



Journal of the Senate

State of Indiana

119th General Assembly

Second Regular Session

Sixth Meeting Day

Tuesday Afternoon

January 12, 2016

The Senate convened at 1:33 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Senator Ronald T. Grooms.

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

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 7: 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.

INTRODUCTION OF BILLS

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

- SB 383** — Charbonneau (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 384** — Mrvan (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

- SB 385** — Mrvan (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 386** — Stoops (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 387** — Bassler (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 388** — Bassler (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- SB 389** — Bassler (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 390** — Delph (Rules & Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 391** — Delph (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- SB 392** — Houchin (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 393** — Raatz (Veterans Affairs & The Military)
A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.
- SB 394** — Raatz (Health & Provider Services)
A BILL FOR AN ACT concerning human services.
- SB 395** — Mishler (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- SB 396** — Mishler (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- SB 397** — Raatz (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.
- SB 398** — Head (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 399 — Merritt (Appropriations)

A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.

SB 400 — Boots (Pensions & Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

RESOLUTIONS ON FIRST READING**Senate Resolution 12**

Senate Resolution 12, introduced by Senator Niemeyer:

A SENATE RESOLUTION concerning the Motor Vehicle Inspection and Maintenance Programs in Lake and Porter Counties.

Whereas, The motor vehicle inspection and maintenance (I/M) programs in Lake and Porter Counties were begun under federal requirements in 1984 because Lake and Porter Counties were not in "attainment" of federal standards for ozone;

Whereas, According to the United States Environmental Protection Agency (EPA), cars and trucks collectively are the single greatest contributor to ground-level ozone, the major component of smog;

Whereas, The purpose of an I/M program is to reduce ground-level ozone by ensuring that the emission control systems on vehicles are working correctly;

Whereas, An I/M program cannot reduce the ground-level ozone caused by a vehicle if the vehicle is not subject to the I/M program;

Whereas, Generally, only vehicles registered in Lake and Porter Counties are subject to the I/M programs in Lake and Porter Counties;

Whereas, Lake and Porter Counties in northwest Indiana are crossed by Interstate Highway 80/90 and Interstate Highway 94, two of the most heavily traveled highways in the Midwest, and Lake County is also crossed by Interstate Highway 65, another heavily traveled highway linking major southern cities with Chicago;

Whereas, The I/M programs, therefore, cannot do anything to address a major source of ground-level ozone in Lake and Porter Counties; namely, the many motor vehicles passing through Lake and Porter Counties on Interstate Highways 80/90, 94, and 65;

Whereas, The United States EPA itself predicts that remote sensing technologies may soon offer the potential for a fast and convenient way to identify high-emitting vehicles by taking a "snapshot" of a vehicle's emissions as it passes by a sensor located on the side of the road; and

Whereas, The United States EPA's establishment this past October of a new, lower ozone standard of 70 parts per billion makes this an appropriate point for federal and state environmental regulators to appraise the ozone control measures in place and consider whether new measures should replace them: Therefore,

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

SECTION 1. That the Indiana Senate urges the Environmental Protection Agency to revise or eliminate the requirements under which the motor vehicle inspection and maintenance (I/M) programs in Lake and Porter Counties are operated.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to Gina McCarthy, the Administrator of the United States Environmental Protection Agency, and to Susan Hedman, Administrator for Region 5 Office of the Environmental Protection Agency in Chicago.

The resolution was read in full and referred to the Committee on Homeland Security & Transportation.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred Senate Concurrent Resolution 3, 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 8, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 23, 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 10, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 67, 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 1, delete lines 16 through 17, begin a new paragraph and insert:

"(e) The amount of the supplemental distribution to a

county under this section is equal to the amount determined under the following STEPS:

STEP ONE: Determine the result of:

(A) the amount of the balance in the county trust account on December 31, 2014, as determined by the budget agency; minus

(B) the amount of any supplemental distribution made to the county in January 2016 under section 21.1 of this chapter.

STEP TWO: Determine the part of the STEP ONE amount that would be allocated to each taxing unit in the county, using the allocation method specified in IC 6-3.6-6-3 and in IC 6-3.6-6-10 through IC 6-3.6-6-15, in the case of a county other than Marion County, or the allocation method specified in IC 6-3.6-11-5, in the case of Marion County.

STEP THREE: Determine the sum of the STEP TWO amounts for each unit eligible for a supplemental distribution. The sum determined under this STEP is the total amount of the supplemental distribution that shall be made to the county under this section."

Page 2, delete lines 1 through 5.

Page 2, line 6, delete "OMB shall" and insert "OMB and the department of local government finance shall jointly".

Page 2, line 8, delete "The allocation under this" and insert "The amount that each unit eligible for a supplemental distribution shall receive is equal to the amount determined for the unit under STEP TWO of subsection (e).".

Page 2, delete lines 9 through 10.

Page 2, delete lines 33 through 39, begin a new paragraph and insert:

"(e) The amount of the supplemental distribution to a county under this section is equal to the amount determined under the following STEPS:

STEP ONE: Determine the result of:

(A) the amount of the balance in the county trust account on December 31, 2014, as determined by the budget agency; minus

(B) the amount of any supplemental distribution made to the county in January 2016 under section 17.3 of this chapter.

STEP TWO: Determine the part of the STEP ONE amount that would be allocated to each taxing unit in the county, using the allocation method specified in IC 6-3.6-6-3 and in IC 6-3.6-6-10 through IC 6-3.6-6-15, in the case of a county other than Marion County, or the allocation method specified in IC 6-3.6-11-5, in the case of Marion County.

STEP THREE: Determine the sum of the STEP TWO amounts for each unit eligible for a supplemental distribution. The sum determined under this STEP is the total amount of the supplemental distribution that shall be made to the county under this section."

Page 2, line 40, delete "OMB shall" and insert "OMB and the department of local government finance shall jointly".

Page 2, line 42, delete "The allocation under this" and insert "The amount that each unit eligible for a supplemental distribution shall receive is equal to the amount determined for the unit under STEP TWO of subsection (e).".

Page 3, delete lines 1 through 2.

Page 3, delete lines 25 through 31, begin a new paragraph and insert:

"(e) The amount of the supplemental distribution to a county under this section is equal to the amount determined under the following STEPS:

STEP ONE: Determine the result of:

(A) the amount of the balance in the county trust account on December 31, 2014, as determined by the budget agency; minus

(B) the amount of any supplemental distribution made to the county in January 2016 under section 17.3 of this chapter.

STEP TWO: Determine the part of the STEP ONE amount that would be allocated to each taxing unit in the county, using the allocation method specified in IC 6-3.6-6-3 and in IC 6-3.6-6-10 through IC 6-3.6-6-15, in the case of a county other than Marion County, or the allocation method specified in IC 6-3.6-11-5, in the case of Marion County.

STEP THREE: Determine the sum of the STEP TWO amounts for each unit eligible for a supplemental distribution. The sum determined under this STEP is the total amount of the supplemental distribution that shall be made to the county under this section."

Page 3, line 32, delete "OMB shall" and insert "OMB and the department of local government finance shall jointly".

Page 3, line 34, delete "The allocation under this" and insert "The amount that each unit eligible for a supplemental distribution shall receive is equal to the amount determined for the unit under STEP TWO of subsection (e).".

Page 3, delete lines 35 through 36.

Page 4, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 4. IC 6-3.6-9-15, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) If the budget agency determines that the balance in a county trust account exceeds ~~fifty~~ **twenty-five** percent (~~50%~~) (**25%**) of the certified distributions to be made to the county in the ensuing year, the budget agency shall make a supplemental distribution to the county from the county's special account.

(b) A supplemental distribution described in subsection (a) must be:

- (1) made in January of the ensuing calendar year; and
- (2) **except as provided in subsection (d)**, allocated in the same manner as certified distributions for deposit in a civil unit's rainy day fund established under IC 36-1-8-5.1. However, the part of a supplemental distribution that is attributable to an additional rate authorized under this article:

(A) shall be used for the purpose specified in the statute authorizing the additional rate; and

(B) is not required to be deposited in the unit's rainy day fund.

The amount of the supplemental distribution is equal to the amount by which the balance in the county trust account exceeds ~~fifty~~ **twenty-five** percent (~~50%~~) **(25%)** of the certified distributions to be made to the county in the ensuing year.

(c) Any income earned on money held in a trust account established for a county under this chapter shall be deposited in that trust account.

(d) The following apply to a supplemental distribution to a county that is made after December 31, 2016:

(1) For each taxing unit in the county that did not receive a distribution under IC 6-3.5-1.1-21.2, IC 6-3.5-6-17.7, or IC 6-3.5-7-17.4 in 2016, the budget agency and the department of local government finance shall calculate the sum of the amounts determined under STEP TWO of IC 6-3.5-1.1-21.2(e), STEP TWO of IC 6-3.5-6-17.7(e), and STEP TWO of IC 6-3.5-7-17.4(e) for that taxing unit.

(2) The amount of the supplemental distribution:

(A) shall first be allocated among taxing units in the county that did not receive a distribution under IC 6-3.5-1.1-21.2, IC 6-3.5-6-17.7, or IC 6-3.5-7-17.4 in 2016; and

(B) shall not be allocated as provided in subsection (b)(2);

until each taxing unit in the county that did not receive a distribution under IC 6-3.5-1.1-21.2, IC 6-3.5-6-17.7, or IC 6-3.5-7-17.4 in 2016 has received from supplemental distributions made under this section after December 31, 2016, a total amount equal to the amount calculated for the taxing unit under subdivision (1).

(3) In allocating a supplemental distribution under subdivision (2), the amount to be allocated to each taxing unit in the county that did not receive a distribution under IC 6-3.5-1.1-21.2, IC 6-3.5-6-17.7, or IC 6-3.5-7-17.4 in 2016 is equal to:

(A) the amount of the supplemental distribution being allocated to those taxing units under subdivision (2); multiplied by

(B) a fraction equal to:

(i) the amount calculated under subdivision (1) for that taxing unit; divided by

(ii) the sum of the amounts calculated under subdivision (1) for all taxing units that did not receive a distribution under IC 6-3.5-1.1-21.2, IC 6-3.5-6-17.7, or IC 6-3.5-7-17.4 in 2016.

~~(d)~~ **(e) A determination under this section must be made before November 2."**

Page 4, line 33, after "of" insert **"a board of aviation commissioners established under IC 8-22-2 or"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 67 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs & The Military, to which was referred Senate Bill 76, 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 9, delete "The office shall resume Medicaid" and insert **"The office shall resume when residency has been re-established:**

(1) Medicaid assistance; and

(2) subject to the availability of a waiver slot under federal regulations, Medicaid waiver services; for the individual or the individual's dependent if the individual or the individual's dependent is otherwise eligible under this section."

Page 2, delete lines 10 through 11.

(Reference is to SB 76 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

BANKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 88, 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 and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 2.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 109, 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 1, delete lines 10 through 17, begin a new paragraph and insert:

"SECTION 1. IC 14-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All wild animals, except those that are:

(1) legally owned ~~or being held in captivity~~ under a license or permit as required by this article; ~~or~~

- (2) otherwise excepted in this article;
- (3) legally owned captive bred cervidae; or
- (4) legally owned captive bred members of the bovidae family described in IC 15-17-14.7-3;

are the property of the people of Indiana.

(b) Except as provided in subsection (d), the department shall protect and properly manage the fish and wildlife resources of provide for the protection and proper management of all legally or publicly owned wild animals in Indiana.

(c) Except as provided in subsection (d), the department may regulate legally owned wild animals.

(d) The department may not regulate wild animals described in subsection (a)(3) and (a)(4)."

Page 2, delete lines 1 through 7.

Page 5, delete lines 32 through 36, begin a new paragraph and insert:

"Sec. 3. As used in this chapter, "permitted animal" means a legally owned captive bred wild animal classified as follows:

- (1) A member of the cervidae family.
- (2) A member of the bovidae family genus ovis.
- (3) A member of the bovidae family genus capra."

Page 6, delete lines 12 through 14, begin a new paragraph and insert:

"(e) The board shall deposit all fees collected under this section in the captive cervidae programs fund established by section 16 of this chapter."

Page 6, line 16, after "owner" insert "of the hunting preserve".

Page 6, line 17, after "6." insert "(a)".

Page 6, delete lines 21 through 23, begin a new line double block indented and insert:

"(A) The hunting preserve must meet the applicable minimum size requirement of subsection (b)."

Page 6, between lines 33 and 34, begin a new paragraph and insert:

- "(b) A hunting preserve must contain:
 - (1) an aggregate total of at least eighty (80) acres in the areas where permitted animals are hunted if the hunting preserve was in operation during the 2015 calendar year; or
 - (2) at least one hundred (100) contiguous acres in the area where permitted animals are hunted if the hunting preserve was not in operation during the 2015 calendar year."

Page 6, line 34, delete "cervidae" and insert "permitted animal".

Page 6, delete lines 37 through 40, begin a new paragraph and insert:

- "Sec. 8. A licensed owner may not do the following:
 - (1) Release a permitted animal into the wild.
 - (2) Release any cervid other than a permitted animal on the hunting preserve."

Page 6, line 41, after "(a)" insert "Hunting on a hunting

preserve is not regulated by the department of natural resources."

Page 7, line 12, after "set" insert "by the natural resources commission".

Page 7, line 15, after "set" insert "by the natural resources commission".

Page 7, between lines 16 and 17, begin a new paragraph and insert:

"(g) The board shall deposit all fees collected under this section in the captive cervidae programs fund established by section 16 of this chapter."

Page 7, line 18, after "every" insert "permitted".

Page 7, line 22, after "each" insert "permitted".

Page 7, line 23, delete "an animal" and insert "a permitted animal".

Page 7, line 25, delete "an animal" and insert "a permitted animal".

Page 7, line 27, after "sale of the" insert "permitted".

Page 7, line 30, delete "an animal" and insert "a permitted animal".

Page 7, line 33, after "each" insert "permitted".

Page 7, line 37, after "(1) The" insert "permitted".

Page 8, line 9, after "of" insert "permitted".

Page 8, line 18, delete "an animal" and insert "a permitted animal".

Page 8, line 19, delete "animal" and insert "permitted animal".

Page 8, line 23, after "for" insert "permitted".

Page 8, between lines 37 and 38, begin a new paragraph and insert:

"Sec. 16. (a) The captive cervidae programs fund is established. The board may use money in the fund to pay the expenses of:

- (1) administering IC 15-17-14.5 and this chapter; and
- (2) implementing programs to control diseases in cervidae authorized under this article.
- (b) The fund shall be administered by the board.
- (c) The fund consists of all fees collected under this chapter.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Renumber all SECTIONS consecutively.

(Reference is to SB 109 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

GLICK, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs & The Military, to which was referred Senate Bill 145, 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.

BANKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 146, 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 1, delete lines 1 through 7.

Page 2, delete lines 3 through 4, begin a new line block indented and insert:

"(4) An approved postsecondary educational institution (as defined in IC 21-7-13-6(a)(1)) that:

(A) shares data with the commission for higher education under IC 21-12-12-1; and

(B) is named as a defendant in a claim or suit in tort based on any breach of the confidentiality of the data that occurs after the institution has transmitted the data in compliance with IC 21-12-12-1."

Renumber all SECTIONS consecutively.

(Reference is to SB 146 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs & The Military, to which was referred Senate Bill 154, 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.

BANKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 173, 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 1, line 3, delete "2016" and insert "2014".

Page 3, line 24, after "instructions" insert "**applicable for taxable years beginning after December 31, 2013**".

Page 3, line 27, after "team" insert "**not based in Indiana**".

Page 3, line 27, delete "combined" and insert "**composite**".

Page 3, line 30, delete "combined" and insert "**composite**".

Page 3, line 33, delete "combined" and insert "**composite**".

Page 3, line 37, delete "combined" and insert "**composite**".

Page 4, line 1, delete "2016" and insert "2014".

Page 4, delete lines 2 through 3 and insert: "**(a) Rules, guidelines, or other instructions adopted by the department of state revenue under IC 6-3-2-3.2(d), as amended by this act, apply to taxable years beginning after December 31, 2013.**".

(Reference is to SB 173 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 195, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 14-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2016]: Sec. 1. This chapter applies to applications for licenses under the following:

~~(1) IC 14-22-26-3(2) (wild animals).~~

~~(2) (1) IC 14-26-2 (lake preservation).~~

~~(3) (2) IC 14-26-5 (dams).~~

~~(4) (3) IC 14-28-1 (flood control).~~

~~(5) (4) IC 14-29-3 (removal of substances from streams).~~

~~(6) (5) IC 14-29-4 (construction of channels)."~~

Page 1, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE APRIL 1, 2016] **(a) IC 14-11-4-1, as amended by this act, applies to applications for licenses filed after March 31, 2016.**

(b) This SECTION expires January 1, 2017."

Renumber all SECTIONS consecutively.

(Reference is to SB 195 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

GLICK, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 213, 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 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 255, 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 5, line 38, delete "of:" and insert "of".
 - Page 5, line 39, strike "(1)".
 - Page 5, line 39, delete "rules concerning technical and safety".
 - Page 5, delete line 40.
 - Page 5, line 41, delete "underground petroleum storage tanks;"
 - Page 5, line 41, strike "and".
 - Page 5, line 42, strike "(2)".
 - Page 6, line 6, delete "of:" and insert "of".
 - Page 6, line 7, strike "(A)".
 - Page 6, line 7, delete "rules concerning technical and safety".
 - Page 6, delete line 8.
 - Page 6, line 9, delete "underground petroleum storage tanks;"
 - Page 6, line 9, strike "and".
 - Page 6, line 10, strike "(B)".
 - Page 11, line 38, delete "(b)".
 - Page 11, line 40, delete "The".
 - Page 11, delete lines 41 through 42.
 - Page 12, line 1, delete "(c)" and insert "(b)".
 - Page 13, line 16, delete "assurance" and insert "**responsibility**".
 - Page 13, line 39, delete "ELTF shall not pay any person or entity:" and insert "**ELTF:**".
 - Page 13, line 40, after "(1)" insert "**shall not pay**".
 - Page 13, line 41, delete "or" and insert "**and**".
 - Page 13, line 42, after "(2)" insert "**shall not pay**".
 - Page 14, delete lines 15 through 28.
 - Page 17, delete lines 25 through 32, begin a new paragraph and insert:

"(b) If the commissioner does not approve or deny a corrective action plan within the period allowed under subsection (a), the administrator shall pay from the ELTF the costs incurred by the claimant in developing the corrective action plan."
 - Page 18, line 30, strike "later" and insert "**more**".
 - Page 18, line 34, strike "later" and insert "**more**".
 - Page 19, delete lines 38 through 42.
 - Re-number all SECTIONS consecutively.
 - (Reference is to SB 255 as introduced.)
- and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 6, Nays 0.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 257, 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 3, line 9, delete "differential;" and insert "**differential in a transaction involving a willing buyer and a willing seller;**".
 - Page 4, line 13, delete "one hundred twenty (120)" and insert "**two hundred ten (210)**".
 - Page 4, line 31, strike "concerning" and insert "**in a manner that the commission determines affects**".
 - Page 11, line 28, delete "a proposed" and insert "**an**".
 - Page 11, line 33, delete "proposed order" and insert "**order**".
 - Page 11, line 33, after "commission's" delete "proposed".
 - Page 11, line 35, after "commission's" delete "proposed".
 - Page 11, line 36, after "interest" insert ".".
 - Page 11, delete lines 37 through 39.
 - Page 12, line 17, delete "one hundred twenty (120)" and insert "**two hundred ten (210)**".
- (Reference is to SB 257 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred Senate Bill 333, 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 and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 7, Nays 0.

YODER, Chair

Report adopted.

**REPORT OF THE PRESIDENT
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 68(b), I hereby report that, subsequent to the adoption of the Committee Report on January 12, 2016, Senate Bill 88 was reassigned to the Committee on Tax & Fiscal Policy.

LONG

Report adopted.

SENATE MOTION

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

- SR 13 Senator Arnold
Recognizing Glen Fleming.
SCR 5 Senator Arnold
Honoring Carol Rotzien.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING**Senate Resolution 13**

Senate Resolution 13, introduced by Senator Arnold:

A SENATE RESOLUTION recognizing Glen Fleming for his bravery during the Battle at Coral Sea.

Whereas, Glen Fleming joined the Naval Reserves in 1939;

Whereas, On August 5, 1945, Mr. Fleming's TBF Torpedo Bomber, along with two gunners and two fighter escorts, completed a mission over Tokyo Bay;

Whereas, During this mission an aircraft battery opened fire on it, puncturing a fuel tank;

Whereas, Mr. Fleming flew his plane for as long as he could before he was forced to give orders to abort the plane mid-air. Fleming and his gunners were adrift for 5 ½ hours until an allied submarine picked them up;

Whereas, The next day, August 6, 1945, the United States dropped an atomic bomb on the Japanese city of Hiroshima;

Whereas, Mr. Fleming will celebrate his 100th birthday this year; and

Whereas, We would like to honor Mr. Fleming for his service to his country during World War II: Therefore,

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

SECTION 1. That the State of Indiana Senate recognizes Glen Fleming for his bravery during the Battle of Coral Sea.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Glen Fleming and Marian Fleming.

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

Senate Concurrent Resolution 5

Senate Concurrent Resolution 5, introduced by Senator Arnold:

A CONCURRENT RESOLUTION honoring Carol Rotzien for her dedication and service to the Town of Westville.

Whereas, Ms. Rotzien has served as the Town of Westville's Clerk-Treasurer for the last 29 years;

Whereas, Ms. Rotzien has also dedicated her time and many years to the Westville Schools; and

Whereas, The Senate would like to honor Carol Rotzien for her dedication and service to the Town of Westville: Therefore,

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

SECTION 1. The Indiana Senate honors Carol Rotzien for her service to the Town of Westville as the Clerk-Treasurer.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of the Resolution to Carol Rotzien.

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 Pelath.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 3, 4, and 5, and the same are herewith transmitted for further action.

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 passed House Concurrent Resolution 2 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING**Senate Resolution 8**

Senator Merritt called up Senate Resolution 8 for second reading. The resolution was read a second time and adopted by voice vote.

**ENGROSSED SENATE BILLS
ON THIRD READING****Engrossed Senate Bill 142**

Senator M. Young called up Engrossed Senate Bill 142 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 8: yeas 44, nays 5. 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. House sponsor: Representative Steuerwald.

Engrossed Senate Bill 200

Senator Kruse called up Engrossed Senate Bill 200 for third reading:

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

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

Roll Call 9: yeas 48, nays 1. 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. House sponsors: Representatives Behning and V. Smith.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules & Legislative Procedure, to which was referred Senate Bill 99, 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:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-4.5-7-301, AS AMENDED BY P.L.35-2010, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 301. (1) For purposes of this section, the lender shall disclose to the borrower to whom credit is extended with respect to a small loan the information required by the Federal Consumer Credit Protection Act.

(2) In addition to the requirements of subsection (1), the lender must conspicuously display in bold type a notice **both** to the public ~~both~~ in the lending area of each business location and in the loan documents the following statement:

"WARNING: A small loan is not intended to meet long term financial needs. A small loan should be used only to meet short term cash needs. The cost of your small loan may be higher than loans offered by other lending institutions. Small loans are regulated by the State of

Indiana Department of Financial Institutions.

A borrower may rescind a small loan without cost by paying the cash amount of the principal of the small loan to the lender not later than the end of the business day immediately following the day on which the small loan was made."

- (3) The statement required in subsection (2) must be in:
- 14 point bold face type in the loan documents; and
 - not less than one (1) inch bold print in the lending area of the business location.

(4) In addition to the statement required under subsection (2), a lender shall conspicuously disclose, both to the public in the lending area of each of the lender's Indiana business locations and in the loan documents provided to individual borrowers, the following information:

(a) The median number of days that a borrower is indebted under one (1) or more outstanding small loans with the lender during a calendar year, calculated according to all small loans made by the lender at all of the lender's Indiana business locations during the most recent calendar year.

(b) The median number of small loans entered into by a borrower with the lender during a calendar year, calculated according to all small loans made by the lender at all of the lender's Indiana business locations during the most recent calendar year.

(5) The information required under subsection (4) must be:

(a) displayed in the lending area of each of the lender's business locations; and

(b) included in the loan documents provided to borrowers;

in the form and manner prescribed by the department.

~~(4)~~ **(6)** When a borrower enters into a small loan, the lender shall provide the borrower with a pamphlet approved by the department that describes:

(a) the availability of debt management and credit counseling services; and

(b) the borrower's rights and responsibilities in the transaction.

SECTION 2. IC 24-4.5-7-401, AS AMENDED BY P.L.186-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 401. (1) A small loan may not be made for a term of less than fourteen (14) days.

(2) If five (5) consecutive small loans have been made to a borrower after the borrower's initial small loan, another small loan may not be made to that borrower within seven (7) days after the fifth consecutive small loan is paid in full. After the borrower's fifth consecutive small loan, the balance must be paid in full.

(3) Subject to ~~subsection~~ **subsections (2) and (4)**, whenever a borrower ~~has entered~~ **enters** into an initial small loan ~~followed by three (3) or a subsequent small loan (regardless of whether the subsequent small loan qualifies as a consecutive small loans; loan under section 108 of this chapter) with a~~

borrower, the lender shall offer the borrower the option to repay ~~(a) the third consecutive initial or subsequent small loan and (b) subject to subsection (2); any small loan entered into after the third consecutive small loan;~~ under an extended payment plan. At the time of execution of **an initial small loan or a subsequent small loan, described in subdivision (a) or (b);** the lender shall disclose to the borrower the extended payment plan option by providing the borrower a written description of the extended payment plan option in a separate disclosure document approved by the director.

(4) A lender shall offer an extended payment plan under subsection (3) under the following terms and conditions:

(a) A borrower shall be permitted to request an extended payment plan at any time during the term of a ~~third or subsequent consecutive~~ small loan if the borrower has not defaulted on the outstanding small loan.

(b) An extended payment plan must allow the outstanding small loan to be paid in at least four (4) equal installments over a period of not less than sixty (60) days. **An extended payment plan may not require a borrower to make an installment payment in an amount that exceeds:**

(i) fifty dollars (\$50), if installments are paid on a biweekly or more frequent basis; or

(ii) one hundred dollars (\$100), if installments are paid less frequently than biweekly.

However, an extended payment plan must allow a borrower to make, without penalty and at any time during the term of the extended payment plan, an installment payment in an amount that exceeds the amount set forth in clause (i) or (ii).

(c) An agreement for an extended payment plan may not require a borrower to pay any amount before the original maturity date of the outstanding small loan.

(d) The lender may not assess any fee or charge on a borrower for entering into an extended payment plan.

(e) An agreement for an extended payment plan must be in writing and acknowledged by both the borrower and the lender.

(f) A borrower may not enter into another small loan transaction while engaged in an extended payment plan.

(g) A lender may not compel or require a borrower to pay off an outstanding small loan that is eligible for an extended payment plan and to subsequently enter into a new small loan with the lender if the borrower and lender have not entered into an extended payment plan with respect to the eligible outstanding small loan.

(5) An agreement for an extended payment plan under subsection (3):

(a) shall be considered an extension of the outstanding small loan; and

(b) may not be considered a new loan.

(Reference is to SB 99 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Insurance & Financial Institutions.

LONG, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Senators Patricia Miller, Yoder, Arnold, and Rogers be appointed to act with a like committee of the House of Representatives to wait upon the Governor and to escort him to the Chamber of the House of Representatives to deliver his message to the General Assembly on January 12, 2016. Senator Patricia Miller shall serve as Chairman of the committee.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Steele, Bray, Tallian, and Broden be appointed to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort her to the Chamber of the House of Representatives to deliver her message to the General Assembly on January 13, 2016.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as coauthor of Senate Bill 200.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bassler be added as coauthor of Senate Bill 200.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Arnold and Ford be added as coauthors of Senate Bill 333.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as third author of Senate Bill 365.

BASSLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Niemeyer and Waltz be added as coauthors of Senate Bill 285.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Becker, Ford, and Mrvan be added as coauthors of Senate Bill 200.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second author of Senate Bill 20.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Becker, Ford, and Rogers be added as coauthors of Senate Bill 80.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 67.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as coauthor of Senate Bill 306.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author and Senator Zakas be added as third author of Senate Bill 198.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as coauthor of Senate Bill 272.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 325.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Banks, Kenley, Yoder, and M. Young be added as coauthors of Senate Concurrent Resolution 3.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Crider be added as second author and Senator Arnold be added as third author of Senate Bill 154.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 37.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as second author of Senate Bill 390.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Crider, Merritt, and Ford be added as coauthors of Senate Bill 76.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second author of Senate Bill 395.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second author of Senate Bill 396.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Ford and Merritt be added as coauthors of Senate Bill 145.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as coauthor of Senate Bill 359.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Buck and Randolph be added as coauthors of Senate Bill 14.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as coauthor of Senate Bill 339.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Messmer be added as coauthor of Senate Concurrent Resolution 3.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author and Senator Buck be added as third author of Senate Bill 146.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as

coauthor of Senate Bill 197.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as coauthor of Senate Bill 200.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 20.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as second author, Senator Waltz be added as third author, and Senators Merritt, Schneider, and M. Young be added as coauthors of Senate Bill 391.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do now recess until the fall of the gavel, at which time the Senate will reconvene in the House Chamber for the purpose of attending a joint convention of the Senate and the House of Representatives to receive the Governor's message to the General Assembly delivered in compliance with Article 5, Section 13 of the Constitution of the State of Indiana, which requires that the Governor "from time to time give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient".

LONG

Motion prevailed.

2:19 p.m.

The Senate recessed until the fall of the gavel for a Joint Convention with the members of the House of Representatives.

The message of the Governor, is recorded in the House Journal.

RECESS

The Senate reconvened at 7:46 p.m., with Senator Long in the Chair.

SENATE MOTION

Madam President: I move we adjourn until 1:00 p.m.
Wednesday, January 13, 2016.

BASSLER

Motion prevailed.

The Senate adjourned at 7:46 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate