



Journal of the House

State of Indiana

112th General Assembly

First Special Session

First Meeting Day

Tuesday Morning

May 14, 2002

The members of the House of Representatives of the State of Indiana met in obedience to a call of the Governor, in a Special Session of the 112th General Assembly.

The House of Representatives was called to order by the Speaker, John R. Gregg, at 11:55 a.m.

The invocation was offered by Representative Cynthia J. Noe.

The Pledge of Allegiance to the Flag was led by Representative Chester F. Dobis.

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

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

Roll Call 1: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: ☒ indicates those who were excused.]

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS
PROCLAMATION

TO ALL WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, During the second regular session of the 112th Indiana General Assembly, the General Assembly did not enact legislation dealing with the fiscal crisis caused by the national recession, nor did it address the need to restructure Indiana's antiquated tax system to create jobs and to protect homeowners; and

WHEREAS, The national recession has taken an immense toll on Indiana's economy, putting Hoosiers out of work, and undermining the fiscal underpinnings of state government; and

WHEREAS, It is imperative that extraordinary measures, including an overhaul of the state's tax system, be taken to establish an environment conducive to job creation; and

WHEREAS, It is equally important to restore the state's fiscal integrity and thereby protect the important services, such as public education and public safety, that the public expects; and

WHEREAS, Homeowners need and deserve assurance that they will be able to maintain their homes and not be driven out by excessive property tax increases; and

WHEREAS, The Constitution of Indiana provides in Article 4, Section 9, that the Governor may call a special session of the General Assembly by proclamation at any time, "if, in the opinion of the governor, the public welfare shall require it"; and

WHEREAS, In my opinion the public welfare requires a special session of the 112th General Assembly;

NOW, THEREFORE, I, Frank O'Bannon, Governor of the State of Indiana, do hereby proclaim and call a special session of the 112th Indiana General Assembly to convene at 10:00 o'clock a.m., Eastern Standard Time, on Tuesday, May 14, 2002.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana at the Capitol in Indianapolis on this 2nd day of May, 2002.

BY THE GOVERNOR: Frank O'Bannon
Governor of Indiana

ATTEST: Sue Anne Gilroy
Secretary of State

SEAL

The Proclamation was read in full.

**ORGANIZATION OF THE
FIRST SPECIAL 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 of the First Special Session of the 112th Indiana General Assembly and to receive any communications which the Senate may transmit.

COOK

Motion prevailed. The Speaker appointed Representatives Crosby, Dvorak, Munson, and Herndon.

COMMITTEE REPORT

Mr. Speaker: Your Committee appointed to notify the Senate that the House has met, has formed a quorum, and is prepared to proceed with the legislative business of the First Special Session of the 112th Indiana General Assembly and to receive any communications which the Senate may transmit, respectfully reports that they have performed the duties assigned to them.

CROSBY
DVORAK

MUNSON
HERNDON

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that a committee of four members of the House be appointed by the Speaker to wait upon the Governor, to notify him of the organization of both Houses of the First Special Session of the 112th Indiana General Assembly, and to inform him that they are ready for the transaction of legislative business.

BODIKER

Motion prevailed. The Speaker appointed Representatives Leuck, Dvorak, Dumezich, and Steele.

COMMITTEE REPORT

Mr. Speaker: Your Committee appointed 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 First Special Session of the 112th Indiana 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.

LEUCK
DVORAK

DUMEZICH
STEELE

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 Paul, Nugent, Bowser, and Hume 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. Senator Paul will serve as Chairperson of the Committee.”

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

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

“I move that Senators Wheeler, Zakas, Lewis, and Mrvan be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Governor and to notify him of the convening of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly.”

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

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

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: House Enrolled Act 1065 provides Teachers Retirement Fund (TRF) members, survivors, or beneficiaries a Cost of Living Adjustment (COLA), effective January 1, 2003 of 1 percent—3 percent. The Act also provides Public Employees Retirement Fund members, survivors or beneficiaries a 2 percent maximum COLA, also effective January 1, 2003.

HEA 1065 has a fiscal impact of on the state of \$3 million in fiscal year 03 and \$6 million in 04. I am supportive of cost-of-living increases in times of growth or stability and I recognize the need for these increases to beneficiaries. However, the fiscal impact of an open-ended COLA at a time when we are cutting so many other fundamental services and programs requires that this bill be vetoed. The automatic COLAs in HEA 1065 are new policy for the state that should be reviewed by the Pension Management Oversight Commission before enactment.

I hereby veto House Enrolled Act 1065 and return it to the House of Representatives for further action.

Date: March 28, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: House Enrolled Act 1083 would add a judge to Vigo Superior Court, would grant concurrent jurisdiction with the Shelby Superior Court #1 to hear juvenile cases, would reauthorize the Allen County alternative dispute resolution pilot project and would permit a senior judge to serve as domestic relations mediator.

All of these are worthy projects. Unfortunately, the new judge in Vigo County would cost the general fund \$68,838 in 2003 and \$137,677 for each fiscal year thereafter. Given the state's serious financial situation, I cannot approve this expenditure from the general fund.

I hereby veto House Enrolled Act 1083 and return it to the House of Representatives for further action.

Date: March 21, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: House Enrolled Act 1095 reduces the fee that Soil and Water Conservation Districts would pay for examination (or audit) by the State Board of Accounts to \$45 per day per examiner. Currently, districts pay the actual costs of the examinations.

Audits of Soil and Water Conservation Districts cost an average of \$500 and last about two days. The cost under this act would be reduced to about \$90, a reduction per audit of \$410. The State Board of Accounts could expect to lose \$37,720 in revenue.

This bill indicates a desire to decrease funding to the State Board of Accounts, a move I do not support. The State Board of Accounts performs a critical watchdog function for state government. The State Board of Accounts is charged with examining all accounts and all financial affairs of every public office and officer, state office, state institution and entity. While the State Board of Accounts has participated in the recent round of painful budget cuts of state agencies, every effort has been made to preserve their primary mission of auditing state entities. Any additional reductions on revenue to the General Fund, such as the reduction of \$37,720 in House Enrolled Act 1095, affects our ability to continue to protect

the State Board of Accounts and other areas of state government from more harmful cuts.

I hereby veto House Enrolled Act 1095 and return it to the House of Representatives for further action.

Date: March 14, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: House Enrolled Act 1202 provides several laudatory methods to enable school corporations to obtain criminal history checks on all employees. School corporations can obtain these now but have fewer tools to do so.

House Enrolled Act 1202 also eliminates the authority of the Governor and other officials of cities, counties or schools to decide not to pay a judgment incurred by a public employee if the Governor or other official feels that doing so is not in the best interest of the state or other entity. This proposed amendment would affect litigation in the areas of torts, contracts and civil rights.

The legislation is most harmful to public finances in the case of civil rights where punitive damages are claimed and judgment is found against the employee.

Under current law, the Governor or other governmental official has the discretion to determine that paying the punitive damages of an employee is the responsibility of the employee. HEA 1202 would not allow that argument at the outset of litigation or at the conclusion of the lawsuit. The state would be responsible for the judgment, including punitive damages entered against an individual employee. For example, a state employee supervisor who violates an applicant's or employee's civil rights in the hiring or promotion process, and is liable for punitive damages personally, would be allowed to go scot-free. One of the major goals of providing punitive damages—to deter the potential wrong-doer from committing the act—would be severely undermined in the public arena if HEA 1202 is enacted. The one who deserves to be punished—the public employee—would be indemnified against the consequences of his actions. The governmental entity would be at the mercy of employees who would not bear responsibility for their actions. The state should continue to pay actual damages when liability is found against the state but should not take on the punitive damages caused by an employee's bad behavior.

The cost to the state of HEA 1202 could be enormous and, given the fiscal situation of the state, I cannot risk the potential imposition of these costs against the state. I hope that the authors of the legislation reintroduce this bill with the provisions on criminal background checks and omit or modify the provision on governmental liability for judgments against public employees found in HEA 1202.

I hereby veto House Enrolled Act 1202 and return it to the House of Representatives for further action.

