



# Journal of the House

State of Indiana

111th General Assembly

First Regular Session

Fourth Meeting Day

Monday Afternoon

January 11, 1999

The House convened at 1:00 p.m. with the Speaker in the Chair.

The invocation was offered by the Reverend Tom Ellsworth, Sherwood Oaks Christian Church, Bloomington, the guest of Representative Peggy Welch.

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

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

✓ indicates those who were absent.]

## HOUSE MOTION

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

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 12, 1999, at 10:00 a.m.

DOBIS

Motion prevailed.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 7

Representative Cheney introduced House Concurrent Resolution 7:

A CONCURRENT RESOLUTION to convene a Joint Session of the 111th 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 1:30 p.m. on Wednesday, January 13, 1999, to receive the Chief Justice's message which will be given in compliance with section 3 of Article 7 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 the resolution to the Senate and report to this House such action as the Senate may take thereon.

SECTION 2. That copies of this resolution be transmitted to Chief Justice Randall T. Shepard and the Indiana Senate.

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 Kruzan, Villalpando, Ayres, and Thompson..

## HOUSE MOTION

Mr. Speaker: I move that a committee of four members of the House be appointed by the Speaker, to act with a like committee of the Senate, to wait upon the Chief Justice of the Indiana Supreme Court and escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly.

PELATH

Motion prevailed.

The Speaker appointed Representatives Kuzman, Bardon, Ulmer, and Dillon.

## INTRODUCTION OF BILLS

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

**HB 1185** — GiaQuinta (Ways and Means)

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

Roll Call 4: 92 present; 4 excused; 4 absent. The Speaker announced a quorum in attendance. [NOTE: ▲ indicates those who were excused;

- HB 1186** — GiaQuinta (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1188** — Murphy (Public Policy, Ethics and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.
- HB 1189** — J. Lutz (Ways and Means)  
A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.
- HB 1190** — J. Lutz (Ways and Means)  
A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.
- HB 1191** — Avery (Ways and Means)  
A BILL FOR AN ACT concerning state and local administration.
- HB 1192** — Avery (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- HB 1193** — Pelath (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1194** — Pelath, Stevenson (Labor and Employment)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1195** — Pelath (Insurance, Corporations and Small Business)  
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1196** — Pelath (Agriculture, Natural Resources and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- HB 1197** — Crawford (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1198** — Foley (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1199** — Foley (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1201** — Foley (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1202** — Foley (Withdrawn pursuant to House Rule 111)
- HB 1203** — Burton (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1204** — Scholer (Commerce and Economic Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1205** — Scholer (Commerce and Economic Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1206** — Scholer (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1207** — Wolkins (Roads and Transportation)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1208** — Buell, Frenz (Public Policy, Ethics and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1209** — Cook (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- HB 1210** — Cook (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1211** — Lytle (Agriculture, Natural Resources and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- HB 1212** — Lytle (Agriculture, Natural Resources and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- HB 1213** — Porter (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1214** — Porter (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1215** — Stilwell (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1216** — Stilwell (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1217** — Stilwell (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.
- HB 1218** — Stilwell (Labor and Employment)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1219** — Porter (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1220** — Porter (Labor and Employment)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1221** — Dobis, Fesko (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1222** — Scholer (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.
- HB 1223** — Linder (Commerce and Economic Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- HB 1224** — Kuzman, Cheney (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1225** — Kuzman, Welch (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1226** — Mangus (Agriculture, Natural Resources and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

- HB 1227** — Mangus (Roads and Transportation)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1228** — Cheney, Bardon (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.
- HB 1229** — Pelath (Roads and Transportation)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1230** — Fry (Insurance, Corporations and Small Business)  
A BILL FOR AN ACT concerning insurance.
- HB 1231** — Fry (Insurance, Corporations and Small Business)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1232** — Fry (Insurance, Corporations and Small Business)  
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1233** — Fry, Linder, M. Young (Roads and Transportation)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1234** — Fry (Human Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1235** — Fry (Roads and Transportation)  
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- HB 1236** — Fry (Agriculture, Natural Resources and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- HB 1237** — Fry (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1238** — Frenz (Commerce and Economic Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1239** — Crooks (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1240** — Crooks (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1241** — Crooks (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1242** — Crooks (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- HB 1243** — Crooks (Commerce and Economic Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1244** — Crooks (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1245** — Crooks (Human Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1246** — Crooks (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1247** — T. Adams (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1248** — T. Adams, Klinker (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1249** — T. Adams (Labor and Employment)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1250** — T. Adams, Welch, Lytle (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1251** — T. Adams (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.
- HB 1252** — T. Adams (Labor and Employment)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1253** — T. Adams (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1254** — Kersey (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1255** — Kersey (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1256** — Kersey (Public Policy, Ethics and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1257** — Alderman (Human Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1258** — Alderman (Human Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1259** — Alderman, Summers (Human Affairs)  
A BILL FOR AN ACT concerning human services and to make an appropriation.
- HB 1260** — Alderman (Public Policy, Ethics and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.
- HB 1261** — Bodiker, Ruppel, Yount, L. Lawson (Financial Institutions)  
A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.
- HB 1262** — Bodiker (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.
- HB 1263** — Bodiker (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1264** — Bodiker (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

- HB 1265** — Bodiker (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1266** — Bodiker (Agriculture, Natural Resources and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1267** — Crawford (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1268** — Pelath (Environmental Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1269** — T. Brown (Public Policy, Ethics and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.
- HB 1270** — T. Brown (Agriculture, Natural Resources and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- HB 1271** — T. Brown (Human Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1272** — Linder (Ways and Means)  
A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.
- HB 1273** — Linder (Ways and Means)  
A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.
- HB 1274** — Linder (Ways and Means)  
A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.
- HB 1275** — Linder (Ways and Means)  
A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.
- HB 1276** — Saunders (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1277** — Whetstone (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1278** — Buck (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning tobacco and tobacco products.
- HB 1279** — Buck (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.
- HB 1280** — Buck (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- HB 1281** — Buck (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1282** — Torr (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.
- HB 1283** — Dobis (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1284** — Kruzan, Munson, Weinzapfel, Bardon (Public Policy, Ethics and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- HB 1285** — V. Smith (Agriculture, Natural Resources and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1286** — V. Smith (Commerce and Economic Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1287** — Crosby, Goeglein, Cheney, Welch (Human Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1288** — Ruppel (Elections and Apportionment)  
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- HB 1289** — Ruppel (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1290** — Ruppel (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- HB 1291** — Summers (Human Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.
- HB 1292** — Ripley (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1293** — Ripley (Labor and Employment)  
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- HB 1294** — Avery, Bailey (Roads and Transportation)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1295** — Avery, Weinzapfel (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.
- HB 1296** — Crosby, Whetstone, Stilwell, Cook (Roads and Transportation)  
A BILL FOR AN ACT concerning education.
- HB 1297** — Crosby, Cook, Crooks, Cherry (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation and to make an appropriation.
- HB 1298** — V. Smith (Agriculture, Natural Resources and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1299** — Kruzan, Foley, Welch (Commerce and Economic Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

### INTRODUCTION OF JOINT RESOLUTIONS

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

- HJR 1** — Buck (Ways and Means)  
A JOINT RESOLUTION proposing an amendment to Article 8, 10, and 13 of the Indiana Constitution concerning taxation.

*Be it resolved by the General Assembly of the State of Indiana:*

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Eleventh General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 8, SECTION 2 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 2. The Common School fund shall consist of the following:

- (1) The Congressional Township fund, and the lands belonging thereto.
- (2) The Surplus Revenue fund.
- (3) The Saline fund and the lands belonging thereto.
- (4) The Bank Tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana.
- (5) The fund to be derived from the sale of County Seminaries, and the moneys and property heretofore held for such Seminaries, from the fines assessed for breaches of the penal laws of the State, and from all forfeitures which may accrue.
- (6) All lands and other estate which shall escheat to the State, for want of heirs or kindred entitled to the inheritance.
- (7) All lands that have been, or may hereafter be, granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof; including the proceeds of the sales of the Swamp Lands, granted to the State of Indiana by the act of Congress of the twenty eighth of September, eighteen hundred and fifty, after deducting the expense of selecting and draining the same.

Taxes on the property of corporations; that may be assessed by the General Assembly for common school purposes:

SECTION 3. ARTICLE 10, SECTION 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 1. ~~(a) The General Assembly shall may not impose or provide by law for a uniform and equal rate of property the assessment and taxation and shall prescribe regulations to secure a just valuation for taxation of all property; both real and personal. The General Assembly may exempt from property taxation any property in any of the following classes: or levy of a tax on property.~~

- ~~(1) Property being used for municipal; educational; literary; scientific; religious or charitable purposes;~~
- ~~(2) Tangible personal property other than property being held for sale in the ordinary course of a trade or business; property being held; used or consumed in connection with the production of income; or property being held as an investment;~~
- ~~(3) Intangible personal property;~~

~~(b) The General Assembly may exempt any motor vehicles; mobile homes; airplanes; boats; trailers or similar property; provided that an excise tax in lieu of the property tax is substituted therefor.~~

SECTION 4. ARTICLE 13, SECTION 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 1. (a) As used in this Section, "average total revenues" means the result determined under STEP THREE of the following formula:

STEP ONE: Determine, for each of the three budget years immediately preceding the budget year in a political or municipal corporation will incur a debt, the total receipts that are:

- (A) received by the political or municipal corporation, including distributions from the State of Indiana but excluding the proceeds from loans, the sale of property, the sale of bonds, or the issuance of other debt; and
- (B) available to pay the expenditures of the political or municipal corporation, including repayment of principal and interest on debt.

