipient of more than 100 awards and honors, including "200 Most Outstanding Young Leaders in the U.S." by Time Magazine and the President's Award from the National League of Cities;

Whereas, in addition to his work in the political arena, Richard Hatcher has worked as an Institute of Politics Fellow at Harvard University's Kennedy School of Government, taught political science at Roosevelt University, became a senior research professor at Valparaiso University, taught a law course at Cambridge University in England and currently serves as an adjunct professor at Indiana University-Northwest; and

Whereas, Richard Hatcher is a role model for African-Americans who aspire to success in our society: 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 Richard Gordon Hatcher for his many accomplishments and achievements in service to the State of Indiana, the city of Gary, and his community.

SECTION 2. That the Secretary of the Senate transmit a copy of this resolution to Richard Gordon Hatcher.

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 House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Austin and Carbaugh be added as coauthors of House Bill 1273.

BAIRD

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Olthoff be added as coauthor of House Bill 1317.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Ober, Carbaugh, Bartlett, Moed, Arnold, Moseley, Mahan, Olthoff, Zent, Judy, Engleman, Macer, Mayfield and Morris be added as cosponsors of Engrossed House Bill 1617.

SPEEDY

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

On the motion of Representative T. Brown, the House adjourned at 5:04 p.m., this twenty-seventh day of February, 2017, until Tuesday, February 28, 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