



Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Third Meeting Day

Wednesday Afternoon

January 7, 2015

The Senate convened at 1:35 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Senator Dennis K. Kruse.

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

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 <input checked="" type="checkbox"/>
Broden	Niemeyer
Brown	Perfect
Buck	Raatz
Charbonneau	Randolph
Crider	Rogers
Delph	Schneider <input checked="" type="checkbox"/>
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 4: present 48; excused 2. [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 0250 — Taylor (Homeland Security & Transportation)

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

SB 0251 — Kenley (Tax & Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning

taxation.

SB 0253 — Delph (Veterans Affairs & The Military)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 0254 — Delph (Rules & Legislative Procedure)

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

SB 0255 — Delph (Judiciary)

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

SB 0256 — Delph (Tax & Fiscal Policy)

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

SB 0257 — Delph (Tax & Fiscal Policy)

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

SB 0258 — Grooms (Tax & Fiscal Policy)

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

SB 0259 — Grooms (Education & Career Development)

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

SB 0260 — Grooms (Family & Children Services)

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

SB 0261 — Young R Michael (Corrections & Criminal Law)

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

SB 0262 — Miller Pete, Arnold J (Veterans Affairs & The Military)

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

SB 0263 — Kruse (Education & Career Development)

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

SB 0264 — Kruse (Commerce & Technology)

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

SB 0265 — Kruse (Pensions & Labor)

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

- SB 0266** — Kruse (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 0267** — Kruse (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 0268** — Kruse (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 0269** — Kruse (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 0270** — Kruse (Commerce & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 0271** — Kruse (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning higher education and to make an appropriation.
- SB 0272** — Kruse (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 0273** — Arnold J (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- SB 0274** — Merritt (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 0275** — Merritt (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 0276** — Merritt (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- SB 0277** — Merritt (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 0278** — Merritt (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 0279** — Merritt (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 0280** — Yoder (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- SB 0281** — Yoder (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning

alcohol and tobacco.

- SB 0282** — Walker (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- SB 0283** — Walker (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- SB 0302** — Miller Pete (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 0303** — Niemeyer (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SJR 11** — Walker (Elections)
A JOINT RESOLUTION proposing an amendment to Article 4 of the Constitution of the State of Indiana concerning the general assembly.

RESOLUTIONS ON FIRST READING

Senate Resolution 8

Senate Resolution 8, introduced by Senator Merritt:

A SENATE RESOLUTION requesting the Indiana Department of Environmental Management to develop guidance for chemical facilities that are verified as participants in the National Association of Chemical Distributors' Responsible Distribution program on how they will be given credit for satisfying requirements under the Environmental Stewardship Program.

Whereas, The Indiana Department of Environmental Management implements Environmental Performance Based Programs, including the Environmental Stewardship Program, under Public Law 100-2006;

Whereas, The goals of these programs are pollution prevention, waste minimization, environmental management, and advanced environmental compliance;

Whereas, The Environmental Stewardship Program ensures environmental compliance, environmental management systems, and environmental improvement initiatives;

Whereas, The National Association of Chemical Distributors' (NACD) Responsible Distribution Program requires third party verification of environmental compliance processes, environmental management and conservation, a company's senior management's commitment to continuous environmental improvement; and

Whereas, It is the goal of Indiana and the Indiana Department of Environmental Management to encourage, increase, and broaden participation in the Environmental Stewardship Program: Therefore,

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

SECTION 1. That the Indiana Senate requests that the Indiana Department of Environmental Management provide guidance, within the resources of the program, as to how current NACD Responsible Distribution practices and verified participants already satisfy requirements under the Environmental Stewardship Program.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the Commissioner of the Indiana Department of Environmental Management.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules & Legislative Procedure, to which was referred Senate Bill 25, 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 taxation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-6-6.5-10.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10.6. (a) A dealer may not use inventory aircraft for any purpose other than for resale and demonstration flights unless the dealer charges the fair market rental or lease value and complies with all applicable statutes, rules, and procedures of the department.

(b) Failure to comply or failure to provide proof of compliance to the department may be cause for immediate revocation of the dealer's certificate. However, the dealer has one hundred eighty (180) days after the date of the order to sell the dealer's inventory.

(c) An aircraft used for other purposes shall no longer be considered aircraft inventory and shall be treated as property of a nondealer. The registration fee and all applicable taxes become due thirty-one (31) days after the date the improper use begins.

~~(d) An inventory aircraft held for more than eighteen (18) months is no longer considered aircraft inventory and is treated as property of a nondealer. The registration fee and all applicable taxes are due thirty-one (31) days after the date the eighteen (18) month period ends.~~

SECTION 2. IC 6-6-6.5-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 26. (a) This section applies only to an aircraft that:**

- (1) is held by a dealer on July 1, 2015; and**
- (2) ceased to be considered aircraft inventory of the**

dealer on a date occurring before July 1, 2015, and began to be treated as property of a nondealer under section 10.6(d) of this chapter (before its repeal).

(b) A dealer who holds an aircraft to which this section applies may elect to reclassify the aircraft as aircraft inventory in the manner prescribed by the department.

(c) If:

(1) a dealer makes an election under subsection (b) for an aircraft to which this section applies; and

(2) as of July 1, 2015, the dealer owed unpaid registration fees, state gross retail or use taxes, penalties, or interest because of the reclassification of the aircraft under section 10.6(d) of this chapter (before its repeal);

the dealer is entitled to a credit against the liability in an amount equal to the total of the unpaid registration fees, state gross retail or use taxes, penalties, and interest attributable to the reclassification of the aircraft under section 10.6(d) of this chapter (before its repeal). A dealer must claim the credit in the manner prescribed by the department. The department shall notify dealers of the availability of the credit.

(d) Subject to IC 6-8.1-9-1, a dealer who makes an election under subsection (b) for an aircraft to which this section applies is eligible to apply for a refund of the registration fees and the state gross retail or use taxes that were paid by the dealer for the aircraft because of the reclassification of the aircraft as property of a nondealer under section 10.6(d) of this chapter (before its repeal). The department shall notify dealers of the availability of the refund.

(e) This section expires July 1, 2018.

(Reference is to SB 25 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Tax & Fiscal Policy.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 4, 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 87, delete lines 38 through 42.

Page 88, delete lines 1 through 17.

Renumber all SECTIONS consecutively.

(Reference is to SB 4 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 12, 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 5, Nays 4.

STEELE, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author of Senate Bill 130.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 259.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 233.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author of Senate Bill 38.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as second author of Senate Bill 269.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as second author of Senate Bill 107.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 9:00 a.m., Thursday, January 8, 2015.

LONG

Motion prevailed.

The Senate adjourned at 1:43 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate