



# Journal of the Senate

State of Indiana

119th General Assembly

Second Regular Session

Seventh Meeting Day

Wednesday Afternoon

January 13, 2016

The Senate convened at 1:10 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Pastor Matt Barnes of Capitol Commission.

The Pledge of Allegiance to the Flag was led by Senator Gene D. Eckerty.

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 10: 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:

**HB 1003** — Mishler, Kruse (Education & Career Development)

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

## RESOLUTIONS ON FIRST READING

### Senate Resolution 14

Senate Resolution 14, introduced by Senator Leising:

A SENATE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of funding for charter school transportation emphasizing the needs of rural charter schools.

*Whereas, Reliable transportation is a necessity for all schools to ensure the safety of their students;*

*Whereas, This is particularly true for charter schools located in rural areas; and*

*Whereas, In order to ensure that transportation for charter schools is being adequately funded, it behooves our state to study this topic further: Therefore,*

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of funding for charter school transportation emphasizing the needs of rural charter schools.

The resolution was read in full and referred to the Committee on Education & Career Development.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 141, 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 11, line 39, after "of a" reset in roman "felony".

Page 11, line 39, delete "crime".

Page 11, line 39, after "be a" reset in roman "felony".

Page 11, line 40, delete "crime".

(Reference is to SB 141 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 174, 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, delete lines 3 through 34.

Page 2, line 37, delete "(a)".

Page 2, line 37, delete "health care provider, as defined by" and insert "**practitioner (as defined by)**".

Page 2, line 38, delete "IC 16-18-2-163(c)," and insert "**IC 16-42-19-5)**".

Page 2, line 38, delete "prescribes," and insert "**prescribes**".

Page 2, line 39, delete "administers, or provides".

Page 2, line 40, delete ":".

Page 2, line 41, delete "(1)".

Page 2, line 41, delete "; or".

Page 2, delete line 42.

Page 2, run in line 40 through page 3, line 1.

Page 3, line 1, delete "health care" and insert "**practitioner,**".

Page 3, line 2, delete "provider,".

Page 3, line 2, after "felony." insert "**However, the offense is a Level 3 felony if the offense is the proximate cause of another person's death.**".

Page 3, delete lines 3 through 14.

Renumber all SECTIONS consecutively.

(Reference is to SB 174 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 183, 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 26, delete "Class A" and insert "**Class B**".

Page 2, delete line 27 and insert "**misdemeanor. However, the offense is:**

**(1) a Class A misdemeanor if the pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000); and**

**(2) a Level 6 felony if the pecuniary loss is at least fifty thousand dollars (\$50,000)."**

(Reference is to SB 183 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 198, 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 44, line 17, reset in roman "or".

Page 44, line 17, delete "Level 3 felony," and insert "Level 3 felony."

Page 44, delete line 18.

(Reference is to SB 198 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

M. YOUNG, Chair

Report adopted.

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 80, currently assigned to the Committee on Family & Children Services, be reassigned to the Committee on Corrections & Criminal Law.

LONG

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that a committee of four members of this House be appointed by the Speaker to act with a like committee of the Senate to wait upon the Governor of the State of Indiana and escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly."

The Speaker appointed Representatives Lehman, Dermody, Klinker and Goodin.

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 adopted the following motion:

"I move that a committee of four members of this House be appointed by the Speaker to act with a like committee of the Senate to wait upon the Chief Justice of the Supreme Court of the State of Indiana and escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly."

The Speaker appointed Representatives Richardson, Kirchofer, GiaQuinta, and Harris.

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 Engrossed House Bill 1003 and the same is herewith transmitted to the Senate 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 7 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

## SENATE MOTION

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

HCR 7 Senator Raatz

Honoring the Winchester Community High School Band.

LONG

Motion prevailed.

**RESOLUTIONS ON FIRST READING****House Concurrent Resolution 7**

House Concurrent Resolution 7, sponsored by Senator Raatz:

A CONCURRENT RESOLUTION honoring the Winchester Community High School Band.

*Whereas, The Winchester Community High School Band is the 2015 Indiana State Fair Band Day champion;*

*Whereas, This victory marks the fourth time in five years that "The Force" has been crowned as the Indiana State Fair Band Day champion, winning back to back titles from 2011 through 2013 and in 1997;*

*Whereas, In addition to winning first place at the Indiana State Fair Band Day contest, the group also claimed first place in Class AAA for the third time with the show "With Trumpets and Cymbals";*

*Whereas, Winchester also won the Class AAA caption awards for best music and general effect;*

*Whereas, The band had a perfect competitive 2015 season, winning first place in the Jay County "Lions Band Contest", the Noblesville "Black & Gold Contest", the Winchester "Drums at Winchester", the Indiana State Fair Band Day Prelims, and the Indiana State Fair Band Day Finals;*

*Whereas, The band earned all its Band Day titles under the direction of Douglas Fletcher; and*

*Whereas, Outstanding accomplishments such as this deserves special recognition: 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 the Winchester Community High School Band on its Indiana State Fair Band Day title and wishes the band members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each band member, to band director Douglas Fletcher, to principal Tom Osborn, and to superintendent Dr. Gregory Hinshaw.

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 MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 167.

KENLEY

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Merritt be added as second author of Senate Bill 257.

CHARBONNEAU

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 213.

HERSHMAN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 23.

HERSHMAN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 333.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 156.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as third sponsor of Engrossed House Bill 1003.

MISHLER

Motion prevailed.

SENATE MOTION

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

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 177.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author and Senator Tomes be added as third author of Senate Bill 109.

MESSMER

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 report of the Chief Justice of the Supreme Court in compliance with Article 7, Section 3 of the Constitution of the State of Indiana, which requires the Chief Justice to prepare and "submit to the General Assembly regular reports on the condition of the courts and such other reports as may be requested" and that following adjournment of the joint convention, the Senate reconvene in the Senate Chamber upon the fall of the gavel.

LONG

Motion prevailed.

1:20 p.m.

The Senate recessed until the fall of the gavel for the purpose of reconvening in the Chamber of the House of Representatives to meet in Joint Convention.

(The message of Chief Justice Loretta K. Rush is recorded in the House Journal.)

RECESS

Following the Joint Convention in the House of Representatives, the Senate reconvened at 3:00 p.m., with Senator Long in the Chair.

SENATE MOTION

Madam President: I move we adjourn until 9:00 a.m., Thursday, January 14, 2016.

PATRICIA MILLER

Motion prevailed.

The Senate adjourned at 3:01 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUE ELLSPERMANN  
President of the Senate