



# Journal of the Senate

State of Indiana

119th General Assembly

Second Regular Session

Twenty-ninth Meeting Day

Thursday Morning

March 3, 2016

The Senate convened at 10:05 a.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Scott M. Schneider.

The Pledge of Allegiance to the Flag was led by Senator Schneider.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Leising
Arnold	Long
Banks	Merritt
Bassler	Messmer
Becker	Miller, Patricia
Boots	Miller, Pete
Bray	Mishler
Breaux	Mrvan
Broden	Niemeyer
Brown	Perfect
Buck	Raatz
Charbonneau	Randolph
Crider	Rogers
Delph	Schneider
Eckerty	Smith
Ford	Steele
Glick	Stoops
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Houchin	Waltz
Kenley	Yoder
Kruse	Young, M.
Lanane	Zakas

Roll Call 316: present 50; excused 0. [Note: A  indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

Senator Long yielded the gavel to Senator Hershman.

## REPORT OF THE PRESIDENT PRO TEMPORE

Mr. President:

I hereby report the following action regarding the resignation of Lieutenant Governor Sue Ellspermann and submit the attached documents for inclusion in the Journal of the Senate:

1. On February 29, 2016, Lieutenant Governor Sue Ellspermann delivered notice of her resignation, effective March 2, 2016 at 5:00 p.m., to the Principal Secretary of the Senate pursuant to IC 5-8-3.5-1(a). A copy of the notice and resignation letter are attached.
2. Upon receipt, a copy of the notice of resignation and letter were delivered to the Secretary of State and file stamped received on February 29, 2016.
3. Pursuant to IC 5-8-3.5-1(b), a copy of the notice and resignation letter were delivered to the Governor and file stamped received on March 2, 2016.

LONG

February 29, 2016

Ms. M. Caroline Spotts  
Principal Clerk  
Indiana House of Representatives  
200 W. Washington St.  
Indianapolis, IN 46204

Ms. Jennifer Mertz  
Principal Secretary  
Indiana Senate  
200 W. Washington St.  
Indianapolis, IN 46204

Dear Caroline and Jennifer,

Pursuant to Indiana Code 5-8-3.5-1(a) (1), this letter is my official notification to you of my resignation from the office of Lieutenant Governor of Indiana, effective at 5:00 PM, Wednesday, March 2, 2016. I have attached a copy of my resignation letter to Governor Pence.

Respectfully,

Sue Ellspermann  
Lieutenant Governor

February 29, 2016

Dear Governor Pence,

It has been my honor to serve you and our great State as Indiana's 50th Lieutenant Governor. I am extremely proud of the many successes we have achieved during the past three years. From record numbers of jobs and investment in career and technical education to more than 350,000 Hoosiers enrolled in HIP 2.0 receiving consumer-driven, comprehensive healthcare, we have made great progress in making Indiana a State that Works.

March 3, 2016

Senate 629

Traveling across Indiana to all 92 counties, I have been privileged to hear the hopes, dreams and concerns of Hoosiers. This focused the work of the Lieutenant Governor's office and agencies. Our accomplishments led to significant results which helped to grow Indiana agriculture, reduce blight, enhance rural broadband, strengthen communities, energize entrepreneurship, increase tourism, expand the defense and life sciences industries, and improve the alignment of education and career training toward the needs of employers. And, we created a culture of creative problem solving and lean management leading to an empowered, efficient team focused on providing excellent service to Hoosiers every day. We saw performance go from good to great, as you requested, and for which I am very proud.

There are many challenges that remain, but none more important than increasing the postsecondary credentials of Hoosiers to fill the skilled workforce needs of Indiana employers and improve the opportunities of prosperity for families.

It is with a conflicted heart that I share my resignation effective Wednesday, March 2, 2016 at 5:00 p.m. The opportunity to serve you and the wonderful people across Indiana as Lieutenant Governor has been the privilege of a lifetime. I am encouraged about the future of Indiana and look forward to continuing to serve Hoosiers in a meaningful way.

Most sincerely,

Sue Ellspermann, PhD  
Lieutenant Governor

February 29, 2016

The Honorable Connie Lawson  
Office of the Indiana Secretary of State  
200 West Washington Street, Room 201  
Indianapolis, Indiana 46204

Dear Secretary Lawson,

Pursuant to IC 5-8-3.5-1(a), on February 29, 2016, I received notice from Lieutenant Governor Sue Ellspermann of her resignation from office effective at 5:00 p.m. on March 2, 2016. In compliance with the above-referenced statute, I am filing the attached copy of her resignation letter with your office effective today.

Sincerely,

Jennifer L. Mertz

Enclosure: 2

March 2, 2016

The Honorable Michael R. Pence

Governor of the State of Indiana  
200 West Washington Street, Room 206  
Indianapolis, Indiana 46204

Dear Governor Pence,

Pursuant to IC 5-8-3.5-1(b), I hereby officially notify you of Lieutenant Governor Sue Ellspermann's resignation from office effective at 5:00 p.m. on March 2, 2016. A copy of her letter is attached.

Sincerely,

Jennifer L. Mertz

March 2, 2016

Honorable Brian Bosma  
Speaker of the Indiana House of Representatives  
200 West Washington St.  
Indianapolis, IN 46204

Honorable David Long  
President Pro Tempore of the Indiana Senate  
200 West Washington St.  
Indianapolis, IN 46204

Re: NOMINATION AND REQUEST FOR CONFIRMATION  
OF ERIC J. HOLCOMB FOR LIEUTENANT GOVERNOR OF  
INDIANA

Dear Speaker Bosma and President Pro Tempore Long:

On Monday, February 29, 2016, Lieutenant Governor Sue Ellspermann submitted to me her resignation from the office of Lieutenant Governor of Indiana which was effective at 5:00 PM today, March 2, 2016.

Further, I am in receipt of notice from Ms. Spotts, the principal clerk of the Indiana House of Representatives and Ms. Mertz, the principal secretary of the Indiana Senate that they have received Lieutenant Governor Ellspermann's notice of resignation.

As a vacancy now exists in the office of Lieutenant Governor of Indiana, I as Governor of Indiana, pursuant to Article 5, Section 10(b) of the Constitution of Indiana, nominate Eric J. Holcomb as Lieutenant Governor of Indiana and respectfully request that both houses of the Indiana General Assembly confirm Mr. Holcomb as Lieutenant Governor of Indiana for the remainder of the unexpired term of Lieutenant Governor Ellspermann.

Attached hereto is a sworn and notarized affidavit executed by Mr. Holcomb stating that he is qualified to serve as Lieutenant Governor in accordance with the provisions of Article 5, Sections 7 and 8, of the Constitution of Indiana and that no other

constitutional or statutory disabilities exist that would in any other manner prohibit him from accepting the office and discharging the duties of Lieutenant Governor of Indiana.

Respectfully,

Michael R. Pence  
Governor

**AFFIDAVIT OF  
LIEUTENANT GOVERNOR NOMINEE**

I, Eric J. Holcomb, hereby affirm under penalty of perjury the truth of the following requirements for the office of Lieutenant Governor of Indiana:

1. Pursuant to Article 5, Section 7 of the Constitution of Indiana:
  - a. I was born in Indianapolis, Indiana and I have been a citizen of the United States of America for 47 years.
  - b. I have been a resident of the State of Indiana for a period of at least five (5) years preceding this appointment.
  - c. I am 47 years of age, date of birth: May 2, 1968.
2. As contemplated by Article 5 Section 8 of the Constitution of Indiana, I am not a member of Congress nor do I hold any office under the United States or under this State.
3. There are no other constitutional or statutory limitations that would in any manner limit my ability to accept and discharge the duties of Lieutenant Governor of Indiana.

Further affiant sayeth not.

Dated this 23rd day of February, 2016,  
Eric J. Holcomb

**RESOLUTIONS ON FIRST READING**

**Senate Resolution 1**

Senate Resolution 1, introduced by Senator Long:

A SENATE RESOLUTION to confirm the nomination of Eric Holcomb to take office as Lieutenant Governor.

*Whereas, Upon Lieutenant Governor Sue Ellspermann's resignation from the office of Lieutenant Governor effective March 2, 2016, at 5:00 PM (EST), there was a vacancy in the office of Lieutenant Governor;*

*Whereas, Under Article 5, Section 10(b) of the Indiana Constitution, the Governor shall nominate a Lieutenant Governor who shall take office upon confirmation by a majority vote of each house of the General Assembly and hold office for the unexpired term of the previous Lieutenant Governor; and*

*Whereas, During the Second Regular Session of the 119<sup>th</sup> Indiana General Assembly, the Governor has nominated Eric Holcomb to take office as Lieutenant Governor: Therefore,*

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

SECTION 1. That the Indiana Senate confirms the nomination of Eric Holcomb to take the office as Lieutenant Governor to fill the unexpired term of former Lieutenant Governor Sue Ellspermann.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Governor Michael R. Pence and Speaker Brian C. Bosma.

The resolution was read in full and placed upon its passage. The question was, Shall the resolution pass? Roll Call 317: yeas 50, nays 0. The resolution was declared passed.

Senator Hershman yielded the gavel to Senator Long.

**Senate Concurrent Resolution 54**

Senate Concurrent Resolution 54, introduced by Senator Tallian:

A CONCURRENT RESOLUTION honoring the Chesterton High School debate team for their 26<sup>th</sup> state championship.

*Whereas, The Chesterton High School Debate Team captured the state title with a victory over rival West Lafayette High School at the Indiana High School Forensic Association (IHSFA) Championship Tournament;*

*Whereas, Chesterton High School won by a score of 97 to West Lafayette's 85.5, and Valparaiso was third with a score of 49.5;*

*Whereas, The Chesterton High School Debate Team program was established in 1967;*

*Whereas, The Chesterton High School Debate Team victory this year is the school's 26<sup>th</sup> victory in the program's history, and their 17<sup>th</sup> win in the last 20 years;*

*Whereas, In the Public Forum Debate, Hunter Warren and Eric Richardson were runners up; and the debate teams of Hayden Hodge and Mark Wilcox, and Victoria Bain and Nate Scheerer tied for third;*

*Whereas, All four Congressional Debaters advanced to the final round, with Creighton Gaff coming in fourth overall, Megan Daye coming in sixth, Michelle Reynolds coming in seventh, and Natalie Kezy in fifteenth overall;*

*Whereas, John Mario, Ayesha Khan, Josh Hogan, Sam Winski, and Paul Petro comprised Chesterton's World School debate team and came in third place in the event's inaugural year;*

*Whereas, Tim Vincent and Joel Peterson defeated their teammates Adam Myers and Connor Wantuch to win the State Championship in Policy debate;*

*Whereas, The Chesterton High School Debate Team has the following members, Katrina Balon, Hannah Geiss, Quinlan Doolin, Camma Duhamell, Eli Winski, Kevin Jugovic, Fred Owens, Nate Poczekay, Edward Young, Samuel Gutierrez, Natalie Kezy, Megan Daye, Michelle Reynolds, Hayden Hodge, Mark Wilcox, Victoria Bain, Nate Scheerer, John Mario, Ayesha Khan, Josh Hogan, Sam Winski, Paul Petro, Creighton Gaff, Hunter Warren, Eric Richardson, Connor Wantuch, Adam Myers, Joel Peterson, and Tim Vincent;*

*Whereas, The Chesterton High School team is led by coaches Chris Lowery, Joshua Coots, and Dakota McCoy, the Chesterton High School principal is Jeffrey Van Drie, and the Superintendent of Duneland Schools is Dr. David Pruis;*

*Whereas, The art of debating has a long and honorable history throughout the United States and the world; and*

*Whereas, The ability to speak eloquently and to affect the opinion of others is a valuable skill for the youth of today: Therefore,*

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

SECTION 1. That the Indiana General Assembly honors the Chesterton High School Debate Team on their state championship win and encourages them to continue to polish their skills in the age-old art of public speaking.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Coach Chris Lowry, the Chesterton High School Debate Team, and Chesterton High School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Moseley, Pelath, and Soliday.

**MOTIONS TO DISSENT  
FROM HOUSE AMENDMENTS**

SENATE MOTION

Mr. President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 80 and that a conference committee be appointed to confer with a like committee of the House.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 93 and that a conference committee be appointed to confer with a like committee of the House.

KRUSE

Motion prevailed.

SENATE MOTION

Mr. President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 308 and that a conference committee be appointed to confer with a like committee of the House.

HERSHMAN

Motion prevailed.

**RESOLUTIONS ON FIRST READING**

**Senate Concurrent Resolution 41**

Senate Concurrent Resolution 41, introduced by Senator Messmer:

A CONCURRENT RESOLUTION congratulating Jackie Young for being named Indiana's all-time leading high school basketball scorer.

*Whereas, Jackie Young, a senior at Princeton High School, surpassed Damon Bailey, a former Bedford North Lawrence student, as Indiana's all-time leading high school basketball scorer, for both males and females, with 3,268 points;*

*Whereas, Young averages 37.8 points a game and recently surpassed Shanna Zolman's women's basketball scoring record of 3,085 points;*

*Whereas, In November, Young, a 6-foot guard, signed with the University of Notre Dame;*

*Whereas, Among her many accomplishments, Young is the number 11 prospect for the 2016 espnW HoopGurlz Top 100, was named a McDonald's All American, and is ranked as the number five recruiting prospect and number one wing player on the women's basketball recruiting site ProspectsNation.com; and*

*Whereas, It is fitting Young be recognized for her record-breaking talents, dedication to her team, and notable academic record, carrying a 3.9 GPA: Therefore,*

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

SECTION 1. That the Indiana General Assembly congratulates Jackie Young for being named Indiana's all-time high school basketball scorer.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Jackie Young and Princeton High School Principal, Steve Hauger.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Washburne.

### REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 80:

Conferees: Head, Chair and Rogers

Advisors: M. Young, Breaux, Brown, Steele

LONG  
Date: 3/3/16  
Time: 2:59 p.m.

Report adopted.

### REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 93:

Conferees: Kruse, Chair and Rogers

Advisors: Yoder, Mrvan, Hershman

LONG  
Date: 3/3/16  
Time: 2:59 p.m.

Report adopted.

### REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 308:

Conferees: Hershman, Chair and Mrvan

Advisors: Bassler, Broden, Perfect

LONG  
Date: 3/3/16  
Time: 2:59 p.m.

Report adopted.

### PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1395:

Add: Bassler as advisor

LONG  
Date: 3/3/16  
Time: 2:59 p.m.

Report adopted.

### PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1005:

Add: Bassler as advisor

LONG  
Date: 3/3/16  
Time: 2:59 p.m.

Report adopted.

### RESOLUTIONS ON SECOND READING

#### Senate Resolution 29

Senator Delph called up Senate Resolution 29 for second reading. Upon the request of Senator Delph the President ordered the roll of the Senate to be called. Roll Call 318: yeas 50, nays 0. The resolution was adopted.

### MOTIONS TO CONCUR IN HOUSE AMENDMENTS

#### SENATE MOTION

Mr. President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 23.

HERSHMAN

Roll Call 319: yeas 50, nays 0. Motion prevailed.

#### SENATE MOTION

Mr. President: I move that Senators Alting, Arnold, Banks, Bassler, Becker, Boots, Bray, Breaux, Broden, Brown, Buck, Charbonneau, Crider, Delph, Eckerty, Ford, Glick, Grooms, Head, Hershman, Holdman, Houchin, Kenley, Kruse, Lanane, Leising, Long, Merritt, Messmer, Patricia Miller, Pete Miller, Mishler, Mrvan, Niemeyer, Perfect, Raatz, Randolph, Rogers, Schneider, Smith, Steele, Stoops, Taylor, Tomes, Walker, Waltz, Yoder, M. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 54.

TALLIAN

Motion prevailed.

March 3, 2016

Senate 633

**MOTIONS TO DISSENT  
FROM HOUSE AMENDMENTS**

SENATE MOTION

Mr. President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 161 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

SENATE MOTION

Mr. President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 352 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

SENATE MOTION

Mr. President: I move we adjourn until 1:30 p.m., Friday, March 4, 2016.

HERSHMAN

Motion prevailed.

The Senate adjourned at 10:48 a.m. p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

ERIC J. HOLCOMB  
President of the Senate