



Journal of the Senate

State of Indiana

118th General Assembly

Second Regular Session

Twentieth Meeting Day

Monday Afternoon

February 17, 2014

The Senate convened at 2:54 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

YODER, Chair

Prayer was offered by Senator Travis L. Holdman.

Report adopted.

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

COMMITTEE REPORT

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

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Engrossed House Bill 1039, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Alting	Merritt
Arnold	Miller, Patricia
Banks	Miller, Pete
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Crider	Skinner
Delph	Smith
Eckerty	Steele
Glick	Stoops
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske <input type="checkbox"/>	Young, M.
Leising	Young, R.
Long	Zakas

Page 2, line 23, delete "The affirmative vote of at least seven (7) members of the".

Page 2, delete line 24.

Page 2, line 41, delete "commission" and insert "**department**".

Page 3, line 1, delete "commission" and insert "**department**".

Page 3, line 3, delete "commission" and insert "**department**".

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"(f) The commission shall provide comment and policy feedback on the program to the department."

"(g) The commission may provide technical assistance and industry knowledge for the program."

(Reference is to HB 1039 as reprinted January 30, 2014.) and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Engrossed House Bill 1050, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "14-22-12-1.8," and insert "**14-22-12-1.8**".

Page 2, line 32, delete "article" and insert "**article, including obtaining a valid hunting license issued under IC 14-22-11,**".

Page 2, line 34, delete "hunting" and insert "**hunting,**".

(Reference is to HB 1050 as printed January 28, 2014.) and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Engrossed

Roll Call 200: 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.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Engrossed House Bill 1019, 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 9, Nays 0.

House Bill 1053, 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 7, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Engrossed House Bill 1096, 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 7, Nays 0.

ZAKAS, Acting Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 29

Senate Resolution 29, introduced by Senators Head, Waltz and Stoops:

A SENATE RESOLUTION honoring the China Philanthropy Leadership Initiative for its work in improving cross-cultural communication of philanthropy and promoting the development of philanthropy in China.

Whereas, The China Philanthropy Leadership Initiative is comprised of Indiana University School of Philanthropy students with an interest in philanthropy and nonprofit organizations;

Whereas, CPLI's mission is to improve cross-cultural communication of philanthropy and promote the development of philanthropy in China by creating a platform to engage young philanthropic practitioners and scholars, providing resources and perspectives to these individuals, and by inspiring practices and leadership through Chinese and American experiences;

Whereas, Between 2011 and 2013 alone, CPLI put on over 20 seminars on philanthropy, religion, and China, along with numerous other speaker series and panel discussions to engage others in and carry out CPLI's mission;

Whereas, Members of CPLI recently visited the Cass County Community Foundation to learn the details of how a charity operates in Indiana and also volunteered to translate at the Zhejiang-Indiana conference to strengthen the partnership of our two regions; and

Whereas, CPLI's efforts and goals help bring together students and cultures and will lead to the organization's philanthropic vision of implementing the practices learned through CPLI in China becoming a reality in the future: Therefore,

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

SECTION 1. That the Indiana Senate honors the China Philanthropy Leadership Initiative for its work in improving cross-cultural communication in philanthropy and promoting the development of philanthropy in China.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the China Philanthropy Leadership Initiative members and the organization's advisors, Professor John Clark, Dr. Leslie Lenkowsky, and Dr. William Plater.

The resolution was read in full and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Economic Development and Technology, to which was referred Senate Resolution 26, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 7, Nays 0.

BUCK, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 37

Senate Resolution 37, introduced by Senator Waterman:

A SENATE RESOLUTION supporting Taiwan's efforts to secure entry to the Trans-Pacific Partnership (TPP) and the signing of a free trade agreement (FTA) and bilateral investment agreement (BIA) with the United States; and reaffirming support for increasing Taiwan's international profile and for strengthening and expanding sister-state ties between Indiana and Taiwan.

Whereas, The Republic of China (Taiwan) and the United States, in particular the State of Indiana, share a sister-state relationship marked by strong bilateral trade, educational, and cultural exchange and tourism;

Whereas, Taiwan shares with the United States and the State of Indiana the common values of freedom, democracy, human rights, and the rule of law;

Whereas, The United States ranks as Taiwan's third largest trading partner. Taiwan is the eleventh largest trading partner of the United States. Bilateral trade reached \$63 billion in 2012;

Whereas, Taiwan and the State of Indiana have enjoyed a long and mutually beneficial relationship with the prospect of

future growth. Taiwan was Indiana's eighth largest export market in Asia in 2012, with \$235.6 million worth of Indiana goods exported to Taiwan, which is nine percent growth from 2011;

Whereas, Negotiations for a bilateral investment agreement (BIA) between Taiwan and the United States are an important step toward further strengthening bilateral trade and paving the way for entering into a free trade agreement (FTA) between Taiwan and the United States, thereby increasing Indiana's exports to Taiwan and creating bilateral investment and technical collaboration through tariff reduction and other trade facilitation measures; and

Whereas, Taiwan, seeking greater regional integration in the Asia-Pacific region and promotion of bilateral investment and trade relations with the United States, welcomes the opportunity presented by the United States' announcement at the 2011 Asia-Pacific Economic Cooperation leaders meeting of the United States' intent not only to join the Trans-Pacific Partnership (TPP), the proposed 21st century trade agreement between the United States and eleven other Asia-Pacific Rim countries, but to expand TPP membership in the future to include other countries, such as Taiwan: Therefore,

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

SECTION 1. That the Indiana Senate reaffirms its commitment to the strong and deepening sister-state relationship between Taiwan and the State of Indiana.

SECTION 2. That the Indiana Senate supports Taiwan's efforts to secure entry to the Trans-Pacific Partnership (TPP) and welcomes the signing of a bilateral investment agreement (BIA) and free trade agreement (FTA) with the United States;

SECTION 3. That the Indiana Senate supports Taiwan's appropriate participation in international organizations which impact the health, safety, and well-being of Taiwan.

SECTION 4. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Taipei Economic and Cultural Representative Office.

The resolution was read in full and referred to the Committee on Commerce, Economic Development and Technology.

Senate Resolution 38

Senate Resolution 38, introduced by Senator Waterman:

A SENATE RESOLUTION urging the Legislative Council to assign to a study committee the topic of nullification of federal firearms legislation.

Whereas, The right of the people to bear arms in defense of themselves and the State is an inherent and inalienable right

under the United States and Indiana Constitutions;

Whereas, The Supreme Court of the United States has held that "the inherent right of self-defense has been central to the Second Amendment right," and "the Second Amendment extends, prima facie, to all instruments that constitute bearable arms;"

Whereas, Many local, state, and federal lawmakers continue to propose measures aimed at restricting firearms, including bans, taxation, waiting periods, registration, licensing, and confiscation; and

Whereas, A summer study committee could analyze possible unconstitutional federal threats to Hoosiers' fundamental right to keep and bear arms and determine if protective legislation is necessary: Therefore,

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

SECTION 1. That the Indiana Senate urges the Legislative Council to assign to a study committee the topic of federal firearms legislation nullification.

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

The resolution was read in full and referred to the Committee on Judiciary.

SENATE MOTION

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

- SR 35 Senator Hershman
Congratulating the Clinton County 4H State Championship team.
- HCR 18 Senator Yoder
Recognizing the FFA and its Indiana state officers.
- HCR 35 Senator Grooms
Honoring Jamey Aebersold.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 35

Senate Resolution 35, introduced by Senator Hershman:

A SENATE RESOLUTION congratulating the Clinton County 4H state championship team on their meats judging award at the State Meats Career Development Event.

Whereas, At Purdue University on January 25, 2014, the Clinton County 4H state championship team, comprised of Kelly

Fox, Tyler McFauls, Mackenzie Padgett, and Rachel Stowers competed in the State Meats Career Development Event;

Whereas, As a part of the competition, the team members identified thirty retail meat cuts by sight, placed six classes of wholesale and retail cuts, and gave reasons on three classes;

Whereas, Tyler received the highest individual award overall in the state, Mackenzie received second, and Rachel and Kelly placed third and fourth individually, demonstrating the members' dedication to studying each cut in preparation for the event;

