



Journal of the House

State of Indiana

111th General Assembly

First Regular Session

Third Meeting Day

Thursday Morning

January 7, 1999

The House convened at 10:00 a.m. with the Speaker Pro Tempore, Representative Dobis, in the Chair.

The invocation was offered by Pastor Dennis Clark, Pendleton Baptist Church, the guest of Representative Scott Mellinger.

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

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

T. Adams	Kromkowski
Alderman	Kruse
Atterholt	Kruzan
Avery	Kuzman
Ayres	Lawson
Bailey	Leuck ▲
Bardon	Liggett
Bauer	Linder
Becker	J. Lutz
Behning	Lytle
Bischoff	Mahern
Bodiker	Mangus
Bosma	Mannweiler
Bottorff	McClain
C. Brown ▲	Mellinger
T. Brown	Mock
Buck	Moses
Budak	Munson ▲
Buell	Murphy
Burton	Oxley
Cheney	Pelath
Cherry	Pond
Cochran	Porter
Cook	Richardson
Crawford	Ripley
Crooks	Robertson
Crosby	Ruppel
Day ▲	Saunders
Denbo	Scholer
Dickinson ▲	M. Smith
Dillon	V. Smith
Dobis	Steele
Duncan	Stevenson
Dvorak	Stilwell
Espich	Sturtz
Fesko	Summers
Foley	Thompson
Frenz	Tincher
Friend	Torr
Frizzell	Turner
Fry	Ulmer
GiaQuinta	Villalpando
Goeglein	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins ▲
Herrell	D. Young ▲
Hoffman	M. Young
Kersey	Yount
Klinker	Mr. Speaker

HOUSE MOTION

Mr. Speaker: I move that we dispense with the reading of the Journal.
HERRELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 11, 1999, at 1:00 p.m.

OXLEY

Motion prevailed.

AMENDMENTS TO HOUSE RULES

HOUSE MOTION

Mr. Speaker: I move that the House adopt the following amendments to the Rules of the House of Representatives for the 111th General Assembly:

Delete Rule 38.1.

Delete Rule 52 and insert the following:

"52. Standing Committees. The following shall be the standing committees:

Agriculture, Natural Resources and Rural Development

Commerce and Economic Development

Courts and Criminal Code

Education

Elections and Apportionment

Environmental Affairs

Financial Institutions

Human Affairs

Insurance, Corporations and Small Business

Judiciary

Labor and Employment

Local Government

Public Health

Public Policy, Ethics and Veterans Affairs

Roads and Transportation

Rules and Legislative Procedures

Ways and Means".

Rule 59.1, after "number", delete ", title".

Rule 59.1, after "considered", insert "together with such information concerning the subject matter as the committee chair shall determine".

Rule 101.2, delete "as provided in Rule 113".

Rule 106, delete "Signature", and insert "Names".

Rule 107, after "105", delete "does" and insert "and the time limits of Rule 113 do".

Delete "I. CAUCUS FUND-RAISING".

Delete Rule 164.

Delete Rule 164.1.

Delete Rule 164.2

MOSES

HOUSE MOTION

Mr. Speaker: I move that the motion of Representative Moses be made a special order of business for Monday, January 11, 1999, at 1:30 p.m.

KRUZAN

Motion prevailed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Roll Call 3: 93 present; 7 excused. The Chair announced a quorum in attendance. [NOTE: ▲ indicates those who were excused.]

CODE OF ETHICS**HOUSE MOTION**

Mr. Speaker: I move that the House adopt the following Code of Ethics:

I. CODE OF ETHICS

In recognition of its responsibility to the citizens of this state, and in response to IC 2-2.1-3-6, the House of Representatives adopts the following code of ethics:

Every candidate for election to the House of Representatives shall campaign, and, if elected, shall serve, with a personal moral commitment to dedicated public service without mental reservation.

Every candidate for election to the House of Representatives shall disclose his occupational, business, professional, or other financial interests as required by law.

Every member of the House of Representatives shall, to the best of his ability, be fully objective when considering a proposition upon which he must act, keeping the welfare of all of the citizens of the state in mind at all times.

No member of the House of Representatives shall sponsor or cast a vote on any legislative matter, except budget or general revenue bills, that might reasonably be expected to directly result in a substantial increase of his nonlegislative income. Any member of the House of Representatives not voting for this reason shall be considered present for the purpose of determining a quorum. If a significant number of members are so affected, the House of Representatives or a committee thereof, as the case may be, may, by a vote of two-thirds of those voting, permit such members to vote.

Every member shall give freely of his particular expertise during a discussion or debate upon a given proposition; in doing so he shall, insofar as it is possible, present the positions of all sides of the proposition.

Any member traveling to a legislative conference or meeting at state expense shall attend a substantial number of meetings and official functions.

No member shall host an event which seeks to raise campaign contributions for the election or reelection of any member to the General Assembly during the period beginning on organization day for the first regular session of the General Assembly and ending on the next April 29.

A member, the member's candidate committee and regular party committee organized by a legislative caucus of the House of Representatives of the General Assembly shall not, for the election or reelection of any member to the General Assembly, solicit campaign contributions, accept campaign contributions or conduct other fundraising activities during the period from the day before through the day after the day in November of each year that the General Assembly convenes.

No member shall accept honoraria during his term of office. Payment or reimbursement of expenses actually incurred shall be allowed.

II. PROCEDURE

Any member of the legislative ethics committee of the House of Representatives may receive:

- (1) a complaint from any person alleging a breach of privilege, misconduct, a violation of state law, or a violation of this code of ethics; and
- (2) a request from any member of the House of Representatives for a ruling by the legislative ethics committee.

Any complaint or request shall be reduced to writing on a form provided by the ethics committee and signed by the person making the complaint or request. The committee member receiving the complaint or request shall refer it to the chair who shall promptly call a meeting of the committee to consider the matter.

DOBIS

HOUSE MOTION

Mr. Speaker: I move that the motion of Representative Dobis be made a special order of business for Monday, January 11, 1999 at 1:35 p.m.

DOBIS

Motion prevailed.

RESOLUTIONS ON FIRST READING**Senate Concurrent Resolution 3**

The Speaker handed down Senate Concurrent Resolution 3, sponsored by Representative Sturtz:

A CONCURRENT RESOLUTION to honor Amber Yoder as the newly crowned "Miss Indiana Teen USA."

Whereas, Miss Amber Yoder was the youngest among 32 contestants competing for the title of "Miss Indiana Teen USA";

Whereas, She went on to compete in the national Teen USA competition where she finished in fifteenth place and was again the youngest contestant;

Whereas, Amber was recently selected as one of 30 students statewide for the Indiana Point of Youth: Advocates for Safe Communities program, sponsored by the Governor's Commission for a Drug Free Indiana;

Whereas, Amber is an honor student at Westview High School in La Grange County, where she is active in the Honor Society and is president of the Westview chapter of Students Against Drunk Driving;

Whereas, Amber is also active in many other extracurricular activities, including Spanish Club, Pom-pom Squad, and tennis; and

Whereas, Amber is a truly outstanding student who strives to achieve excellence in every activity in which she becomes involved: Therefore,

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

SECTION 1. The Indiana General Assembly congratulates Amber Yoder on being crowned "Miss Indiana Teen USA" and upon her many other accomplishments.

SECTION 2. The Principal Secretary of the Senate is directed to transmit a copy of this resolution to Amber Yoder and to her parents, Benny and Chris Yoder, of Shipshewana.

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 5

The Speaker handed down Senate Concurrent Resolution 5, sponsored by Representative Mannweiler:

A CONCURRENT RESOLUTION recognizing and honoring Randall Tobias for his years of distinguished service to the business community and for his many contributions to the citizens of Indianapolis and to the state of Indiana.

Whereas, Randall L. Tobias has had a long and distinguished career in business, serving as chairman of the board and chief executive officer of Eli Lilly and Company;

Whereas, Randall Tobias has led Eli Lilly and Company through one of the most successful periods in its history, as illustrated by the growth in market value under his leadership from \$14 billion in 1993 to \$75 billion in 1997, and by its ranking of first in the pharmaceutical industry in cumulative total return to shareholders;

Whereas, Mr. Tobias, a fifth-generation native of Indiana, graduated from Indiana University in 1964; then served two years as an artillery officer in the United States Army;

Whereas, In addition to Eli Lilly and Company, Mr. Tobias is a director of the Phillips Petroleum Company, Kimberly-Clark Corporation, and Knight-Ridder, Inc.;

Whereas, Mr. Tobias is chairman of the board of trustees of Duke University and a trustee of the Colonial Williamsburg Foundation; he is

also a member of the Business Council and the Council on Foreign Relations;

Whereas, Randall Tobias is a director of the Indianapolis Symphony Orchestra, a trustee and member of the board of governors of the Indianapolis Museum of Art, a director of the Central Indiana United Way, and a member of the board of directors of the Economic Club of Indianapolis;

Whereas, Randall Tobias has received numerous civic honors, including being named a Sagamore of the Wabash, the state's highest honor, by former Governor Evan Bayh, 1996 CEO Family Champion of the year by Working Mother Magazine, 1996 Business Leader of the Year by the Indiana State Chamber of Commerce, and the 1997 Norman Vincent Peale Humanitarian of the Year by the Norman Vincent Peale Foundation of New York City;

Whereas, Mr. Tobias has been awarded honorary Doctorate degrees by Indiana University, Butler University, and Gallaudet University, and an honorary Doctor of Engineering degree by Rose-Hulman Institute of Technology;

Whereas, Randall Tobias has been honored extensively by Indiana University with its Distinguished Alumni Award, by the Indiana University School of Business with induction into its Academy of Alumni Fellows, and by the Indiana University School of Education with its Distinguished Achievement in the Advancement of Education Award. He was a longtime director, and now an honorary director, of the Indiana University Foundation, and former chairman, and now a senior director of the I.U. School of Business Dean's Advisory Council; and

Whereas, Mr. Tobias led the effort to raise \$15 million from the private sector to support the relocation of the NCAA headquarters to Indianapolis: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The Indiana General Assembly hereby recognizes the outstanding career and the many community contributions of Randall Tobias and honors him upon his retirement from Eli Lilly and Company.

SECTION 2. The Secretary of the Senate shall transmit copies of this resolution to his wife, Marianne, and to his children Paige, Todd, Katie, and James.

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.

House Concurrent Resolution 5

Representative C. Brown introduced House Concurrent Resolution 5:

A CONCURRENT RESOLUTION recognizing the personal and professional accomplishments of Mr. James W. Holland upon his retirement as General Manager of Gary Public Transportation Corporation on December 31, 1998.

Whereas, James W. Holland has spent several decades as a model of leadership in the areas of effective urban governance and political decision-making;

Whereas, Mr. Holland distinguished himself by serving as the first Deputy Mayor of the City of Gary;

Whereas, His success in the field of urban transportation are models worthy of study by public transportation agencies around the world;

Whereas, Mr. Holland has served as renowned leader in both the Indiana Public Transit Association as well as the American Public Transportation Association;

Whereas, James W. Holland's civic activities have included negotiation of the first "Negotiated Investment Strategy" pact between federal, state, and local units of government;

Whereas, His tireless efforts have resulted in such tangible results as construction of the Genesis Convention Center, the Adam Benjamin Transportation Center, the GTPC Transportation Maintenance Facility, the Hudson Campbell Fitness Center, the expansion of the Gary Airport,

and the renovation of the Gary Hotel and the Knights of Columbus Building;

Whereas, James W. Holland's accomplishments as a stellar collegiate athlete while a student at Northwestern University; and

Whereas, Mr. Holland's life serves as an outstanding example to young people not only in Gary, but throughout the nation: 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 House of Representatives does hereby recognize the vital contributions of Mr. James W. Holland to the residents of the City of Gary and the State of Indiana.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives deliver a copy of the House Concurrent Resolution to Mr. James W. Holland.

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 Rogers.

House Concurrent Resolution 6

Representatives Kruzan and Mannweiler introduced House Concurrent Resolution 6:

A CONCURRENT RESOLUTION to convene a Joint Session of the 11th General Assembly of the State of Indiana.

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That a joint convention of the Senate and House of Representatives be convened, to meet in the Chambers of the House of Representatives at 7:30 p.m., on Tuesday, January, 12, 1999, to receive the Governor's message which will be given in compliance with Section 13 of Article 5 of the Constitution of the State of Indiana and the Speaker is hereby directed to appoint a committee of four members of this House to transmit this resolution to the Senate and report to this House such action as the Senate may take thereon.

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 Garton and R. Young.

The Speaker appointed Representatives Villalpando, Dvorak, Pond, and Cherry.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that a committee of four members of this House be appointed by the Speaker, to act with a like committee of the Senate, to wait upon the Governor and escort him to the Chamber of the House of Representatives to deliver his message to the General Assembly.

WELCH

Motion prevailed.

The Speaker appointed Representatives L. Lawson, Bardon, Pond, and Cherry.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors to House Bill 1002 and that Representatives Mangus, Mannweiler, Frenz, Linder, Sturtz, and Pelath be added as coauthors.

KRUZAN

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 Representatives Steele, Stevenson, and Ulmer be added as coauthors of House Bill 1147.

VILLALPANDO

Motion prevailed.

On the motion of Representative Dillon the House adjourned at 10:55 a.m., this seventh day of January, 1999, until Monday, January 11, 1999, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE SMITH

Principal Clerk of the House of Representatives