



Journal of the House

State of Indiana

111th General Assembly

Second Regular Session

First Meeting Day

Tuesday Morning

November 16, 1999

The members of the House of Representatives of the One Hundred Eleventh General Assembly of the State of Indiana assembled in the House Chambers in the State House in the City of Indianapolis on Tuesday, the sixteenth day of November, 1999, 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 the Speaker, John R. Gregg.

The invocation was offered by Father Thomas Murphy, St. John's Catholic Church, Indianapolis, a former member of the House and the guest of Representative Michael B. Murphy.

The Pledge of Allegiance to the Flag was led by Representative David L. Crooks.

October 7, 1999

Dear John,

After much thought and deliberation, I have decided to resign from my Indiana House of Representatives District 15 seat effective October 7, 1999. Although this was an extremely difficult decision for me to make, I feel it is the best one. My intentions are to spend more time with my family and my family business.

As I look back over the years, I am reminded of what an extreme honor and pleasure it has been to work with all of the General Assembly members, staff, and the constituents. During my tenure at the State House, I have learned much and have had the opportunity to meet many Hoosiers whom I now count as friends. It has been a pleasure to serve as a legislator, and I leave with many wonderful memories from the State House and the profound sense of gratitude for the opportunity to have participated in the legislative process.

I wish each of you the best in your future endeavors and will keep you in my thoughts. Please stay in touch. Best wishes.

Sincerely,
Timothy Fesko

STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE

I, Sue Ann Gilroy, Indiana Secretary of State, hereby certify, pursuant to IC 3-13-5-7, that Daniel A. Dumezich has received the highest number of votes for the Office of Indiana State Representative, District 15, at the caucus of precinct committee persons held pursuant to IC 3-13 on October 20, 1999.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the City of Indianapolis, this 1st day of November, 1999.

SUE ANN GILROY
Secretary of State

The oath of office was administered by the Speaker as follows:

"I, Daniel Dumezich, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as a member of the House of Representatives of the General Assembly of the State of Indiana to the best of my skill and ability, so help me God."

ROLL CALL OF MEMBERS

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

- R. Tiny Adams, District 34, Delaware County
- Robert K. Alderman, District 83, Allen, Noble, and Whitley Counties
- James D. Atterholt, District 86, Marion County
- Dennis T. Avery, District 75, Vanderburgh County
- Ralph D. Ayres, District 4, LaPorte and Porter Counties
- William W. Bailey, District 66, Clark, Jackson, Jennings, and Scott Counties
- Jeb Bardon, District 94, 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, and Switzerland Counties
- Richard W. Bodiker, District 56, Wayne County
- Brian C. Bosma, District 88, Marion County
- 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, Howard, and Tipton Counties
- Lawrence L. Buell, District 89, Marion County
- Charles W. Burton, District 58, Johnson and Shelby Counties
- Duane Cheney, District 10, Porter County
- Robert Cherry, District 53, Hancock and Rush Counties
- William C. Cochran, District 72, Clark and Floyd Counties
- Gary L. Cook, District 17, LaPorte, Marshall, Pulaski, and Starke Counties
- William A. Crawford, District 98, Marion County
- David L. Crooks, District 63, Daviess, Dubois, Gibson, Martin, and Pike Counties
- Susan R. Crosby, District 44, Clay, Montgomery, Parke, Putnam, and Vigo 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
- Gary Dillon, District 50, Huntington and Whitley Counties
- Chester F. Dobis, District 13, Lake County
- Daniel A. Dumezich, District 15, Lake County
- Cleo R. Duncan, District 67, Decatur, Ripley, and Switzerland Counties

Jeffrey K. Espich, District 82, Allen and Wells Counties
 Ralph M. Foley, District 47, Brown, Johnson, and Morgan Counties
 John G. Frenz, District 64, Daviess, Gibson, Knox, Pike, and Posey Counties
 William C. Friend, District 23, Howard, Miami, Tipton, and Wabash 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
 Gloria J. Goeglein, District 84, Allen County
 John R. Gregg, District 45, Daviess, Greene, Knox, Sullivan, and Vigo Counties
 F. Dale Grubb, District 42, Fountain, Parke, Vermillion, Vigo, and Warren Counties
 Earl L. Harris, District 2, Lake County
 Brian Hasler, District 77, Vanderburgh County
 Ron Herrell, District 30, Howard County
 Robert A. Hoffman, District 55, Dearborn, Fayette, Franklin, Union, and Wayne Counties
 Clyde Kersey, District 43, Vigo County
 Sheila A. Klinker, District 27, Tippecanoe County
 Thomas S. Kromkowski, District 7, St. Joseph County
 Dennis K. Kruse, District 51, Dekalb, LaGrange, and Steuben Counties
 Mark R. Kruzan, District 61, Monroe County
 Robert D. Kuzman, District 19, Lake and Porter Counties
 Linda Lawson, District 1, Lake County
 Claire Leuck, District 25, Benton, Carroll, Newton, Tippecanoe, Warren, and White Counties
 Ronald D. Liggett, District 33, Blackford, Delaware, Jay, and Randolph Counties
 Jeffrey M. Linder, District 57, Bartholomew, Rush, and Shelby Counties
 L. Jack Lutz, District 36, Madison County
 Markt L. Lytle, District 69, Jackson, Jefferson, and Jennings Counties
 Edmund M. Mahern, District 97, Marion County
 Richard W. Mangus, District 21, Elkhart and St. Joseph Counties
 Paul S. Mannweiler, District 87, Marion County
 Richard W. McClain, District 24, Carroll, Cass, and Miami Counties
 Scott Mellinger, District 37, Hancock and Madison Counties
 Dean R. Mock, District 48, Elkhart and St. Joseph Counties
 Winfield C. Moses, Jr., District 81, Allen County
 Bruce N. Munson, District 35, Delaware County
 Michael B. Murphy, District 90, Marion County
 Dennis Oxley II, District 73, Crawford, Dubois, Harrison, Perry, Scott, and Washington Counties
 Scott Pelath, District 9, LaPorte County
 Phyllis J. Pond, District 85, Allen and Dekalb Counties
 Gregory W. Porter, District 96, Marion County
 Kathy Kreg Richardson, District 29, Hamilton, Hancock, and Tipton Counties

Michael A. Ripley, District 79, Adams and Allen Counties
 Paul J. Robertson, District 70, Clark, Floyd, and Harrison Counties
 William J. Ruppel, District 22, Kosciusko, Marshall, and Wabash Counties
 Thomas E. Saunders, District 54, Delaware, Henry, and Wayne Counties
 Sue W. Scholer, District 26, Tippecanoe County
 Michael D. Smith, District 16, Fulton, Jasper, Kosciusko, and Pulaski Counties
 Vernon G. Smith, District 14, Lake County
 Brent E. Steele, District 65, Brown, Jackson, Lawrence, Monroe, and Washington Counties
 Dan C. Stevenson, District 11, Lake County
 Russell L. Stilwell, District 74, Dubois, Gibson, Perry, Spencer, and Warrick Counties
 W. Dale Sturtz, District 52, LaGrange and Noble Counties
 Vanessa Summers, District 99, Marion County
 Jeffrey Thompson, District 28, Boone, Clinton, and Hendricks Counties
 Vern Tinchler, District 46, Clay, Monroe, Owen, and Vigo Counties
 Gerald R. Torr, District 39, Boone and Hamilton Counties
 P. Eric Turner, District 32, Grant, Madison, and Miami Counties
 John D. Ulmer, District 49, Elkhart County
 Jesse M. Villalpando, District 12, Lake County
 Jonathan Weinzapfel, District 76, Posey and Vanderburgh Counties
 Peggy Welch, District 60, Greene, Lawrence, and Monroe Counties
 Matthew D. Whetstone, District 40, Hendricks and Morgan Counties
 David A. Wolkins, District 18, Kosciusko County
 Dean A. Young, District 31, Blackford and Grant Counties
 R. Michael Young, District 92, Marion County
 David B. Yount, District 59, Bartholomew and Brown Counties
 Roll Call 1: 98 present; Representatives Budak and Dvorak 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.

KRUZAN

Motion prevailed. The Speaker appointed Representatives Dickinson, Kersey, Friend, and Steele.

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.

DICKINSON
KERSEY

FRIEND
STEELE

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.

KRUZAN

Motion prevailed. The Speaker appointed Representatives Denbo, Welch, Domezich, and Mangus.

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.

DENBO
WELCHDUMEZICH
MANGUS

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 Long, Lubbers, Blade, and Bowser 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."

CAROLYN J. TINKLE
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 Ford, Waterman, Breaux, and Lanane 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."

CAROLYN J. TINKLE
Secretary of the Senate

CHANGES IN STANDING COMMITTEES

The Speaker announced the following changes in standing committees:

Committee on Financial Institutions, Representative Domezich replacing former Representative Fesko and

Committee on Insurance, Corporations and Small Business, Representative Domezich replacing former Representative Fesko.

INTRODUCTION OF BILLS

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

HB 1001 — Bauer (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1002 — Leuck, Summers (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1003 — Bodiker, Avery (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1004 — V. Smith (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

RULES SUSPENSION

HOUSE MOTION

Mr. Speaker: I move that the Constitutional rule requiring every bill to be read by title on three several days be suspended and that all applicable House rules be suspended with respect to House Bills 1001, 1002, 1003, and 1004, so that said bills shall be eligible for consideration by the Committee on Rules and Legislative Procedures on November 16, 1999, need not be printed, may be read the second time by title, considered engrossed, read the third time by sections, and placed upon their passage on this date.

KRUZAN

Upon request of Representatives Mannweiler and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 2: yeas 53, nays 45. The motion, not having received the vote of two-thirds of the members, failed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Pursuant to House Rule 60, committee meetings were announced.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:30 p.m. with the Speaker in the Chair.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, November 17, 1999 at 10:00 a.m.

L. LAWSON

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 2

Representative Kruzan introduced House Concurrent Resolution 2:
A CONCURRENT RESOLUTION honoring Hoagy Carmichael on the 100th year anniversary of his birth.

Whereas, Hoagland "Hoagy" Carmichael, the first born child of Howard and Lida Mary Carmichael, entered the world on South Grant Street in Bloomington, Indiana, on November 22, 1899;

Whereas, Hoagy discovered his love of jazz music at a young age listening to the black jazz bands playing in Indianapolis clubs and began imitating the exciting new techniques of the jazz groups;

Whereas, In 1920, Hoagy entered Indiana University, moved into the Kappa Sigma house, and began playing his tinny sounding piano at his hangout, the Book Nook, in Bloomington;

Whereas, For a time, Hoagy alternated between college and music, playing gigs in Indiana, Florida, and Chicago, where he met Bix Beiderbecke, whose band later recorded Hoagy's first composition, the "Riverboat Shuffle";

Whereas, Seeing firsthand the rough-and-tumble jazz life, Hoagy decided to pursue his second love, the respectable and more prosperous profession of law, earning a law degree from IU in 1926;

Whereas, While sitting in his law office in Florida, Hoagy heard "Washboard Blues", a tune he had sold on his way to Florida,

locked the door to his law office, put the key under the door, and returned to Bloomington to resume his career in music;

Whereas, In the summer of 1927, Hoagy recorded "Star Dust" which soon began being played world wide;

Whereas, Hoagy then traveled to New York where he found success with hits, including "Georgia on My Mind", "Lazy River", "Little Old Lady", and "Lazybones";

Whereas, While in New York, Hoagy met his bride, Ruth Minardi, and at their wedding reception, both George Gershwin and Hoagy's mother entertained at the piano playing Hoagy's composition, "Wedding Waltz";

Whereas, After moving to Hollywood in 1936, Hoagy wrote memorable film songs such as "The Nearness of You", "Heart and Soul", "Small Fry", and "Two Sleepy People", and later stumbled into an acting career;

Whereas, Hoagy's first film, "To Have and Have Not", for which he wrote the movie's score in addition to acting, turned into a film classic with Humphrey Bogart and Lauren Bacall;

Whereas, Hoagy later appeared in eight other motion pictures, including the Academy Award winning "The Best Years of Our Lives" and continued to produce film tunes including the 1951 Oscar winning composition for best song "In the Cool, Cool, Cool of the Evening" sung by Bing Crosby;

Whereas, Hoagy went on to perform on numerous radio and television shows and wrote his autobiography, "The Star Dust Road" in 1945 and a sequel "Sometimes I Wonder" in 1965; and

Whereas, Hoagy Carmichael truly loved Bloomington and Indiana University and will always be fondly remembered: 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 General Assembly hereby honors Hoagy Carmichael on the 100th anniversary of his birth.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Hoagy Carmichael's sons, Hoagy, Jr. and Randy and to Indiana University.

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 Simpson.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, 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 do pass.

Committee Vote: yeas 10, nays 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1002, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1003, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1004, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

MOSES, Chair

Report adopted.

RULES SUSPENSION

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures recommends that House Rule 142 be suspended with respect to House Bills 1001, 1002, 1003, and 1004 and that said bills be eligible for second reading on Wednesday, November 17, 1999.

Committee Vote: yeas 10, nays 0.

MOSES, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that House Rule 142 be suspended with respect to House Bills 1001, 1002, 1003, and 1004 and that said bills be eligible for second reading on Wednesday, November 17, 1999.

KRUZAN

Motion prevailed.

On the motion of Representative Dumezich the House adjourned at 2:00 p.m., this sixteenth day of November, 1999, until Wednesday, November 17, 1999, at 10:00 a.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE SMITH

Principal Clerk of the House of Representatives