Whereas, This year's competition marks the fourth year Tyler and Rachel have been on the state championship meats judging team, with the team being coached by Clinton Central High School agriculture teacher, Mr. Roger K. Carr, for the last several years; and

Whereas, The team should be recognized for carrying on the 4H tradition and representing Clinton County and Indiana's agricultural tradition so well: Therefore,

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

SECTION 1. That the Indiana Senate congratulates the Clinton County 4H state championship team on their meats judging award at the State Meats Career Development Event.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Kelly Fox, Tyler McFauls, Mackenzie Padgett, Rachel Stowers, and Coach Roger K. Carr.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 18

House Concurrent Resolution 18, sponsored by Senator Yoder:

A CONCURRENT RESOLUTION recognizing the FFA and its Indiana state officers.

Whereas, The FFA is the student organization component of Indiana's total agricultural education program;

Whereas, As an intracurricular activity, FFA empowers students to apply the knowledge and competencies gained from classroom laboratory instruction and supervised agricultural experiences;

Whereas, The Indiana FFA and agricultural education provide a strong foundation for the youth of Indiana and the future of the food, fiber, and natural resource systems for

Hoosiers statewide;

Whereas, The Indiana FFA nurtures the next generation of Hoosier agriculturalists who will be involved in the leadership of every facet of our food and fiber system, including food safety, research and development, environmental protection, sales and marketing, food production, food processing, international trade, and education;

Whereas, The Indiana FFA promotes premier leadership, personal growth, and career success among its members and assists students in discovering the power they possess through the Youth Agriculture Exchange Brazil Experience, the State Agri-Entrepreneurship Awards Program, conferences and workshops, agriculture career development events, chapter retreats, district officer program, leadership career development events, Project: IMPACT, and the state FFA convention;

Whereas, The FFA motto "Learning to Do, Doing to Learn, Earning to Live, Living to Serve" gives purpose to students who take an active role in succeeding in agricultural education;

Whereas, 2013-14 Indiana State President Alexandra (Allie) Abney, 18, grew up on a small family farm in Bargersville raising and showing Belted Galloway beef cattle, was an active member of the Franklin FFA Chapter and her 4-H club and a cheerleader, participated in student council, and graduated summa cum laude from her high school; she plans to attend Purdue University to major in both Agricultural Economics and Agricultural Communications;

Whereas, 2013-14 State Secretary Kayla Hoenert, 18, is a member of the North Posey FFA Chapter and enjoys competing in soil judging, parliamentary procedure, and extemporaneous speaking; she will attend Purdue University and major in Animal Sciences with intentions of becoming a large animal veterinarian;

Whereas, 2013-14 State Northern Region Vice-President Rebekah Frey, 18, was a member of the Prairie Heights FFA Chapter, was active in cross country, basketball, and softball, and plans to attend the University of Saint Francis to major in Graphic Design and minor in Communication;

Whereas, 2013-14 FFA State Southern Region Vice President Ethan McNeely, 18, grew up on a farm in Scottsburg and was actively involved in his community, academics, and many activities at Scottsburg High School and plans to attend Purdue University majoring in Agricultural Economics;

Whereas, 2013-14 FFA State Treasurer Cameron Frazier, 19, comes from the Riverton Parke FFA Chapter in Montezuma and enjoys forestry, parliamentary procedure, and public speaking CDEs; after his term as Treasurer, Cameron will be attending

Purdue University majoring in Agriculture Education;

Whereas, 2013-14 Indiana FFA State Reporter Shelby Sigman, 18, was a member of the Benton Central FFA Chapter and enjoyed judging soil and parliamentary procedure as well as many other CDEs; after her term as State Reporter, Shelby plans to attend Purdue University with a dual major in Crop Science and Soil Science;

Whereas, 2013-14 State Sentinel Sarah Dirksen, 17, was born and raised on her family's dairy farm in Winchester and enjoyed soil judging, as well as demonstrations and other speaking contests; after her term as State Sentinel, Sarah plans to attend Purdue University to pursue a degree in Agriculture; and

Whereas, The Indiana FFA promotes citizenship, volunteerism, patriotism, and cooperation among its active Hoosier members: 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 acknowledges the important work done by the Indiana FFA in furthering the development of our youth into exceptional citizens of our state and recognizes the outstanding job of Indiana's officers.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Indiana FFA State President Allie Abney, State Secretary Kayla Hoenert, State Northern Region Vice-President Rebekah Frey, State Southern Region Vice President Ethan McNeely, State Treasurer Cameron Frazier, State Reporter Shelby Sigman, and State Sentinel Sarah Dirksen.

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 Concurrent Resolution 35

House Concurrent Resolution 35, sponsored by Senator Grooms:

A CONCURRENT RESOLUTION honoring Jamey Aebersold.

Whereas, The National Endowment for the Arts (NEA) Jazz Masters Fellowship is the highest honor our nation bestows on jazz artists;

Whereas, Jamey Aebersold was named the 2014 recipient of the A.B. Spellman NEA Jazz Masters Award for Jazz Advocacy;

Whereas, With his nomination, Jamey Aebersold joined the 132 individuals who, over the past 32 years, have been recognized with this special honor and will forever be known as NEA Jazz Masters;

Whereas, In 1966, while assisting at a workshop in Connecticut, Jamey Aebersold created the first Play-A-Long recording when a student requested a recording of his piano accompaniment so he could rehearse and improvise at home;

Whereas, These Play-A-Long recordings have made it possible for jazz players of all ages to create an interactive jazz environment in a classroom, their living room, or just about anywhere;

Whereas, For nearly 50 years, Jamey Aebersold has produced 133 volumes of jazz recordings and books, creating a new venue for jazz education;

Whereas, In recognition of his many accomplishments, Jamey Aebersold was inducted into the International Association for Jazz Education Hall of Fame, and the Jazz Midwest Clinic honored him with the Medal of Honor in jazz education;

Whereas, Jamey Aebersold taught at three colleges and universities in the Louisville, Kentucky, area, and, in 1992, received an honorary doctorate of music from Indiana University where he received a master's degree in saxophone in 1962;

Whereas, Born and currently residing in New Albany, Jamey Aebersold continues to teach, conduct jazz clinics around the country, and perform as leader of the Jamey Aebersold Quartet in addition to running Jamey Aebersold Jazz; and

Whereas, By educating people about the wonders of jazz, Jamey Aebersold has contributed to the legacy of jazz that will be passed on from generation to generation: 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 congratulates James Aebersold on his selection as the 2014 A.B. Spellman NEA Jazz Masters Award for Jazz Advocacy and to urge him to continue teaching and proclaiming the wonders of jazz.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to James Aebersold.

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.

RESOLUTIONS ON SECOND READING

House Concurrent Resolution 24

Senator Patricia Miller called up House Concurrent Resolution 24 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.

ENGROSSED JOINT RESOLUTIONS ON THIRD READING

Engrossed House Joint Resolution 3

Senator Kruse called up Engrossed House Joint Resolution 3 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana by adding a new Section concerning marriage.

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

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Eighteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: **Section 38. Only a marriage between one (1) man and one (1) woman shall be valid or recognized as a marriage in Indiana.**

The joint resolution was read in full and placed upon its passage. The question was, Shall the joint resolution pass?

Roll Call 201: yeas 32, nays 17. The joint resolution was declared passed. The question was, Shall the title of the joint resolution remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the joint resolution.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1008

Senator M. Young called up Engrossed House Bill 1008 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1095

Senator Merritt called up Engrossed House Bill 1095 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1178

Senator Head called up Engrossed House Bill 1178 for second

reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1190

Senator Charbonneau called up Engrossed House Bill 1190 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1253

Senator Patricia Miller called up Engrossed House Bill 1253 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1300

Senator Yoder called up Engrossed House Bill 1300 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1323

Senator Patricia Miller called up Engrossed House Bill 1323 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1358

Senator Patricia Miller called up Engrossed House Bill 1358 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1013

Senator Banks called up Engrossed House Bill 1013 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 202: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1332

Senator Yoder called up Engrossed House Bill 1332 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

The bill was read a third time by sections and placed upon its

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passage. The question was, Shall the bill pass?

Roll Call 203: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1350

Senator Yoder called up Engrossed House Bill 1350 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 204: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 18, 2014.

HERSHMAN

Motion prevailed.

The Senate adjourned at 4:08 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate