



Journal of the House

State of Indiana

111th General Assembly

Second Regular Session

Twenty-first Meeting Day

Thursday Afternoon

February 10, 2000

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

The invocation was offered by Pastor Ronald May, Our Shepherd Lutheran Church, Indianapolis, the guest of Representative Robert W. Behning.

The Pledge of Allegiance to the Flag was led by Representative Jeffrey K. Espich.

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
Dumezich •	Stevenson
Duncan	Stilwell
Dvorak	Sturtz
Espich	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

Roll Call 246: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

HOUSE MOTION

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

BOTTORFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 14, 2000, at 1:00 p.m.

T. ADAMS

Motion prevailed.

INTRODUCTION OF BILLS

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

ESB 52 — Liggett (Labor and Employment)

A BILL FOR AN ACT to amend the Indiana Code concerning worker's compensation and occupational disease compensation.

ESB 186 — Kuzman, Klinker, Scholer (Public Policy, Ethics and Veterans Affairs)

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

ESB 233 — Fry, M. Smith (Insurance, Corporations and Small Business)

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

ESB 242 — Ruppel (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

ESB 245 — Bauer, Klinker, Kruzan (Ways and Means)

A BILL FOR AN ACT concerning university bonds.

ESB 256 — Crosby, Whetstone, Foley (Ways and Means)

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

ESB 257 — Bailey, Steele, Lytle, Cherry (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning economic development and to make an appropriation.

ESB 259 — Friend, Bodiker, Tincher (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 262 — Sturtz, Wolkins (Environmental Affairs)

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

ESB 278 — Porter, Behning, Scholer (Ways and Means)

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

ESB 288 — Fry (Ways and Means)

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

- ESB 319** — C. Brown, Becker (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- ESB 322** — C. Brown, Becker (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- ESB 330** — Klinker, Duncan (Human Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- ESB 331** — Lytle, Leuck, Kruse (Agriculture, Natural Resources and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- ESB 343** — Cook, Thompson (Roads and Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.
- ESB 351** — Bodiker, Yount (Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning investment of public funds.
- ESB 352** — Porter, Atterholt, Bodiker (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- ESB 353** — M. Young, Kuzman, Alderman (Public Policy, Ethics and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.
- ESB 355** — Pelath, Budak (Rules and Legislative Procedures)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- ESB 370** — Klinker, Budak (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- ESB 372** — Wolkins, Sturtz (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- ESB 373** — Klinker, Atterholt (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.
- ESB 379** — C. Brown, Buell (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- ESB 393** — Crosby, Scholer (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.
- ESB 401** — Dobis, Whetstone, Welch, Klinker (Public Policy, Ethics and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- ESB 408** — Bauer, Buell (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- ESB 411** — GiaQuinta, D. Young (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- ESB 414** — Mellinger, Ulmer (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.
- ESB 418** — Bardon, Ripley (Insurance, Corporations and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- ESB 419** — Robertson (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- ESB 425** — Kuzman, Linder (Public Policy, Ethics and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- ESB 431** — Sturtz, Wolkins (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- ESB 432** — Kuzman, Wolkins (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- ESB 433** — Mellinger, Sturtz, Foley (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.
- ESB 442** — Lytle, Cherry (Courts and Criminal Code)
A BILL FOR AN ACT to amend the Indiana Code concerning prosecuting attorneys.
- ESB 455** — C. Brown (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- ESB 468** — Porter, Bosma, Scholer (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- ESB 469** — Pelath, Linder (Insurance, Corporations and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- ESB 470** — Leuck, Cherry (Agriculture, Natural Resources and Rural Development)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- ESB 489** — Bauer, Espich (Ways and Means)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.
- ESB 505** — C. Brown, Becker, Crawford (Public Health)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- ESB 508** — Porter, Behning (Education)
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.
- ESB 511** — Kruzan, Wolkins (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- ESB 515** — Leuck (Agriculture, Natural Resources and Rural Development)
A BILL FOR AN ACT concerning local government.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 47

Representative Crawford introduced House Concurrent Resolution 47:

A CONCURRENT RESOLUTION to congratulate the Rev. Henry

Samson Jones upon his 100th birthday and to celebrate his life of service.

Whereas, Rev. Henry Samson Jones was born on March 12, 1900, and will be celebrating his 100th birthday on March 12, 2000;

Whereas, Rev. Henry Samson Jones remains very active with the Mount Helm Missionary Baptist Church of Indianapolis, Indiana, where he continues to serve as a teacher and Superintendent Emeritus of the Sunday School;

Whereas, Prior to her death, Rev. Henry Samson Jones had been married to Maxine Jones, and abided in this joyful communion for seventy years;

Whereas, Rev. Henry Samson Jones continues to share his wisdom with those who seek it, and has been adopted by many members of his community as a grandfather figure; and

Whereas, The Mount Helm Missionary Baptist Church will honor Rev. Henry Samson Jones with a banquet and reception on Sunday, March 12, 2000; Therefore,

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

SECTION 1. The Indiana General Assembly congratulates the Rev. Henry Samson Jones for his generous contributions to our society and joins with his friends and community in the celebration of his 100th birthday.

SECTION 2. The Principal Clerk of the House is directed to deliver a copy of this resolution to Rev. Henry Samson Jones.

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 Breaux and Howard.

House Concurrent Resolution 48

Representative Crosby introduced House Concurrent Resolution 48:

A CONCURRENT RESOLUTION urging the Secretary of the Indiana Department of Family and Social Services Administration and the Office of Women's Health to review the effect of obesity in both adults and children on costly health complications such as diabetes, hypertension, heart disease and stroke, and health complications in children, and to report on current programs of the state designed to improve awareness of the problem of obesity and its treatment and to make recommendations to the Legislature for additions and improvements to the state programs prior to the convening of the 2001 session of the Legislature.

Whereas, The Indiana Department of Family and Social Services Administration maintains several multi-agency programs to improve the health of Hoosiers, young and old;

Whereas, The Office of Women's Health is concerned about how obesity affects the family, but most importantly, the healthy lives of our children;

Whereas, The Indiana Department of Health published in July 1999 the Indiana Health Behavior Risk Facts, 1997 State Data, and the Indiana Health Behavior report recognized obesity among the known risk factors contributing to serious health consequences;

Whereas, A causal relationship exists between obesity and a number of serious disorders, including hypertension, hyperlipidemia, vascular disease, diabetes (Type II), gallbladder disease, respiratory dysfunction, gout, and osteoarthritis;

Whereas, Nearly seventy percent of diagnosed cases of cardiovascular diseases are related to obesity, and obesity more than doubles a person's chances of developing high blood pressure, and almost half of breast cancer cases are diagnosed among obese women, and forty-two percent of colon cancer cases are among obese individuals;

Whereas, Obesity ranks second only to smoking as a preventable cause of death and results in some three hundred thousand deaths annually on a national basis;

Whereas, It is estimated that thirty-five percent of the adult population is obese and the prevalence of obesity grew thirty-four percent during the past ten years;

Whereas, There is also great concern regarding what effect obesity in children may have on overall health in children, health care costs for children, and treatment to address the problem of obesity in children;

Whereas, Insurance industry studies indicate that the total direct costs of obesity-related diseases in the United States is as much as \$51.6 billion or 5.7% of the total U.S. national health expenditures;

Whereas, There is a significant potential for a reduction in health care expenditures through obesity prevention efforts;

Whereas, There is an urgent need for state health care agencies and medical professionals to place obesity at near the top of Indiana's health care agenda;

Whereas, The National Institute of Health, the American Society for Bariatric Surgery, and the American Obesity Association recommend that patients who are morbidly obese receive responsible, affordable medical treatment for their obesity;

Whereas, The recent breakthroughs in drug therapy can treat obesity successfully; and

Whereas, A review by the Secretary of Family and Social Services Administration and the Office of Women's Health is critical to raise the awareness of the public and private sectors that obesity is a disease of epidemic proportions, that is treatable and that proper treatment will reduce health care costs and improve the quality of life for a large number of our citizens: 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 Secretary of the Department of Family and Social Services Administration and the Office of Women's Health review the effect of obesity in both adults and children on costly health complications such as diabetes, hypertension, high cholesterol, heart disease and stroke, and health complications in children, and to report on current programs of the state designed to improve awareness of the problem of obesity and its treatment and to make recommendations to the Legislature for additions and improvements to the state programs by December 1, 2000 and prior to the convening of the 2001 session of the Legislature.

SECTION 2. That the Legislative Council direct this Resolution to an interim study committee for evaluation and recommendation.

SECTION 3. That the Principal Clerk of the House be directed to send a copy of this resolution to the Secretary of the Indiana Department of Family and Social Services Administration and the Office of Women's Health.

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 Gard.

House Resolution 24

Representative Becker introduced House Resolution 24:

A HOUSE RESOLUTION to congratulate the Castle High School advanced government class for winning the Indiana "We the People" competition.

Whereas, The Castle High School of Newburgh advanced government class won this year's Indiana "We the People" contest for Constitutional scholars;

Whereas, These high school seniors advanced through the Congressional district level of the contest to participate and prevail in the state contest, which consists of an opening statement and a question-and-answer portion;

Whereas, Victory at the state level propels the Castle High students to the national contest in Washington, D.C. in May;

Whereas, Castle High placed fourth in the nation last year, its best finish ever in the six times Castle has represented Indiana in the thirteen years of the contest;

Whereas, The team consists of Jessica Allen, Kaycie Bayer, Jeremy Belwood, Sarah Bradley, Nathan Brown, Christina Clark, Clint Claypool, Laura Deneve, Jennifer Dick, Kelly Eaton, Laura Faver, Amy Fox, Will Greubel, Todd Hambidge, Ruth Hartke, Chris Hert, Kristen Jones, Jacque Keneipp, Kelly Merrick, Jennifer Miller, Sarah Murray, Michele Purdue, Jesse Reiherzer, Andrea Rust, Mike Schrader, Sean Selby, Kendra Thompson, Laura Treider, Alex Vix, Tracy Waible, Cheryl Young, and Aubrey Youngs;

Whereas, The student scholars all credit the tireless efforts of their teacher and longtime coach, Mr. Stan Harris, with the continued success of their program: Therefore,

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

SECTION 1. The House of Representatives congratulates the Castle High School of Newburgh advanced government class for its continuing success in the "We the People" competition.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Castle High School.

The resolution was read a first time and adopted by voice vote.

House Resolution 25

Representative Becker introduced House Resolution 25:

A HOUSE RESOLUTION congratulating Deidra Potts as a recipient of a Prudential Spirit of Community Award and recognizing her outstanding record of volunteer service.

Whereas, Deidra Potts, a resident of Newburgh and a senior at Castle High School, has achieved national recognition for exemplary volunteer service by receiving a 2000 Prudential Spirit of Community Award;

Whereas, This prestigious award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities;

Whereas, Deidra earned this award by giving generously of her time and energy to create and now lead the "Dream Team," a group of high school volunteers who present life-skills, drug-prevention and environmental awareness workshops to young children in the community; and

Whereas, The success of the State of Indiana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Deidra Potts who use their considerable talents and resources to serve others: Therefore,

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

SECTION 1. The Indiana House of Representatives congratulates and honors Deidra Potts as a recipient of a Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership and community spirit, and extends best wishes for her continued success.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Deidra Potts.

The resolution was read a first time and adopted by voice vote.

House Resolution 26

Representative Scholer introduced House Resolution 26:

A HOUSE RESOLUTION honoring Kappa Kappa Kappa, Inc., commonly known as Tri Kappa.

Whereas, Tri Kappa celebrates 99 years of philanthropic service to the state of Indiana;

Whereas, Tri Kappa was founded on February 22, 1901 by seven young women who attended May Wright Seawall's Girls' Classical School;

Whereas, Tri Kappa is unique to the State of Indiana since all of its members and chapters are included in Indiana;

Whereas, Tri Kappa is home to 11,000 members, 148 active chapters and 132 associate chapters;

Whereas, Tri Kappa is governed by a state constitution and state and chapter bylaws;

Whereas, Tri Kappa's objective is to bring women into close, unselfish relationship for the promotion of charity, culture and education;

Whereas, Tri Kappa has donated over \$1.3 million every year to such worthwhile organizations as the Mental Health Association, Indiana Association of Retarded Citizens, Indiana Special Olympics and Very Special Arts of Indiana;

Whereas, Tri Kappa has crafted a very special relationship with Riley Hospital since it first opened in 1922 and has donated over a half million dollars to the organization;

Whereas, Tri Kappa are the proud owners of over 100 paintings which are on permanent loan to the Rose-Hulman Institute of Technology; in addition to sponsoring fine arts scholarships for students;

Whereas, Since 1913 Tri Kappa has given over \$5 million in local and state scholarships;

Whereas, Tri Kappa supports the gifted and talented programs at Purdue University, Indiana State University and Ball State University;

Whereas, Tri Kappa has been the recipients of such prestigious honor and awards as the Irsay Award, the Way of Honor and the Spirit of Special Olympics; and

Whereas, Tri Kappa is a shining example of what individuals can accomplish when they come together in the name of service to one's community and the state: Therefore,

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

SECTION 1. The Indiana House of Representatives honors Kappa Kappa Kappa, Inc., commonly known as Tri Kappa.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Kappa Kappa Kappa, commonly known as Tri Kappa.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 7, 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 13, nays 0.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 24, 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.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 64, 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 24, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 79, 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 1, line 13, after "IC 25-22.5" insert ", **or has a mental impairment that is verifiable by a psychologist licensed under IC 25-33,**".

Page 1, line 13, delete "without".

Page 1, line 14, delete "treatment".

Page 2, line 4, strike "without".

Page 2, line 5, delete "considering whether a" and insert "**with reference to an individual's ability to afford prescribed treatment in accordance with rulings issued by the Social Security Administration applicable to Title XVI of the federal Social Security Act.**".

Page 2, delete lines 6 through 8.

(Reference is to SB 79 as printed January 28, 2000.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 96, 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.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 134, 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 12, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 216, 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 25, nays 0.

BAUER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 318, 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 12, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 320, 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 11, nays 0.

C. BROWN, Chair

Report adopted.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Turner the House adjourned at 1:40 p.m., this tenth day of February, 2000, until Monday, February 14, 2000, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE SMITH

Principal Clerk of the House of Representatives