



# Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Forty-ninth Meeting Day

Thursday Afternoon

April 23, 2015

The Senate convened at 2:00 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Rabbi Paula Jayne Winnig, Bureau of Jewish Education of Indianapolis.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

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

Alting	Leising
Arnold	Long
Banks, A.	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 <input checked="" type="checkbox"/>
Ford	Steele
Glick	Stoops
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Houchin	Waltz
Kenley	Yoder
Kruse	Young, M.
Lanane	Zakas

Roll Call 496: present 49; excused 1. [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.

## SENATE MOTION

Madam President: I move that the Motion to Concur on Senate Bill 174, filed April 21, 2015, be withdrawn from further consideration by the Senate.

M. YOUNG

Motion prevailed.

## SENATE MOTION

Madam President: I move that the Motion to Dissent on Senate Bill 466, filed April 20, 2015, be withdrawn from further consideration by the Senate.

PETE MILLER

Motion prevailed.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 54

Senate Concurrent Resolution 54, introduced by Senator Yoder:

A CONCURRENT RESOLUTION urging Congress to amend federal law to give the State of Indiana greater authority over tribal gaming activities within its borders.

*Whereas, State and local units of government generally have limited jurisdiction over the activities that occur on Indian lands, including gaming, due to the sovereign status of federally recognized Indian tribes;*

*Whereas, Article 1, Section 8 of the United States Constitution states, "Congress shall have the power to regulate Commerce with foreign nations and among the several states, and with Indian tribes," which provides Congress with the authority to pass laws pertaining to the commercial activities engaged in by Indian tribes;*

*Whereas, In 1988, Congress accordingly enacted the National Indian Gaming Regulatory Act in an effort to provide balance between Indian tribes' rights of self-determination and self-governance, and states' interest in gaming activities that occur within their borders;*

*Whereas, Congress has since provided some states with greater authority to authorize tribal gaming on Indian lands within their borders than the authority generally outlined in the National Indian Gaming Regulatory Act of 1988; and*

*Whereas, Congress has the ability to provide Indiana with similar authority concerning the authorization of tribal gaming on lands within the State of Indiana's borders: 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 urges Congress to amend Title 25 of the United States Code to provide

that reservations and restored Indian lands within Indiana are not eligible for tribal gaming under the National Indian Gaming Regulatory Act of 1988.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Governor Michael R. Pence and Indiana’s Congressional Delegation.

The resolution was read in full and referred to the Committee on Rules & Legislative Procedure.

**REPORTS FROM COMMITTEES**

**COMMITTEE REPORT**

Madam President: Pursuant to Senate Rule 86(j) your Committee on Rules & Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bill 509 and Engrossed House Bill 1108 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

**COMMITTEE REPORT**

Madam President: The Senate Committee on Natural Resources, to which was referred House Concurrent Resolution 64, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.  
Committee Vote: Yeas 8, Nays 0.

GLICK, Chair

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 the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 174:  
Conferees: M. Young, Chair and Taylor  
Advisors: Steele and Randolph

LONG  
Date: 4/23/15  
Time: 10:22 a.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 the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1110:  
Conferees: Steele and Randolph  
Advisors: Grooms and Broden

LONG  
Date: 4/22/15  
Time: 4:28 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 the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1139:

Conferees: Walker and Lanane  
Advisors: Pete Miller and Taylor

LONG  
Date: 4/22/15  
Time: 4:46 p.m.

Report adopted.

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 corrections on Engrossed Senate Bill 420.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representative to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 252:

Advisor: Cherry

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representative to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 436:

Advisor: GiaQuinta

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 523:

Conferees: Frizzell and Pryor  
Advisors: Washburne, McMillin, DeLaney, and Porter

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1110. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill, and to report thereon:

Conferees: Steuerwald, Chair and Stemler  
 Advisors: Clere, Washburne, Austin, Pryor, and Moseley

M. CAROLINE SPOTTS  
 Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1139. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill, and to report thereon:

Conferees: Richardson, Chair and Bartlett  
 Advisors: M. Smith, Nisly, Kersey, and GiaQuinta

M. CAROLINE SPOTTS  
 Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred with the Senate amendments to Engrossed House Bills 1318 and 1452.

M. CAROLINE SPOTTS  
 Principal Clerk of the House

#### MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on Wednesday, April 22, 2015, signed House Enrolled Acts: 1170 and 1311.

DAVID C. LONG  
 President Pro Tempore

#### MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on Wednesday, April 22, 2015, signed Senate Enrolled Acts: 355, and 390, and House Enrolled Acts: 1003, 1016, 1045, 1050, 1062, 1080, 1093, 1138, 1145, 1150, 1157, 1161, 1183, 1186, 1192, 1194, 1196, 1265, 1271, 1281, 1282, 1286, 1300, 1302, 1307, 1341, 1394, 1396, 1397, 1398, 1413, 1414, 1432, 1434, 1448, 1471, 1497, 1505, and 1508.

DAVID C. LONG  
 President Pro Tempore

#### MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 22nd day of April, 2015, signed Senate Enrolled Acts: 177, 282, 311, 317, and 207.

SUE ELLSPERMANN  
 Lieutenant Governor

### RESOLUTIONS ON FIRST READING

#### Senate Concurrent Resolution 53

Senate Concurrent Resolution 53, introduced by Senator Altling:

A CONCURRENT RESOLUTION honoring Ernest "Ernie" Yelton for his many years of exemplary service as the Executive Director of the Indiana Gaming Commission.

*Whereas, Ernest "Ernie" Yelton has served as the Executive Director of the Indiana Gaming Commission for over ten years, since being appointed in 2005;*

*Whereas, Yelton is originally from Pittsboro, Indiana;*

*Whereas, Yelton received his undergraduate degree from Indiana University in 1970, and his law degree with honors from the Indiana University Robert H. McKinney School of Law in 1974;*

*Whereas, After law school, Yelton joined the law firm of Craig, Craig, and Yelton in Brazil, Indiana, working with former Indiana Governor George N. Craig;*

*Whereas, On August 31, 1979, Yelton was appointed as the first full-time County Court Judge in Clay County, and one month later, Governor Otis Brown selected him as Judge of the Clay Circuit Court;*

*Whereas, Judge Yelton was elected for five consecutive terms and served on the bench until January 17, 2005, when Governor Mitch Daniels chose him to be Executive Director of the Indiana Gaming Commission;*

*Whereas, Judge Yelton served as President of the Indiana Judge's Association from 1991-1993;*

*Whereas, Indiana Senator Robert Garton appointed him as the first trial judge representative to Indiana's Commission on Courts when it was established in 1991, where he served until he left the bench;*

*Whereas, Judge Yelton was named as Chair of the Judicial Administrative Committee of the Indiana Judicial Conference by Chief Justice Randall T. Shephard of the Indiana Supreme Court, and was instrumental in the creation of Indiana's first set of statewide Jury Rules;*

*Whereas, As Executive Director of the Indiana Gaming Commission, Judge Yelton is responsible for the licensing and regulatory oversight of the thirteen Indiana casinos;*

*Whereas, Since his appointment, the Indiana General Assembly has added to Judge Yelton's responsibilities with the creation of the Gaming Agents in 2005, the assumption of regulatory licensing and oversight of Charity Gaming in 2006, and jurisdiction over two new casinos at Indiana horse racing*

*tracks and illegal gambling control divisions in 2007;*

*Whereas, As a result, the Indiana Gaming Commission staff has increased from 30 employees when Judge Yelton was first appointed, to over 240 employees today with combined budgets of \$22 million;*

*Whereas, Also in 2009, the four leaders of the Indiana General Assembly's caucuses appointed Judge Yelton to the Legislative Gaming Study Committee, and in 2011, the General Assembly named him to the Charity Gaming Study Committee;*

*Whereas, As Governor Daniels was leaving office in January 2013, he presented Judge Yelton with the Governor's Distinguished Service Medal, and shortly thereafter, incoming Governor Mike Pence reappointed him for another term as Executive Director of the Indiana Gaming Commission;*

*Whereas, The Sagamore of the Wabash was bestowed upon Judge Yelton by Governor Evan Bayh;*

*Whereas, Judge Yelton and his wife Mary Rumbley Yelton are the proud parents of Adam Yelton and Emily Goff, and grandparents of Brayden and Carter Goff; and*

*Whereas, It is fitting that the Indiana General Assembly gives special recognition to Judge Yelton for his many years of public service on the bench and as Executive Director of the Indiana Gaming Commission: 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 Ernest "Ernie" Yelton for his many years of exemplary service as the Executive Director of the Indiana Gaming Commission.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ernest "Ernie" Yelton.

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 Dermody.

**SENATE MOTION**

Madam President: I move that the following resolution be adopted:

HCR 85 Senator Breaux  
Honoring Mrs. Ruth Woodson

LONG

Motion prevailed.

**RESOLUTIONS ON FIRST READING**

**House Concurrent Resolution 85**

House Concurrent Resolution 85, sponsored by Senators Breaux, Taylor, Randolph and Rogers:

A CONCURRENT RESOLUTION honoring Mrs. Ruth Woodson.

*Whereas, On May 19, 2015, Mrs. Ruth Woodson will celebrate her 100th birthday;*

*Whereas, Mrs. Woodson arrived in Indiana after graduating second in her high school class in Muskogee, Oklahoma, and attending three years at Tennessee State University;*

*Whereas, Mrs. Woodson was the proprietor of La Modannaire Beauty Salon for over 70 years and was a leader in many of the beauty organizations in her community;*

*Whereas, Mrs. Woodson is the widow of the late John Ed Woodson from Horse Cave, Kentucky, and the mother of two children;*

*Whereas, Still active and enjoying life, Mrs. Woodson attends the senior exercise classes at the Washington Park Family Center twice weekly and is in great mental and physical shape;*

*Whereas, Mrs. Woodson enjoys traveling, especially cruises and motor traveling;*

*Whereas, It is a pleasure to honor those who are beginning the second century of their lives; and*

*Whereas, It is a joy to note the 100th birthday of a lady whose life has had such a positive influence on her community and her state: 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 extends its best wishes for a happy birthday to centenarian Mrs. Ruth Woodson on the occasion of her 100th birthday and trusts that she will celebrate many more birthdays in the years to come.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Mrs. Ruth Woodson and her family.

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.

**Senate Concurrent Resolution 55**

Senate Concurrent Resolution 55, introduced by Senators Merritt and Breaux, Taylor, Randolph, and Rogers:

A CONCURRENT RESOLUTION congratulating former Indiana State Senator Billie Breaux for her decades of public service.

*Whereas, Billie Breaux is the daughter of Otha Fuller, Sr. and Pearl Fuller and was born the seventh of nine children;*

*Whereas, Billie graduated from West Virginia State and began working as a legal secretary for the law firm of Richardson, Hosea, Lewis, and Allen, the first integrated law firm in Indianapolis;*

*Whereas, While working for the firm, Billie was mentored and encouraged by former state legislator Henry J. Richardson, Jr. and his wife Rosalyn, who were committed community activists;*

*Whereas, When Billie Breaux's daughter was in the second grade, Billie became disappointed with the education her daughter was receiving and promptly made the decision to utilize her degree to become an educator;*

*Whereas, Billie later earned her masters degree in education from Indiana University;*

*Whereas, In search of educational reform, Billie became an activist with the Indianapolis Education Association and later became its first two-term president;*

*Whereas, Billie was instrumental in the recognition of Martin Luther King, Jr. Day as a celebrated holiday and she served as Chair of the IEA's first Martin Luther King, Jr. Day celebration;*

*Whereas, As an educational activist, Billie advocated for better funding of urban schools and fought against the lack of support given to education from the state legislature;*

*Whereas, For eight years, Billie served as Marion County Auditor and became the first African-American woman to be elected to a county-wide office;*

*Whereas, After serving as an ad hoc advisor for then state legislator Julia Carson, Billie succeeded her in office in 1990;*

*Whereas, As a legislator, Billie gave a strong voice to educational reform, children, working Hoosiers, the elderly, and the disabled;*

*Whereas, Billie is the recipient of numerous awards, including being named the freshman legislator of the year;*

*Whereas, Throughout her tenure, Billie gained the support and respect of her constituents and colleagues on both sides of the aisle;*

*Whereas, Billie retired from IPS after more than thirty years of service, from the Indiana State Senate after sixteen years of service, and as Marion County Auditor after eight years of service; and*

*Whereas, The Indiana General Assembly wishes to celebrate Billie Breaux for her tremendous public service and substantial commitment to the State of Indiana upon her final retirement: 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 and honors Billie Breaux for her decades of public service.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Billie Breaux.

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 Pryor.

## RESOLUTIONS ON SECOND READING

### Senate Concurrent Resolution 35

Senator Grooms called up Senate Concurrent Resolution 35 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Soliday and Stemler.

### Senate Concurrent Resolution 50

Senator Buck called up Senate Concurrent Resolution 50 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Cook.

## MOTIONS TO CONCUR IN HOUSE AMENDMENTS

### SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Senate Bill 137.

RANDOLPH

Roll Call 497: yeas 46, nays 0. Motion prevailed.

### SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Senate Bill 261.

M. YOUNG

Roll Call 498: yeas 48, nays 0. Motion prevailed.

### SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Senate Bill 324.

HEAD

Roll Call 499: yeas 48, nays 0. Motion prevailed.

## CONFERENCE COMMITTEE REPORTS

### CONFERENCE COMMITTEE REPORT ESB 509-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed

House Amendments to Engrossed Senate Bill 509 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 12.  
Re-number all SECTIONS consecutively.  
(Reference is to ESB 509 as reprinted April 8, 2015.)

Charbonneau, Chair Clere  
Rogers Klinker  
Senate Conferees House Conferees

Roll Call 500: yeas 48, nays 0. Report adopted.

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Moseley as a conferee on Engrossed House Bill 1469 and now appoints Washburne thereon.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1371. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill, and to report thereon:

Conferees: Richardson, Chair and Riecken  
Advisors: Washburne, Bartlett, and D. Harris

M. CAROLINE SPOTTS  
Principal Clerk of the House

**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 the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1371:

Conferees: Steele and Taylor  
Advisors: M. Young and Broden

LONG  
Date: 4/23/15  
Time: 2:39 p.m.

Report adopted.

**MOTIONS TO DISSENT FROM HOUSE AMENDMENTS**

**SENATE MOTION**

Madam President: I move that the Senate dissent from the House Amendments to Senate Bill 174 and that a conference

committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

**SENATE MOTION**

Madam President: I move that the Motion to Dissent on Senate Bill 532, filed March 31, 2015, be withdrawn from further consideration by the Senate.

HEAD

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Delph be added as coauthor of Senate Concurrent Resolution 35.

GROOMS

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senators Alting, Arnold, A. Banks, Bassler, Becker, Boots, Bray, Broden, Brown, Buck, Charbonneau, Crider, Delph, Eckerty, Ford, Glick, Grooms, Head, Hershman, Holdman, Houchin, Kenley, Kruse, Lanane, Leising, Long, Messmer, Patricia Miller, Pete Miller, Mishler, Mrvan, Niemeyer, Perfect, Raatz, Randolph, Rogers, Schneider, Smith, Steele, Stoops, Tallian, Taylor, Tomes, Walker, Waltz, Yoder, M. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 55.

MERRITT

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senators Arnold, A. 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, Tallian, Taylor, Tomes, Walker, Waltz, Yoder, M. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 53.

ALTING

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Rogers be added as coauthor of Senate Resolution 62.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Houchin be added as coauthor of Senate Concurrent Resolution 35.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, April 27, 2015.

PATRICIA MILLER

Motion prevailed.

The Senate adjourned at 2:46 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUE ELLSPERMANN  
President of the Senate