STEP TWO: Determine the sum of the amounts determined under STEP ONE.

STEP THREE: Divide the amount determined under STEP TWO by three.

Funds dedicated to a particular purpose may be included in the computation of average total revenues only to the extent that the funds are or may be by law pledged to repay any part of the debt of

a political or municipal corporation. The General Assembly may establish by law an alternative method of computing average total revenues for a political or municipal subdivision that may issue debt less than three budget years after the political or municipal subdivision is established. The General Assembly may allow, by law, for a political or municipal corporation to include in the computation of average total revenues an amount equal to an estimate of what the political or municipal corporation will receive from a tax or fee that was not collected in any of the three budget years preceding the budget year in which the political or municipal corporation incurs a debt but that is pledged to repay a debt.

(b) No political or municipal corporation in this State shall ever become indebted, in any manner or for any purpose to an amount that, in the aggregate, ~~exceeding two per centum on the value of the taxable property within such corporation;~~ would result in payments of principal and interest in any year over the term of all debt that exceeds twenty percent of the average total revenues of the political or municipal corporation, to be ascertained by the last assessment for State and county taxes; previous to the incurring of such indebtedness; and on the first day of the budget year in which the political or municipal corporation incurs a debt. All bonds or obligations, in excess of such amount, given by such corporations, shall be void. ~~Provided, That~~ However, in time of war, foreign invasion, or other great public calamity, on petition of a majority of the property owners in number and value, within the limits of such corporation, the public authorities, in their discretion, may incur obligations necessary for the public protection and defense to such amount as may be requested in such petition.

#### SCHEDULE

The General Assembly shall provide, by law, for the repeal of all statutes authorizing the assessment and levy of an ad valorem property tax not later than two years after the effective date of the amendment of ARTICLE 10, Section 1 of the Constitution of the State of Indiana. After the date of the repeal of the statutes or the expiration of two years, whichever is earlier, the power of a political or municipal corporation to impose an ad valorem property tax is void. However, the General Assembly may continue the authority of political and municipal subdivisions to impose a property tax that was initially pledged to repay principal or interest on a debt before November 7, 2001, until the principal or interest on the debt is refunded by other means or is otherwise fully repaid. The repeal of any statute under this Schedule does not release or extinguish any penalty, forfeiture, or liability incurred under the statute, unless the repealing statute shall so expressly provide, and the statute shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of the penalty, forfeiture, or liability.

The amendment of ARTICLE 13, Section 1 of the Constitution of the State of Indiana does not release or extinguish the debt of any political or municipal corporation that has debt exceeding the maximum debt limit allowed under ARTICLE 13, Section 1 of the Constitution of the State of Indiana, as amended, on the effective date of the amendment. However, the political or municipal corporation may not incur any additional debt that will increase the total aggregate debt of the political or municipal corporation until the political or municipal corporation is in compliance with ARTICLE 13, Section 1 of the Constitution of the State of Indiana, as amended.

#### HJR 2 — Buck (Ways and Means)

A JOINT RESOLUTION proposing an amendment to Article 10, Section 1 of the Constitution of the State of Indiana concerning taxation.

*Be it resolved by the General Assembly of the State of Indiana:*

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Eleventh General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 10, SECTION 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 1. (a) The General Assembly shall provide, by law, for a uniform and equal rate of property assessment and taxation and

shall prescribe regulations to secure a just valuation for taxation of all property, both real and personal. The General Assembly may exempt from property taxation any property in any of the following classes:

- (1) Property being used for municipal, educational, literary, scientific, religious or charitable purposes;
- (2) Tangible personal property, other than ~~property being held for sale in the ordinary course of a trade or business~~; property being held, used, or consumed in connection with the production of income or property being held as an investment;
- (3) Intangible personal property.

(b) The General Assembly may exempt any motor vehicles, mobile homes, airplanes, boats, trailers or similar property, provided that an excise tax in lieu of the property tax is substituted therefor.

(c) **After December 31, 2007, property taxes may not be imposed on property being held for sale in the ordinary course of a trade or business.**

### SPECIAL ORDER OF BUSINESS

With the consent of the members, the Speaker handed down the amendments to the House Rules, which had been made a special order of business for 1:30 p.m.:

### 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

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

### SPECIAL ORDER OF BUSINESS

With the consent of the members, the Speaker handed down the Code of Ethics, which had been made a special order of business for 1:35 p.m.:

## 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

Motion prevailed.

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

HOUSE MOTION

Mr. Speaker: I move that Representative Kruzan be added as coauthor of House Bill 1239.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruzan be added as coauthor of House Bill 1240.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Scholer, Lytle, and Klinker be added as coauthors of House Bill 1269.

T. BROWN

Motion prevailed.

On the motion of Representative Weinzapfel the House adjourned at 1:20 p.m., this eleventh day of January, 1999, until Tuesday, January 12, 1999, at 10:00 a.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE SMITH

Principal Clerk of the House of Representatives