Date: March 21, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: House Enrolled Act 1258 modifies additional reimbursements to nursing facilities that are owned or operated by a governmental entity, and requires the Office of Medicaid Policy and Planning to: (1) identify means by which expenditures from the Indiana Tobacco Master Settlement Agreement Fund are eligible or can be certified as eligible for federal financial participation under Medicaid; (2) apply to the U.S. Department of Health and Human Services for a waiver or an amendment to the state Medicaid plan to leverage federal funds through Tobacco Fund expenditures; and (3) develop health care coverage programs or health care funding mechanisms to leverage federal funds through the Tobacco Fund. The act also requires money generated by intergovernmental transfers involving health facilities and money generated under this act to be used to mitigate the need for reductions

in Medicaid reimbursements for health facilities.

I am concerned that obligating transferred funds from the Tobacco Master Settlement Agreement Fund in the manner specified in HEA 1258 hinders the state's ability to achieve savings under the Medicaid program, and as a result, adversely affects the state's already challenging fiscal situation. Our state's fiscal situation creates many difficult choices. It is my belief that it is reasonable to ask health facilities to absorb the rate reductions the state has attempted to enact and is consistent with reductions affecting nearly every other part of state government. I do not believe the rate reductions we have enacted will cause any undue hardship for the residents served by these facilities.

I hereby veto House Enrolled Act 1258 and return it to the House for further action.

Date: March 28, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. President and Members of the Senate: Senate Enrolled Act 19 was designed to establish a study commission on tax exemption, specifically related to exemptions of property used for religious purposes. Unfortunately, the language of SEA 19 inadvertently repeals many sections in the Indiana Code and half a century of case law on exemptions. This appears to be a drafting error and not intended by the authors.

Section 5 of SEA 19 would change existing exemption law and potentially significantly enlarge the exempt amount of exempt property in the state. The section appears to be intended to exempt from taxation any land used for any of the listed purposes (educational, literary, scientific, religious, or charitable). Because the section is prefaced with "notwithstanding any other law," there is no requirement that the land be used "predominantly" for that purpose (i.e., more than 50 percent, as now required by IC 6-1.1-10-36.3). The language of SEA 19 most reasonably could be read to fully exempt any land that is used or occupied at all for any of these purposes. Thus, the law substantially expands the amount of land that will be exempt from taxation.

There are other ambiguous language choices in the Act that cause problems but the drafting error of Section 5 alone could create an undeterminable fiscal loss to the state and local taxing bodies, especially because it makes all of these additional exemptions retroactive to a date 27 months before adoption. While the fiscal impact cannot be estimated with certainty and the division of lost revenues would probably burden local government more heavily than the state, the inadvertent drafting error would cause uncertainty, confusion and litigation. The retroactive provision of the Act increases its fiscal impact.

A study commission on tax exemption can and should be established apart from this act. I will work with the general assembly to establish such a commission.

I hereby veto Senate Enrolled Act 19 and return it to the Senate for further action.

Date: March 28, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. President and Members of the Senate: Senate Enrolled Act 152 provides that the workforce of a municipality or a county may perform certain public works projects if the cost of the project is estimated to be less than \$150,000.00. It also adds requirements for examination reports prepared by the State Board of Accounts concerning public work projects performed by the municipality's or county's own workforce. The fiscal impact of this bill as it relates to State Board of Accounts is \$196,814.00. State Board of Accounts currently does not have sufficient staff to conduct the additional audits as required by this bill. It is my hope that budget constraints and staffing issues will be remedied by the next legislative session to

address the audit and fiscal issues.

I hereby veto Senate Enrolled Act 152 and return it to the Senate for further action.

Date: March 27, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. President and Members of the Senate: Senate Enrolled Act 154 would extend by two years the existence of the Lake Management Work Group, consisting of 26 members whose charge would be to continue the Group's study of public freshwater lakes. Also, the bill would require the Group to report its recommendations by July 1, 2004.

Certainly, the Lake Management Work Group has made positive suggestions for administrative and statutory refinements of Indiana's policies relating to public freshwater lakes. Just two weeks ago, for example, I was pleased to sign SEA 230, relating to the control of aquatic plants. Indiana's lakes are truly a treasured natural resource, offering environmental benefits and recreational opportunities to our citizens.

The bill, however, would require additional expenditures from the general fund to reimburse per diem and mileage expenses, estimated to be \$18,500 per year. At a time of fiscal crisis for the state budget, I cannot approve legislation that would lead to additional expenditures, when so many agencies are being asked to reduce their budgets.

As always, the Department of Natural Resources stands eager to receive suggestions from the public, elected officials, the Natural Resources Study Committee, the Water Resources Study Committee, and the Natural Resources Commission about how the State of Indiana can best support this important natural resource.

I hereby veto Senate Enrolled Act 154 and return it to the Senate for further action.

Date: March 28, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. President and Members of the Senate: Senate Enrolled Act 217 concerns several issues related to the Muscatatuck State Developmental Center in Jennings County, requiring the Division of Disability, Aging and Rehabilitation Services to take certain actions, including conducting public hearings, submitting a report to the Legislative Council and the Commission on Mental Retardation and Developmental Disabilities, and developing a plan, before downsizing the center. It also specifies the conditions that must be met before the center may be downsized.

Many of the provisions of SEA 217 reflect the manner in which the state has already proceeded in downsizing and gradual closure of Muscatatuck, a decision announced nearly a year ago. I am concerned, however, about provisions of the bill that allow guardians to approve—or, by inference, to disapprove—resident moves to other accommodations in a manner that is inconsistent with federal law. These provisions would create expanded eligibility for Muscatatuck residents under Medicaid beyond what exists now.

As such, I intend to issue an Executive Order that will include some of the positive aspects of this bill, such as ensuring that public hearings and reports continue to keep residents, families and community members updated on the transition process. The order also will underscore our commitment to monitor the health and safety of each resident as this process proceeds.

It has always been my commitment that the downsizing and closure of this facility will proceed with caution, and we must do everything we can to ensure that the residents are moved to new settings in a manner that promotes their health and safety. It is my view, based on our past experience with closures of other

state-operated facilities, that the state can safely and appropriately pursue downsizing and closure under the original schedule, with the last residents leaving Muscatatuck by June 30, 2003.

As we continue to move toward community-based services and begin to realize the successes and challenges of dramatically changing our service delivery system, it is my belief that SEA 217 is contrary to the policy we have pursued in Indiana, as well as contrary to the provisions of the United States Supreme Court ruling in *Olmstead*.

I hereby veto Senate Enrolled Act 217 and return it to the Senate for further action.

Date: March 28, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. President and Members of the Senate: Senate Enrolled Act 233 would require the State Teachers' Retirement Fund (TRF) Board to assign certain members to TRF's pre-1996 account (the "old fund") who would otherwise be assigned to the 1996 account (the "new fund"). The new fund, composed of teachers and administrators hired or transferred after July 1, 1995, was created by statute in 1993. The 1993 statute established a plan to address the state's growing unfunded TRF liability and bring it under control. The new, actuarially funded account, along with other legislative actions, was critical to Indiana's recent favorable bond ratings. School corporations were to pay 8½% of the employee's salary into the new fund.

SEA 233 would require that (1) the percentage of school corporation contribution would be capped at 9% of salaries to the pension fund, unless the Budget Agency approves higher contributions after Budget Committee review; and (2) the liability of transfers (past and future) would be prevented from moving into the new fund. The bill would be retroactive to July 1, 2001.

The old fund is a "pay as you go" system and, therefore, increased liability to the old fund will increase expenditures from the general fund. The impact to the general fund each year would be:

FY 2002 \$ 0.30 million
FY 2003 \$ 0.90 million
FY 2004 \$ 1.9 million
FY 2005 \$ 3.2 million
FY 2006 \$ 4.9 million

This impact would increase substantially over time. Based on the actuarial reports, the state's cash payment in 2010 would be impacted by \$52 million; in 2020, the impact would be over \$117 million.

There are several reasons why I am vetoing SEA 233 today:

- (1) In a time of fiscal crisis in the state, it increases general fund expenditures by more than \$1 million in this biennium and more than \$5 million in the '03-'05 biennium. This cost to the general fund grows rapidly in future years;
- (2) It increases the unfunded liability of the old fund;
- (3) The TRF Board, as fiduciary for the fund, should be allowed to make sound financial decisions for the participants, without Budget Agency or Budget Committee involvement;
- (4) The retroactivity of the bill creates administrative and, more importantly, fiscal issues; and
- (5) Rating agencies look closely at the unfunded liability in TRF when establishing our credit rating. Passage of this bill would be viewed as taking a step backwards in the state's plan to actuarially fund the state's pensions.

Because I understand that this is an issue of great importance to school corporations facing other budgetary strains in this time of fiscal crisis, I would suggest that the Pension Management Oversight Commission seek the input of school officials and pension experts to develop a plan that addresses both the need for sound financing of future pension obligations and the immediate financial concerns of school corporations.

I hereby veto Senate Enrolled Act 233 and return it to the Senate for further action.

Date: March 20, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. President and Members of the Senate: Senate Enrolled Act 363 would establish the Abraham Lincoln Bicentennial Commission, consisting of 17 whose charge would be to honor Abraham Lincoln and educate Indiana residents about Indiana's important role in the his life. It would also provide seven years for Indiana to prepare for the bicentennial celebration of Lincoln's birth in 1809.

While I applaud this commitment to an important figure in Indiana's history, the bill would require new expenditures from the general fund to reimburse per diem and mileage expenses. These costs are estimated at \$18,660. At a time of fiscal crisis for the state budget, I cannot approve new expenditures when so many agencies are being asked to reduce their budgets. The lengthy lead-time of the celebration of Lincoln's birthday allows the state to begin planning with existing resources. I have asked the Department of Natural Resources to begin the planning process so that, if the establishment of a commission by a future General Assembly should occur, the planning will be well underway.

I hereby veto Senate Enrolled Act 363 and return it to the Senate for further action.

Date: March 14, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. President and Members of the Senate: Senate Enrolled Act 422 provides for the creation of a history of the Indiana General Assembly through the establishment of a Select Committee on the History of the General Assembly. The Committee would meet at least quarterly and would arrange for the preparation, writing and publication of a history of the Indiana General Assembly from the 100th General Assembly through the 113th General Assembly. An advisory council would be created to advise the Committee on matters relating to the history of the General Assembly.

I have always been a staunch advocate of preserving Indiana's history in all its variations and believe this is a project that should occur at some time in the near future. However, Senate Enrolled Act 422 requires that Committee and council members receive per diem and travel expenses. An appropriation of \$150,000 for each year of the biennium was provided to produce this history. The state's fiscal crisis requires that I veto this expenditure of general fund moneys. I do not believe that the project must be completed this biennium but feel it could be deferred to a future time when the crisis has been averted.

I hereby veto Senate Enrolled Act 422 and return it to the Senate for further action.

Date: March 14, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. President and Members of the Senate: Senate Enrolled Act 459 would establish the commission on juvenile law to recommend changes in juvenile law by January 1, 2003. A general fund appropriation of \$18,000 would be made in the act.

While the act contemplates that an executive branch agency would staff the commission, the executive branch agencies with expertise in the areas of service to children in need, children health care, and juvenile delinquency are not included as members of the commission.

I believe that this study can be accomplished better with expanded membership and with alternative funding rather than using scarce

general funds. Therefore, I intend to issue an executive order establishing this commission and plan to urge the commission to apply for federal funds.

I hereby veto Senate Enrolled Act 459 and return it to the Senate for further action.

Date: March 20, 2002

FRANK O'BANNON
Governor

MESSAGE FROM THE GOVERNOR

Mr. President and Members of the Senate: Senate Enrolled Act 506 provides for certain legislative and administrative documents to be distributed in electronic rather than in paper format. The Act also creates a non-reverting fund to receive any unused appropriations for the printing and distribution of these documents.

SEA 506 would decrease the printing costs to the Legislative Services Agency (LSA) by approximately \$328,000. If the non-reverting fund were not created, this act would have a positive fiscal impact. However, the savings, which would otherwise revert to the general fund, are transferred into the new non-reverting fund. In addition, other unused appropriations under the jurisdiction of the Legislative Council could also be transferred into the fund and, therefore, reduce general fund reversions. The total lost reversions to the general fund could still amount to \$750,000 a year.

Because this issue can be better addressed in a budget session as part of the appropriations process, and because of the potential impact to the state general fund from the loss of future reversions from the program, I am vetoing this act.

I will work with the LSA and executive branch agencies to accomplish administratively the major purpose of the Act—to reduce paper and provide information more quickly and efficiently. We can begin immediately to realize the benefits of electronic distribution of documents: less paper to clutter the environment and the improved availability of timely and accessible information.

I hereby veto Senate Enrolled Act 506 and return it to the Senate for further action.

Date: March 28, 2002

FRANK O'BANNON
Governor

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 1 (ss)

The Speaker handed down Senate Concurrent Resolution 1 (ss), sponsored by Representatives Kruzan and Bosma:

A CONCURRENT RESOLUTION to allow the Senate and the House of Representatives of the 112th General Assembly to adjourn and recess separately throughout the First Special Session for periods in excess of three (3) consecutive days as the need, in the judgment of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, respectively, may arise.

Whereas, The Indiana Senate and the House of Representatives met today for the purpose of organization of each House in Special Session and to conduct the public business of the people of the State of Indiana;

Whereas, During the consideration of legislative business, each House may, in the respective judgment of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, deem it necessary to adjourn and recess for periods in excess of three (3) consecutive days and to operate on a schedule different from the other House;

Whereas, Article 4, Section 10 of the Constitution of the State of Indiana states that neither House shall, without consent of the other, adjourn for more than three (3) consecutive days;

Whereas, Each House desires to consent to any adjournment or recess by the other House which might last more than three (3) days during the First Special Session of the 112th General Assembly;

Whereas, The House of Representatives and the Senate intend to recess after May 14, 2002, and meet again upon the fall of the gavel of the respective bodies to conduct legislative business: Therefore,

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

SECTION 1. That each House of the 112th Indiana General Assembly hereby consents to any adjournment or recess of the other House during the First Special Session of the 112th Indiana General Assembly for a period in excess of three (3) days, where such recess or adjournment is approved, in the case of the Senate, by the President Pro Tempore of the Senate, or, in the case of the House of Representatives, by the Speaker of the House of Representatives.

SECTION 2. The Secretary of the Senate is directed to inform the House of Representatives of the passage of this resolution.

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 Resolution 1 (ss)

Representative Grubb introduced House Resolution 1 (ss):

A RESOLUTION urging President Bush to reverse the decision of the federal Office of Management and Budget to zero out funding for the accelerated destruction of the VX nerve agent stored at Newport, Indiana.

Whereas, The terrorist attacks of September 11, 2001, demonstrated that the potential for attacks on U.S. chemical stockpile storage poses a significant and credible risk to the public;

Whereas, The U.S. Army has a chemical depot at Newport, Indiana, that stores the biological VX nerve agent;

Whereas, The U.S. Army has the capability to accelerate the destruction of the VX nerve agent stored at Newport, Indiana;

Whereas, The federal Office of Management and Budget has decided to zero out funding for implementing the accelerated destruction of the VX nerve agent stored at Newport, Indiana;

Whereas, Although the country is in a period of fiscal restraint, cutbacks to homeland security endanger the safety of the American people; and

Whereas, The safe destruction of 1,200 tons of VX nerve agent stored at Newport, Indiana, is integrally connected to homeland security: Therefore,

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

SECTION 1. That the Indiana House of Representatives strongly urges President Bush to reverse the decision of the federal Office of Management and Budget and to give the U.S. Army the necessary tools to implement the destruction of 1,200 tons of VX nerve agent stored at Newport, Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to President Bush, the Indiana Congressional delegation, and the federal Office of Management and Budget.

HOUSE MOTION

Mr. Speaker: I move that House Resolution 1 (ss) be made a special order of business for June 3, 2002, at 1:30 p.m.

M. SMITH

Motion prevailed. The resolution was made a special order of business.

INTRODUCTION OF BILLS

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

HB 1001 (ss) — Bauer, Dobis, Cochran, Lytle (Ways and Means)

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

HB 1004 (ss) — Gregg (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code.

HB 1005 (ss) — Gregg (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, June 3, 2002 at 1:00 p.m., or until such earlier or later date and time as shall be selected by the Speaker.

LEUCK

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Steele the House adjourned at 12:50 p.m., this fourteenth day of May, 2002, until Monday, June 3, 2002, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives