



Journal of the House

State of Indiana

122nd General Assembly

Second Regular Technical Session

First Day

Tuesday Afternoon

May 24, 2022

The invocation was offered by Pastor Matt Barnes of the Public Servant's Prayer.

The House convened at 1:30 p.m. with Speaker Todd M. Huston in the Chair.

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

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

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer
Baird	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett <input type="checkbox"/>	Leonard
Bauer, M	Lindauer
Behning	Lucas
Borders	Lyness
Boy	Manning
Brown, T. <input type="checkbox"/>	May
Campbell	Mayfield
Carbaugh	McNamara
Cherry	Miller
Clere	Moed
Cook	Morris
Davis	Morrison
Davisson	Moseley
DeVon	Negele
DeLaney	Nisly
Dvorak <input type="checkbox"/>	O'Brien
Eberhart	Olthoff
Ellington	Pack
Engleman	Payne
Errington	Pfaff
Fleming	Pierce
Frye	Porter
GiaQuinta	Prescott
Goodrich <input type="checkbox"/>	Pressel
Gore	Pryor
Gutwein	Rowray
Hamilton	Saunders
Harris	Schaibley
Hatcher	Shackleford <input type="checkbox"/>
Hatfield	Slager
Heaton	Smaltz
Heine	Smith, V.
Hostettler	Snow
Jackson	Soliday
Jacob	Speedy
Jeter	Steuerwald
Johnson	Summers
Jordan	Teshka
Judy	Thompson

Torr
VanNatter
Vermilion
Wesco

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 401: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

[Journal Clerk's Note: The Speaker announced that before we adjourned Sine Die during the regular session, we passed Senate Concurrent Resolution 47, which set today's technical session. Indiana Code establishes the structure for technical sessions. The technical sessions bill, SB 418(ts) that was filed in the Senate has been available online for over a week. The Legislative Council had a hearing on the bill this morning and recommended adoption of the bill by unanimous consent. We will be taking action on the Governor's veto of HEA 1041, 2022 and then will take action on SB 418(ts) if the bill is passed by the Senate. The House calendar with the Gubernatorial Veto has already been released, and we will be releasing the Third Reading calendar as soon as we suspend the rules.]

ORGANIZATION OF SECOND REGULAR TECHNICAL 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, has formed a quorum, and is now prepared to proceed with the legislative business and to receive any communications which the Senate may transmit.

LEHMAN

Motion prevailed. The Speaker appointed Representatives Young, Lyness, GiaQuinta and Austin.

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 and to receive any communications which the Senate may transmit, respectfully reports that it has performed the duties assigned.

YOUNG
LYNESS

GIAQUINTA
AUSTIN

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 May, Ellington, Pryor and DeLaney

COMMITTEE REPORT

Mr. Speaker: Your committee which was appointed by the Speaker 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 it has performed the duties assigned.

MAY PRYOR
ELLINGTON DELANEY

Report adopted.

ACTION ON GUBERNATORIAL VETEOs

House Enrolled Act 1041

MESSAGE FROM THE GOVERNOR

March 21, 2022

The Honorable Todd Huston
Speaker
Indiana House of Representatives
200 W. Washington Street
Indianapolis, IN 46204

Dear Speaker Huston:

By the power vested in me as Governor of the State of Indiana pursuant to the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act 1041 (HEA 1041) enacted during the Second Regular Session of the 122nd General Assembly (2022).

If it is the goal of HEA 1041 to provide clarity and one consistent state policy regarding the fairness in K-12 sports in Indiana, for me this current bill falls short.

First, as to process, the wide-open nature of the grievance provisions in HEA 1041 that apply to all K-12 schools in Indiana makes it unclear about how consistency and fairness will be maintained for parents and students across different counties and school districts. The Indiana High School Athletic Association (IHSAA)—a non governmental entity—raised this concern during their testimony and I share it concerning the confusion created with exactly who or how such procedures will be established and maintained under this current bill. Meaning, student-athletes could be treated differently according to which school they attend and compete for. Frustration of students, parents and administrators will likely follow. This of course only increases the likelihood of litigation against our schools with the courts having to adjudicate the uncertainties.

Second, as to the substantive provisions, of the several states that have passed similar legislation, lawsuits have been filed or have threatened to be filed. In the two cases with initial rulings thus far, the courts have enjoined or prohibited laws with these same substantive provisions from taking effect based on equal protections grounds. Moreover, even before the introduction of HEA 1041, a lawsuit was filed in Indiana in federal court by a middle-grade student who seeks to play in school sports on the team of their choice. Any bill brought forward should address the issues raised in these lawsuits.

Finally, the presumption of the policy laid out in HEA 1041 is that there is an existing problem in K-12 sports in Indiana that requires further state government intervention. It implies that the goals of consistency and fairness in competitive female sports are not currently being met. After thorough review, I find no evidence to support either claim even if I support the overall goal.

In the meantime, I am heartened by the IHSAA which had done an admirable job to help maintain fairness and consistency in all sports. Nowhere in the testimony on this legislation was a critique leveled against their model on how to govern this and other complex matters. Furthermore, not a single case of a male seeking to participate on a female team has completed the process established by IHSAA's now decade-old policy.

Amidst the flurry of enthusiasm to protect the integrity and fairness of women's sports in our state—a worthy cause for sure—this bill leaves too many unanswered questions such as those highlighted above.

Sincerely
Eric J. Holcomb
Governor

The Speaker handed down House Enrolled Act 1041, passed by the Second Regular Session of the 122nd General Assembly.

AN ACT to amend the Indiana Code concerning education.

The merits of House Enrolled Act 1041 and the Governor's veto were explained. The question was, Shall House Enrolled Act 1041 pass, the Governor's veto notwithstanding?

Roll Call 402: yeas 67, nays 28. The Governor's veto was overridden.

HOUSE MOTION

Mr. Speaker: I move that, in accordance with Indiana Constitution Article 4, Section 18, solely for SEA 418 (ts), a true and accurate copy of which is 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 SEA 418 (ts) 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, Notice of meetings;
- House Rule 60, Announcement of Meetings;
- House Rule 112, Referral to the 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.

LEONARD

Pursuant to House Rule 8, the motion must be seconded by a constitutional majority. The Speaker ordered the roll of the House to be called. Roll Call 403: yeas 93, nays 20. The motion was seconded.

Pursuant to House Rule 8, the motion must be carried by a two-thirds vote. The Speaker ordered the roll of the House to be called. Roll Call 404: yeas 93, nays 2. Motion prevailed.

RECESS

The House reconvened at 2:08 p.m. with the Speaker in the Chair.

INTRODUCTION OF BILL LIST

The Chair hands down Technical Session Bill List 16 on First Reading.:

SB 418 (ts) — Lehman

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

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed Senate Bill 418 (ts)

Representative Lehman called down Engrossed Senate Bill 418 (ts) 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 405: yeas 93, nays 2. 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.

The House recessed until the fall of the gavel.

**ADJOURNMENT OF
THE SECOND REGULAR TECHNICAL
SESSION****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 King, Heaton, Pfaff and Pack.

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.

KING PFAFF
HEATON PACK

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, Snow, Summers and Gore.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to ascertain if the Governor has any further communication to make to 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 SUMMERS
SNOW GORE

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 Schaibley, Thompson, Johnson and Hamilton.

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.

SCHAIBLEY SUMMERS
THOMPSON HAMILTON

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 Engleman, J. Davisson, Porter and Errington.

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.

ENGLEMAN PORTER
J. DAVISSON ERRINGTON

Report adopted.

**OTHER BUSINESS ON THE SPEAKER'S
TABLE****MESSAGE FROM THE SENATE**

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has overridden the veto of the Governor on House Enrolled Act 1041-2022 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill

418(ts) and the same is herewith transmitted to the House for further action..

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 CRANE, RAATZ, G. TAYLOR AND MELTON 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 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 the Senate hereby reports that your Committee of Senators K. WALKER, BUSCH, J.D. FORD and NIEZGODSKI 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 motion:

“I move that Senators ZAY, SANDLIN, LANANE and BREAUX 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 ZAY shall serve as the 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 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 NIEMEYER, TOMES, RANDOLPH and YODER 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 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 Glick and Randolph has waited upon the Governor and that 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 adjourned the Second Regular Technical Session of the 122nd Indiana General Assembly *sine die* on the 24th day of May, 2022 at 3:12 pm.

HOUSE MOTION

Mr. Speaker: I move that the House of Representatives of the Second Regular Technical Session of the 122nd General Assembly do now adjourn *sine die* at 2:15 p.m., this twenty-fourth day of May, 2022.

LEONARD

Motion prevailed; the House adjourned *sine die*.

TODD M. HUSTON
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives