



Journal of the House

State of Indiana

113th General Assembly

Second Regular Session

First Meeting Day

Tuesday Morning

November 18, 2003

The members of the House of Representatives of the One Hundred Thirteenth General Assembly of the State of Indiana assembled in the House Chambers in the State House in the City of Indianapolis on Tuesday, the eighteenth day of November, 2003, A.D., at 10:00 a.m., being the day fixed by law for the convening of the second regular session of the General Assembly, viz:

“...the second regular session of each term of the general assembly shall convene on the third Tuesday after the first Monday of November of each odd-numbered year...”

The House was called to order by Speaker B. Patrick Bauer.

The invocation was offered by Reverend Esther Wilson, United Methodist Church, Corydon, the guest of Representative Paul J. Robertson.

The Pledge of Allegiance to the Flag was led by Representative William C. Cochran.

ROLL CALL OF MEMBERS

The roll was called and the following members answered to their names:

R. Tiny Adams, District 34, Delaware County
John C. Aguilera, District 12, Lake County
Terri Jo Austin, District 36, Hamilton and Madison Counties
Dennis T. Avery, District 75, Gibson, Vanderburgh, and Warrick Counties
Ralph D. Ayres, District 4, Jasper, Lake, and Porter Counties
Jeb A. Bardon, District 25, Marion County
B. Patrick Bauer, District 6, St. Joseph County
Vaneta G. Becker, District 78, Spencer, Vanderburgh, and Warrick Counties
Robert W. Behning, District 91, Hendricks, Marion, and Morgan Counties
Robert J. Bischoff, District 68, Dearborn, Franklin, Ohio, Ripley, and Switzerland Counties
Randy L. Borrer, District 84, Allen County
Brian C. Bosma, District 88, Hamilton and Marion Counties
James L. Bottorff, District 71, Clark County
Charlie Brown, District 3, Lake and Porter Counties
Timothy N. Brown, District 41, Montgomery, Parke, and Tippecanoe Counties
James R. Buck, District 38, Boone, Clinton, Hamilton, and Howard Counties
Mary Kay Budak, District 20, Jasper, LaPorte, Porter, and Pulaski Counties
Lawrence L. Buell, District 89, Marion County
Charles “Woody” Burton, District 58, Johnson County
Duane Cheney, District 10, Porter County
Robert W. Cherry, District 53, Hancock, Rush, and Shelby Counties
Alan B. Chowning, District 45, Daviess, Greene, Knox, Sullivan, and Vigo Counties
William C. Cochran, District 72, Clark and Floyd Counties

William A. Crawford, District 98, Marion County
David L. Crooks, District 63, Daviess, Dubois, Martin, and Pike Counties
John J. Day, District 100, Marion County
Jerry L. Denbo, District 62, Greene, Lawrence, Martin, Orange, and Washington Counties
Mae Dickinson, District 95, Marion County
Chester F. Dobis, District 13, Lake County
Cleo R. Duncan, District 67, Decatur, Franklin, Ripley, and Rush Counties
M. Ryan Dvorak, District 8, St. Joseph County
Jeffrey K. Espich, District 82, Allen, Grant, and Wells Counties
Ralph M. Foley, District 47, Hendricks, Johnson, Morgan, and Owen Counties
John G. Frenz, District 64, Daviess, Gibson, Knox, and Pike Counties
William C. Friend, District 23, Elkhart, Fulton, Kosciusko, Marshall, and Miami Counties
David N. Frizzell, District 93, Johnson and Marion Counties
Craig R. Fry, District 5, Elkhart and St. Joseph Counties
Benjamin E. GiaQuinta, District 80, Allen County
Terry A. Goodin, District 66, Clark, Jackson, Jennings, and Scott Counties
F. Dale Grubb, District 42, Fountain, Parke, Vermillion, Vigo, and Warren Counties
Eric A. Gutwein, District 16, Cass, Fulton, Jasper, Pulaski, and White Counties
Earl L. Harris, District 2, Lake County
Brian K. Hasler, District 77, Vanderburgh and Warrick Counties
Steven Heim, District 17, LaPorte, Marshall, and Starke Counties
Ronald D. Herrell, District 30, Howard County
Phillip D. Hinkle, District 92, Marion County
Robert A. Hoffman, District 55, Dearborn, Fayette, Franklin, Union, and Wayne Counties
Clyde Kersey, District 43, Clay and Vigo Counties
Sheila A. Klinker, District 27, Tippecanoe County
Eric A. Koch, District 65, Bartholomew, Brown, Jackson, and Lawrence Counties
Thomas S. Kromkowski, District 7, St. Joseph County
Dennis K. Kruse, District 51, Dekalb and Steuben Counties
Robert D. Kuzman, District 19, Lake, Newton, and Porter Counties
R. Brooks LaPlante, District 46, Clay, Monroe, Owen, and Vigo Counties
Linda C. Lawson, District 1, Lake County
Don Lehe, District 15, Benton, Lake, Newton, and White Counties
Daniel J. Leonard, District 50, Huntington and Whitley Counties
Ronald D. Liggett, District 33, Delaware, Jay, and Randolph Counties
L. Jack Lutz, District 35, Delaware, Hamilton, Madison, and Tipton Counties

Markt L. Lytle, District 69, Jefferson, Jennings, and Ripley Counties
 Edmund M. Mahern, District 97, Marion County
 Richard W. Mangus, District 21, Elkhart and St. Joseph Counties
 Carolene Mays, District 94, Marion County
 Richard W. McClain, District 24, Carroll, Cass, Miami, and White Counties
 A. Lucas Messer, District 57, Bartholomew and Shelby Counties
 Winfield C. Moses, Jr., District 81, Allen County
 Timothy Neese, District 48, Elkhart and St. Joseph Counties
 Cynthia J. Noe, District 87, Boone, Hamilton, and Marion Counties
 David Orentlicher, District 86, Hamilton and Marion Counties
 Dennie Oxley II, District 73, Clark, Crawford, Dubois, Harrison, Jackson, Perry, Scott, and Washington Counties
 Scott D. Pelath, District 9, LaPorte County
 Phillip Pflum, District 56, Henry and Wayne Counties
 Matt Pierce, District 61, Monroe County
 Phyllis J. Pond, District 85, Allen and Dekalb Counties
 Gregory W. Porter, District 96, Marion County
 Scott E. Reske, District 37, Madison County
 Kathy Kreag Richardson, District 29, Hamilton and Hancock Counties
 Michael A. Ripley, District 79, Adams, Allen, and Wells Counties
 Paul J. Robertson, District 70, Clark, Floyd, and Harrison Counties
 William J. Ruppel, District 22, Kosciusko and Wabash Counties
 Thomas E. Saunders, District 54, Henry, Randolph, and Wayne Counties
 Sue W. Scholer, District 26, Tippecanoe and Warren Counties
 Dan C. Stevenson, District 11, Lake County
 Russell L. Stilwell, District 74, Dubois, Perry, Spencer, and Warrick Counties
 Marlin A. Stutzman, District 52, Dekalb, LaGrange and Noble Counties
 Vanessa Summers, District 99, Marion County
 Andrew P. Thomas, District 44, Clay, Parke, Putnam, and Vigo Counties
 Jeffrey A. Thompson, District 28, Boone, Hendricks, and Montgomery Counties
 Gerald R. Torr, District 39, Hamilton County
 P. Eric Turner, District 32, Grant, Hamilton, Howard, Miami, and Tipton Counties
 John D. Ulmer, District 49, Elkhart County
 Peggy Welch, District 60, Brown, Greene, and Monroe Counties
 Matthew D. Whetstone, District 40, Hendricks County
 David A. Wolkins, District 18, Elkhart, Kosciusko, and LaGrange Counties
 Dean A. Young, District 31, Blackford and Grant Counties
 Roll Call 1: 95 present. Representatives Robert K. Alderman (District 83, Allen, Noble, and Whitley Counties), Michael B. Murphy (District 90, Marion County), Vernon G. Smith (District 14, Lake County), Jonathan D. Weinzapfel (District 76, Gibson, Posey, and Vanderburgh Counties), and David B. Yount (District 59, Bartholomew and Johnson Counties) were excused. The Speaker announced a quorum in attendance.

ORGANIZATION OF SECOND REGULAR SESSION

HOUSE MOTION

Mr. Speaker: I move that a committee of four members 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 legislative business and to receive any communications which the Senate may transmit.

STILWELL

Motion prevailed. The Speaker appointed Representatives Dobis, Harris, Friend, and Richardson.

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 they have performed the duties assigned to them.

DOBIS
FRIEND

HARRIS
RICHARDSON

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that a committee of four members be 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 the General Assembly is ready for the transaction of legislative business.

GRUBB

Motion prevailed. The Speaker appointed Representatives Oxley, Porter, Scholer, and Saunders.

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 they have performed the duties assigned to them.

OXLEY
SCHOLER

PORTER
SAUNDERS

Report adopted.

MESSAGE FROM THE SENATE

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

“I move that Senators Dillon, Drozda, Simpson, and Sipes 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.”

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

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

“I move that Senators K. Adams, Alting, Lanane, and Lewis 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.”

MARY C. MENDEL
Principal Secretary of the Senate

RULES SUSPENSION

HOUSE MOTION

Mr. Speaker: I move that House Rule 104 be suspended for the

purpose of immediately introducing and assigning House Bill 1001 to the Committee on Ways and Means.

PELATH

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

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1001 — Crawford, Espich, Frenz, Turner (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

RULES SUSPENSION

HOUSE MOTION

Mr. Speaker: I move that House Rule 59 and House Rule 60 be suspended for the purpose of an immediate announcement of a Committee Meeting for House Bill 1001.

PELATH

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

COMMITTEE MEETING ANNOUNCED

Pursuant to House Rule 60, Representative Crawford announced that the Ways and Means Committee would meet at 1:00 p.m. to consider HB 1001.

RECESS

The House reconvened at 11:00 a.m. with the Speaker in the Chair. Representatives Murphy and Weinzapfel, who had been excused, were present.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 1 and 2 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

IN MEMORIAM: GOVERNOR FRANK L. O'BANNON

Remarks by Speaker Bauer

"Just a few weeks ago, we lost a great friend. Frank O'Bannon was not only a friend, he was somebody who walked the walk with us for 33 years. He was someone that we can say with joy had great success, especially in the last few years with his tax restructuring plan and his energize plan. He shall be missed. But, as his wife knows better than anybody else because she was so strong during those days he was in the hospital, he has gone to that great legislature in the sky.

I always think that his tenure as Senate minority leader was when I knew him best. Certainly, I knew him well as governor. But in the very beginning, I knew him quite well, as did Representative Dobis and Senator Garton. In fact, Governor O'Bannon, Senator Garton, Representative Dobis, and I all started in the legislature together in 1970.

Frank O'Bannon was always a gentleman. He was always a friend. I shall miss him, and we shall miss him."

The Lord's Prayer

Robin Henry, a state employee who sang at the Prayer Service for the Governor after his stroke, sang *The Lord's Prayer*.

Remarks by Representative Cochran

"Thank you, Mr. Speaker. Frank O'Bannon was a great friend of mine. Frank and I go all the way back to the time when his father was still in office. When Frank's father ran for the Senate in 1966; I ran for a House seat. Frank O'Bannon was the type of person that what you saw was just exactly what you got. You got Frank in the true sense. Frank was straight-forward. He had no agenda, no personal agenda of his own, only an agenda for all Hoosiers, for all of the state of Indiana. Frank loved the legislative process and was more dedicated than anybody I know to making the legislative process work. If someone tried to interfere with the process, Frank was the first to rebut it and make the process continue to work. Frank loved government period.

Frank loved people; Frank was one who had more people feeling than anyone I have ever known. In the years that Frank and I roomed together, we used to sit up night in and night out talking politics. Both of us thought we were intelligent people and that we could solve all the world's problems overnight. I have to tell one story. A few years ago, Frank and I got to talking about the legislative process, early in the evening. Both of our wives were here visiting. They both went to bed. Frank and I sat up all night, and we thought we could straighten out all the problems of the state of Indiana. When our wives got up the next morning, they both just stand and shook their heads and said they didn't believe we had really done that, but we did!

Frank was a great senator, and he enjoyed the Senate. Frank was a good lieutenant governor; Frank was a great governor. Frank had a lot of other "greats": Frank was a great husband, a great father, a great grandfather. Frank loved his grandkids and lived to be with them. He loved his farm, especially when the grandkids came down and visited with him. He had more fun just being with them on the farm, taking them out through the forest.

Frank loved to sing; some nights when we had a hospitality room at the Athletic Club, Frank, his brother Bob, Spence Schnaitter, and Tom Fruechtenicht would all get together and have a barbershop sing-in. He really enjoyed life. Frank O'Bannon was someone none of us will ever forget, one of the greatest friends I've ever had. Frank, we'll all miss you, and I'll miss you a whole lot! Thanks for being my friend, Frank."

Remarks by Representative Bosma

"Thank you Mr. Speaker, ladies and gentlemen of the House, and the O'Bannon family. The day the Governor had his stroke began as a mournful day for me: it was the twentieth anniversary of the day that my father passed away from a stroke. My mom and I began that day as we always do. It's a big day for her. I gave her a call as I always do, knowing it would be a sad day for her. We were talking about some of the events of that day twenty years ago; I was in law school and was called out of class. We went to the hospital, and my dad didn't leave the hospital that day.

I witnessed then and have witnessed now, again, how this legislative body and all the public servants who serve in this building and others tend to "circle the wagons", Republicans and Democrats alike, around families that are hurting. My mom and I reminisced that morning about the circling of the wagons around our family. We spoke about my father, who had served in the Senate for 21 years and had served with Frank and others, and how those wagons were circled for us. In fact, we even spoke that morning about some of the phone calls we received that day 20 years ago. One of the first phone calls we received, checking on my father, was from Bob Garton, who was a close friend. That day, Frank O'Bannon had called and had spoken with my mother to check on her well-being and to check on my dad.

It was later in the day that we both heard about the Governor's situation. So, it was truly a kind of a one-two punch for us that day.

It was brought home to me personally later how fleeting all of this is when they were showing on the evenings news what nice things people were saying about Frank. One of our great reporters around here made the comment that even some of the Governor's harshest critics knew when to set politics aside and talk about the Governor as a person, not as a politician. I thought "who is this poor sucker going

to be? What sap are they going to put up now?" And it was me!

I felt a little bit chagrined that I might be identified as a harsh critic of the Governor, and I went out of my way over the next couple of days to be sure that any criticisms that I or any of my colleagues had made of the Governor were not about Frank as a man.

Frank O'Bannon was one of the finest public servants that I ever served with in this body. He was dedicated. He gave his entire life—and there are few of us who can say we gave our entire lives, our family's entire lives, our spouse's entire life, our children's entire lives—to dedicated service to our state.

My wife, Cheryl, and I have admired both Frank and Judy; Cheryl, especially, admired Judy. They have known each other for so long; Cheryl has often said that Judy was one of Indiana's finest, hidden jewels. This was probably 10 years ago, Judy, that Cheryl first said this, because you are no longer a hidden jewel. I think everyone in this state now knows what a jewel you are.

But, for that family to have such dedication to our state is an example for all of us; it's an example for young people. When people say why should I vote or why should I get involved in the political process, I think all we have to do is look to people like Frank and Judy O'Bannon, who have dedicated their lives to bettering the circumstances of others.

I was especially moved, and will always remember, the quote that was used both in the Governor's memorial service and that appeared on the back of the program for that event. I have it with me. It is a quote I wasn't familiar with before, and I'm surprised because it is so lovely. It not only illustrates so well how Frank and Judy O'Bannon brought themselves fully to the betterment of our state everyday, but also how each of us should do so.

I would like to share it with you, even though many of you have heard it already. It's by George Bernard Shaw; the quote goes like this, "I am of the opinion that my life belongs to the whole community and as long as I live, it is my privilege to do for it, whatever I can. I want to be thoroughly used up when I die, for the harder I work, the more I live. Life is no brief candle for me; it is a sort of splendid torch, which I have hold of for a moment and I want to make burn as brightly as I can before turning it over to future generations."

That's an inspiration to me and should be an inspiration to each of us, as should Frank O'Bannon."

Remarks by Representative Robertson

"Thank you Mr. Speaker, members of the House, and First Lady Judy O'Bannon. I had the pleasure of working with Frank for the last twenty-five years; it was a great pleasure. We got to campaign together, we were in parades together, Frank and Judy got to watch my kids grow up. I got to teach their kids in school: I had Polly, Jennie, and John, all in school. I won't tell you which was the best student, they were all great kids. I even got to coach Polly in girls' basketball. My wife grew up next to Frank and Judy O'Bannon; she was over there, she was babysitting their kids.

You look at Frank O'Bannon's life. When we had the Memorial Service (in Corydon), you could see where his house was, half a mile down the road his office would be, the first State Capitol, and right across the street was his church. That was Frank, and that was Corydon.

Frank was a very quiet person, really, very unassuming. That's awfully hard to do and be a successful politician. Most of us can't, some of us won't do it. He was willing, in a sense, to allow other people the good TV time; he was willing to give other people the publicity. His idea, and he told me this when I was first elected and I'll never forget it: "Paul, if you don't care who gets credit for something, you can get a lot done here!" That is as true today as it was 25 years ago: if we don't care who gets credit for it, we can get a great deal done.

Frank O'Bannon's idea was: let's make government work better for the people of Indiana. He was totally consumed with that. You know, Frank did not need to serve in the General Assembly to be

successful around Corydon. Let's face it, we're all small-time ballplayers here. He had a law office, he had the Corydon *Democrat*, he had a printing company. Everyone knew Frank O'Bannon. But, he was willing to give up so much of his time, not to make his life better, but to make life better for people all across the state.

When he ran for governor, he had his announcement in downtown Corydon, and I had the privilege to speak there. I remember thinking, if we were going out to hire a governor, we would hire Frank O'Bannon. If other people around the state of Indiana, we thought, knew Frank O'Bannon like the people there in Corydon and like people here in Indianapolis knew Frank O'Bannon, they would elect him governor. And someone would say, "Frank's too nice a guy; good guys finish last." We've heard that about Frank O'Bannon so many times. And we see today and we've seen in the past several years, that good guys can finish first. And do you know what? Good guys can continue to be good guys, even when they are elevated to the highest office in this state.

Frank loved politics! As a rookie, I stayed at the Indianapolis Athletic Club. I was a young man, at least I thought I was young: probably 30. And these guys would stay up until 2 or 3 in the morning talking politics, not once a week, but two or three nights in a row. You may think they slept late. But they'd be downstairs having breakfast at 7:00 a.m. and Frank would be over here taking care of business. To this day, to this day, I don't know how they were able to do it. I just can't understand it. I couldn't do it at 30, and I definitely can't do it today.

Judy, I think I am speaking for everyone here when I say that we understand what you and your family have given to the state. I know, personally, it was a tremendous honor to have Frank O'Bannon pass through our lives. You have been a plus, an inspiration to us, at home. We miss Frank. If there is anything that my family and I can do, we would gladly do it for you. Welcome back to Harrison County."

Remarks by First Lady Judy O'Bannon

"Thank you very much! I am sorry that I had to miss some of the old guys talking about some of the days and what they talked about, the laughs they had, and also the serious discussions, the close votes and issues people didn't care about. These were wonderful years that Frank had, and that I got to come along. I don't think I could have had a better education if I had had about a dozen doctoral degrees. Listening to all of you talk the issues, and doing it always out of a sense of mission together and camaraderie. Really living out that old philosophy that you don't have to agree with another person's ideas, but that you always honor and agree with that person. You know that, and you know that's the only way we get things done in government, in our kind of government. That kind of a democracy we can't take for granted. Frank really appreciated being involved. As a small town guy, he got to do and learn and see things he never thought he would get to do. And you are, too. And we have important and serious business to attend to, don't we? And so I'm expecting every one of you to honor all the things you said were wonderful about Frank and other legislators: like your word, talking to each other, consensus building, and caring about the people of Indiana. I just can't wait to read about you in the papers and to see you on TV! Thank you very much."

Remarks by Representative Espich

"Thank you, Mr. Speaker, and to all of you and to Judy O'Bannon. I'm up here with a bit of hesitancy because it's terrible to follow the First Lady and Paul Robertson, who did such a wonderful job. When we were here a few weeks ago someone asked if I would say something about Frank O'Bannon. I'm not one given to flowery words; I think you all know that. Platitudes don't come easily for me. But, it was such an honor to be asked to speak about Frank O'Bannon that I wanted to say something then.

Although I have forgotten part of what I planned to say then, I do remember the word that I thought was most important. I tried to characterize in my mind a word that epitomized Frank O'Bannon. One word. Not just that he's a nice guy, because Mrs. O'Bannon said she's tired of hearing that he's a nice guy. We know that, he's done

some things. But I thought what other word? What other word characterizes Frank O'Bannon in my mind? And that word was "faith". Faith. Frank O'Bannon was a man of faith in so many ways, and I want to talk a little bit about some of those ways.

He was a man of faith in his God, and I think that is important. I watch football and professional sports and, oftentimes, an athlete has the courage to speak publicly about their faith in God and to thank God for what God has given them. And I think, "I wish I had that kind of courage." Frank and Judy O'Bannon had and have that kind of courage. They don't wear their religious faith on their sleeves, but you know they believe. Faith in their God is an important part of their lives, and Judy said that repeatedly after Frank's death. Frank's faith in his God was an important part of his life.

Faith in Judy was an important part of his life. I don't know if you were high school sweethearts or if you still held hands or how you lived your lives, but I do know that you had a deep love between you and with your family. Having a faith in your family allows you to come here and to do good things. Unfortunately, sometimes coming here does bad things to families. But, in Frank's case, faith in his family was an asset, so faith in his family was an important issue.

Faith in his friends and his friendships. I happen to be one like Representative Bosma: sometimes I didn't say good things about Frank O'Bannon's policies as governor. That was my job, my job to be the devil's advocate, to point out differences in opinion. But, he was my friend. He always welcomed me with a handshake and a smile. And I'm sure I would have been welcomed in Corydon at the dinner table. And so Frank thought greatly and deeply about his friends and had a great faith in his friends.

I think he had a great faith in the importance of his work. And like many of us, we think it is important what we do here in government. And Frank O'Bannon did, too; it drove his whole life. There were certain things he cared about more than others, children, for instance. I don't think any of us could have mistaken the fact that on every occasion he talked about children and caring for children and education. But, he had a great faith in the importance of what he did and we do here in government.

And lastly, I think he had a great faith in the ability of government to carry on, quite frankly. It's always a disturbing time when you lose your leader. We lost our leader here in Indiana, and it was a time of unsettling nature to all of us. And yet, Frank would have believed and hoped that we would carry on. That would have been his faith in the system and in us. And I think he would be proud of us today that Indiana as done so well, that we have done so well to carry on the faith that he had in his God, his family, his friends, his work in government, and the fact that we have been able to continue, Judy, even though we miss him greatly. Thank you."

Remarks by Representative Summers

"Thank you, Mr. Speaker, ladies and gentlemen of the House, and Mrs. O'Bannon. I think what I wanted to say most is that he just was a regular person; what I mean by that is: I was in the Pancake House at 16th and Meridian, just eating and not looking around; then I looked up and who was standing there but Mr. and Mrs. O'Bannon. A lot of my constituents always wanted me to be able to tell you that what they loved the best was just being able to go somewhere and see him eating in a regular place with all of us. I thought that was a great thing.

He always came to my church, Light of the World Christian Church with Bishop T. Garrett Benjamin. He always loved to sit next to me and always enjoyed our church service.

Behind every great man is a great woman. Mrs. O'Bannon, you have shown me the epitome of sophistication, being able to stand up to all of this. You probably don't remember, or perhaps don't even know, that at one time you helped me very much. We were at a lunch with Ann Richards [the former governor of Texas], and I was at a life-changing period in my life. But, that was one of the funniest lunches that I ever had. I'm not going to tell it here, because that is between the ladies. One of the funniest comments I ever heard came from Mrs. O'Bannon, and I was very shocked when she said it. But, it was

wonderful.

I just wanted to tell you that you are the epitome of sophistication, and I just want to be like you!"

Remarks by Representative C. Brown

"Thank you, Mr. Speaker, ladies and gentlemen of the House, and Judy O'Bannon. Dr. Martin Luther King once said the true measure of a man is not where he stands in a time of comfort and convenience, but where he stands in a time of controversy. I will never, ever forget a controversy created by me, I think about 1988, in my efforts to get the Martin Luther King legislation through the "House of Lords".

What had happened was that we had two similar pieces of legislation on another subject coming through here, one by Representative Goodall and one by Senator Craycraft. Representative Goodall's version had already passed both houses. Senator Craycraft's legislation was still here in the House, so we used a Senate process, "strip and insert". We put the Martin Luther King language in the Senate bill and sent it back over there.

Boy, what did we do that for? They did not appreciate that very much. In fact, Senator V. Richard Miller called the Senate to a screeching halt for days. For days, they were off the Senate floor in caucus rather than vote on a holiday for Dr. Martin Luther King.

Well, it took Frank to be the chief negotiator in that endeavor. His caucus was also antsy about being off the floor all those days, so there was a lot of pressure on him as the leader of the Democratic caucus to try to resolve this issue as to what would happen with this "strip and insert" piece of legislation. He was successful in negotiating a settlement on this issue. It became non-code legislation that year, and it passed the following year.

That is one of the things I remember most about Frank O'Bannon: his calm demeanor in the storm at that time. The Senate viewed us as violating their rules by using a "strip and insert" procedure without proper approval of the Senate author.

Every year that we have had a Martin Luther King holiday celebration in Gary, Indiana, Frank was there. Seven o'clock breakfast on Dr. King's birthday, Frank was there. Each and every year he was there to show his respect for a great leader, Dr. King, and also for the citizens of Gary and Lake County.

He will be remembered forever for his calm demeanor, his friendliness, his referring to me as "big fella". We're going to miss you, Frank! Thank you."

Remarks by Representative Friend

"Thank you, Mr. Speaker, ladies and gentlemen of the House, and Mrs. O'Bannon. I just wanted to share a few thoughts that I had from a northcentral Indiana farm boy, who got to meet Frank O'Bannon in 1988. He was running for lieutenant governor with Evan Bayh, who was running for governor. Frank O'Bannon paid a visit to the Miami County fair. It was hot, and we were all around there working; I think I was a candidate for the office of county auditor at that time. I was no doubt standing—or hanging—around the Republican booth. Frank O'Bannon came by and introduced himself to all of us that were present there and doing our jobs in seeking office. He wanted everyone to know what he was up to at that time; he wanted us all to know who he was and that he was a regular guy, a common man, at the county fair pressing the flesh.

I never could forget that. When I was elected to the legislature, I got to know Frank O'Bannon much better. I would see him with some regularity around the building. He would always come up to me; he knew my name and would call me by name immediately. Then he would ask about the family. I think as a politician you are blessed sometimes if you have the ability of recall: if you can look at someone and you know their name. Everyone in this room has been at the fish fry or the ball game or the church dinner when someone comes up, shakes your hand, and calls you by your first name and you don't have a clue who they are. It has happened to everyone of us. I think Frank was blessed with the ability to know people and remember their names. That was one of the things which made him so popular; that's

why people related to him so easily and so well.

Also that first year I served in the legislature, we did one of the Hoosier homestead awards for our family farm, where my mother and father were living. I brought my dad and mother, my brother, and my son down here for the ceremony. We have a picture, hanging in my mother's home, of Frank O'Bannon, my mother, my dad, my brother, myself, and my son. And I can assure you that is the only Democrat's picture which hangs in my mom's house. And it's there today! And it is going to stay there because my mother wishes it to be there. She is very proud of that moment, and she was very honored to have met Frank.

One more thing, Frank always had a kind word for former speaker Kermit Burrous. Many of us know that Kermit has had health problems, but he has always attempted to work here and be mentally involved. He has been stricken with Parkinson's disease, and it has been devastating for him physically. Frank was very helpful to Kermit. And I know I can speak on behalf of that family and say "thank you". It was very much appreciated.

Frank was a statesman, a good friend, and a dedicated public servant. As has been said time and again, he will be missed! Thank you."

Remarks by Representative Porter

"Mr. Speaker, ladies and gentlemen of the House, and First Lady Mrs. O'Bannon. There are a couple of us who worked for the Governor when he was lieutenant governor; I worked in the Department of Commerce as did Representative Hasler. After one year, I was brought over to the lieutenant governor's office. I became a special assistant and traveled at lot with Frank. You cannot continue to drive and be with someone that much without picking up some of their ways and their wisdom. When *A League of Their Own* was being filmed in the Evansville area, Frank, Tom New, and I went down to Evansville and were on the movie set. We have talked today about Frank being a great husband, father, politician, and statesman, but that day Frank looked over at a dairy cow and said "She's getting ready to drop a calf." And they said they knew she was pregnant, and that they would give her a day or so. Frank said it would be just a matter of moments. We were only there 30 to 45 minutes. Now, he was not only a great politician, he was a hell of a veterinarian because that calf was born while we were there!

The wisdom and knowledge that he had was very important to all of us, particularly myself. When the Senate was split 26-24 and redistricting came up, we were talking about my running for office. I said I would like to run for the Senate, but Frank said I should not. He pointed out that it would be very difficult to have a Democrat majority in the Senate and said that I should run for the House. So, ladies and gentlemen, those of you who love me and those of you who do not, I'm here because Frank O'Bannon said "Run for the House."

After I ran for the House, I became the chair of the Education Committee. And we all know that Frank is and will continue to be the Education Governor. As chair of the Education Committee for the last six years, all the legislation that we had from the Education Roundtable, accountability, etc., I had the pleasure of working with the Governor on those issues. Working with him has made me a pretty knowledgeable person, not only in this state but across the nation.

It's very difficult to give up someone that you love and really respect. As we know, our thoughts are not God's thoughts and our times are not God's times. But we have an individual that lives with us and I hope that all of us will continue to cherish those memories. Frank O'Bannon, to me, is and will be a dear friend, truly a father figure, an individual who had the patience of Job, the wisdom of Moses, and the forgiveness of Jesus. Ladies and gentlemen, Frank O'Bannon's spirit will always live on with me, and I hope it will always live on with you."

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 1

The Speaker handed down Senate Concurrent Resolution 1,

sponsored by Representatives Bauer, Bosma, Robertson, Cochran, and Espich:

A CONCURRENT RESOLUTION to memorialize and honor Governor Frank L. O'Bannon for his lifetime of dedicated service to the people of Indiana.

Whereas, On September 13, 2003, the people of Indiana lost one of their most beloved public servants with the death of Governor Frank O'Bannon;

Whereas, Frank O'Bannon was an extraordinary individual of uncommon integrity and decency; he was born and raised in Corydon, received his Bachelor's and Law Degrees from Indiana University, and served his country for two years in the United States Air Force; then followed in his father's footsteps as editor, publisher and owner of the Corydon Democrat;

Whereas, In 1970 Frank O'Bannon succeeded to the Indiana State Senate seat that his father, Robert P. O'Bannon, had held from 1950 to 1970, and held the seat continuously through 1988, thus keeping that seat in the O'Bannon family for thirty-eight years. He served as Senate Finance Chairman for two years and Minority Leader for ten years;

Whereas, Many of us in the General Assembly served alongside Frank O'Bannon as a friend and as a colleague for over thirty-three years, during which we developed an immense personal affection for him;

Whereas, In 1988, Frank O'Bannon accepted his party's nomination to serve for two terms as Evan Bayh's Lieutenant Governor, presiding over the Indiana Senate with impartiality and dignity;

Whereas, In 1996 Frank O'Bannon won the Governor's Office and was easily re-elected in 2000;

Whereas, Among his many achievements during his tenure as Governor, he was most proud of the strides that Indiana made in education, and in fact his most loved constituents were the schoolchildren of Indiana;

Whereas, Frank O'Bannon recognized the government's responsibility to the least fortunate among us by working to make a legislative priority the provision of health insurance for hundreds of thousands of children of low income and working families in Indiana;

Whereas, Frank O'Bannon was the epitome of a true country gentleman in his dealings with everyone with whom he came in contact and was truly a friend to all of the citizens of Indiana;

Whereas, as has often been said, Frank O'Bannon's commitment, always, was to faith, community, and family. His faith was personal, but all of Indiana was his community and his extended family;

Whereas, there can be no doubt that Frank O'Bannon worked tirelessly so that future generations of Hoosiers will have a better life; and

Whereas, the lives of all members of the General Assembly have been enriched by our friendship with Frank O'Bannon, and we will miss him: 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 wishes to express its deepest admiration and its appreciation for the lifetime of dedicated service Frank L. O'Bannon gave to the people of Indiana.

SECTION 2. That the legacy of service and commitment to his state will continue to serve as an inspiration to all Hoosiers.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Governor O'Bannon's loving wife, Judy, and to each of their three children.

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 Representatives T. Adams, Aguilera, Alderman, Austin, Avery, Ayres, Bardon, Becker, Behning, Bischoff, Borrer, Bottorff, C. Brown, T. Brown, Buck, Budak, Buell, Burton, Cheney, Cherry, Chowning, Crawford, Crooks, Day, Denbo, Dickinson, Dobis, Duncan, Dvorak, Foley, Frenz, Friend, Frizzell, Fry, GiaQuinta, Goodin, Grubb, Gutwein, Harris, Hasler, Heim, Herrell, Hinkle, Hoffman, Kersey, Klinker, Koch, Kromkowski, Kruse, Kuzman, LaPlante, L. Lawson, Lehe, Leonard, Liggett, J. Lutz, Lytle, Mahern, Mangus, Mays, McClain, Messer, Moses, Murphy, Neese, Noe, Orentlicher, Oxley, Pelath, Pflum, Pierce, Pond, Porter, Reske, Richardson, Ripley, Ruppel, Saunders, Scholer, V. Smith, Stevenson, Stilwell, Stutzman, Summers, Thomas, Thompson, Torr, Turner, Ulmer, Weinzapfel, Welch, Whetstone, Wolkins, D. Young, and Yount be added as cosponsors of Senate Concurrent Resolution 1.

ROBERTSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, November 20, 2003 at 10:00 a.m.

KUZMAN

Motion prevailed.

RECESS

The House reconvened at 4:20 p.m. with the Speaker in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1001, 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 13, after "in" insert "**IC 6-1.1-22-8.**".

Page 5, delete line 14.

Page 5, line 29, delete "section 20 of this chapter." and insert "**IC 6-1.1-22-8.**".

Page 5, delete lines 30 through 39.

Page 15, line 13, delete "is" and insert "**should be**".

Page 16, line 22, delete "committee" and insert "**commission**".

Page 19, line 8, delete "2003," and insert "**2004,**".

Page 21, line 13, strike "twenty-five" and insert "**thirty-five**".

Page 21, line 13, strike "(\$25,000);" and insert "**(\$35,000);**".

Page 62, line 19, delete "this provisional statement is sent to".

Page 62, line 20, delete "property owners in a county that" and insert "**_____ County (insert county)**".

Page 62, line 24, delete "of _____ County (insert county)".

Page 65, line 20, after "supplement the" delete "other".

Page 65, line 21, delete "article" and insert "**chapter**".

Page 105, delete lines 12 through 13.

Page 106, delete lines 27 through 42.

Page 107, delete lines 1 through 5.

Page 107, line 6, delete "(g)" and insert "**(d)**".

Page 107, delete lines 7 through 11.

Page 107, line 32, after "IC 6-1.1-12-9" insert "**, as amended by this act**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 25, nays 3.

CRAWFORD, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

On the motion of Representative Espich, the House adjourned at 4:21 p.m., this eighteenth day of November, 2003, until Thursday, November 20, 2003, at 10:00 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives