



Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Twenty-seventh Meeting Day

Thursday Afternoon

March 5, 2015

The Senate convened at 9:03 a.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Senator David C. Long.

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

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

| | |
|------------------------------------|------------------------------------|
| Alting <input type="checkbox"/> | Leising |
| Arnold | Long |
| Banks, A. <input type="checkbox"/> | Merritt |
| Bassler | Messmer |
| Becker <input type="checkbox"/> | Miller, Patricia |
| Boots | Miller, Pete |
| Bray | Mishler |
| Breaux | Mrvan |
| Broden | Niemeyer |
| Brown | Perfect |
| Buck | Raatz |
| Charbonneau | Randolph |
| Crider | Rogers |
| Delph | Schneider <input type="checkbox"/> |
| Eckerty | Smith <input type="checkbox"/> |
| Ford | Steele |
| Glick | Stoops |
| Grooms | Tallian |
| Head | Taylor |
| Hershman | Tomes |
| Holdman | Walker <input type="checkbox"/> |
| Houchin <input type="checkbox"/> | Waltz |
| Kenley | Yoder |
| Kruse | Young, M. |
| Lanane | Zakas |

Roll Call 275: present 43; excused 7. [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.

RESOLUTIONS ON FIRST READING

Senate Resolution 28

Senate Resolution 28, introduced by Senator Merritt:

A SENATE RESOLUTION urging all wireless carriers doing business in Indiana to activate the FM radio receivers contained in smartphones.

Whereas, Today's smartphones have a built-in FM radio receiver;

Whereas, Most of the major wireless service carriers have declined to activate the FM radio receivers in the smartphones they sell;

Whereas, Unlocking the FM radio receivers on all smartphones will ensure that the people of Indiana are able to receive important emergency information when wireless data networks are unavailable or overwhelmed;

Whereas, An activated FM radio receiver will save Hoosiers money by reducing the wireless data costs they incur each month;

Whereas, An activated FM radio receiver will enable Hoosiers to save valuable battery life on their smartphones;

Whereas, To activate the FM radio receiver in all smartphones, the wireless service carriers need only direct smartphone manufacturers to do so; and

Whereas, Activating FM radio receivers will require nominal or no expense to the wireless carriers: Therefore,

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

SECTION 1. That the Indiana Senate urges all wireless carriers doing business within Indiana to activate the FM radio receivers in all smartphones sold by the carriers.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1141, 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 6, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1307, 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, after line 1, begin a new paragraph and insert:

"SECTION 2. IC 33-37-11-3, AS amended BY P.L.118-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Upon receipt of monthly claims submitted on oath to the county fiscal body by a clerk serving the county, **including the clerk of a city or town court**, the county fiscal body shall appropriate from the jury pay fund to the court served by the clerk an amount to supplement the cost of jury fees.

(b) After all claims received by a county fiscal body during a month have been paid under subsection (a), the county fiscal body may appropriate any unused and unencumbered money remaining in the jury pay fund to maintain and improve the jury system in the county."

(Reference is to HB 1307 as printed January 23, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill 1432, 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 Tax & Fiscal Policy. Committee Vote: Yeas 9, Nays 0.

ALTING, Chair

Report adopted.

SENATE MOTION

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

- SR 25 Senator Charbonneau
Honoring Joe Baker.
- SR 27 Senator Grooms
Honoring Jerry Alan King.
- SCR 23 Senator Grooms
Congratulating Butler University on its 160th anniversary.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 25

Senate Resolution 25, introduced by Senator Charbonneau:

A SENATE RESOLUTION honoring Joe Baker, a resident of Valparaiso, for being the first inductee into the Porter County Career and Technical Center Volunteer Hall of Fame.

Whereas, Joe Baker, a resident of Valparaiso, Indiana, has been inducted into the Porter County Career and Technical

Center Volunteer Hall of Fame;

Whereas, Baker is a retired engineer and manufacturing manager who has been volunteering at the Porter County Career and Technical Center for the past four years;

Whereas, Jon Groth, Director and Principal of the Porter County Career and Technical Center, has described 72-year-old Baker as the epitome of a great volunteer;

Whereas, Baker brings an extensive background of real world technical experience into the classroom and readily shares it with students and staff alike;

Whereas, The success of the rooftop wind/solar project of the Porter County Career and Technical Center stemmed from Baker's ability to work with many of the students during the installation, troubleshooting, and maintenance of the project;

Whereas, Baker worked as an engineer for over fifty-two years for McGill Manufacturing and Weil-McClain;

Whereas, Baker has also helped out with the ValPlayso park reconstruction and the Hoosier Valley Railroad Museum in North Judson;

Whereas, Baker has been married to his wife Beth for almost fifty years, has two daughters, both of whom have master's degrees in engineering, and six grandchildren; and

Whereas, It is fitting that the Indiana Senate gives special recognition to Joe Baker for his continued commitment to his community and his induction into the Porter County Career and Technical Center Volunteer Hall of Fame: Therefore,

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

SECTION 1. That the Indiana Senate honors Joe Baker, a resident of Valparaiso, for being the first inductee into the Porter County Career and Technical Center Volunteer Hall of Fame.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Joe Baker.

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

Senate Resolution 27

Senate Resolution 27, introduced by Senator Grooms:

A SENATE RESOLUTION honoring Jerry Alan King for his exceptional military service and his many accomplishments with the American Legion.

Whereas, Jerry Alan King served in the United States Navy for thirty-two distinguished years;

Whereas, King is a veteran of the Vietnam War;

Whereas, King served five years aboard a navy destroyer; a total of twenty-seven years aboard naval submarines; qualified on a diesel boat; qualified on three ballistic missile submarines, including: the Will Rogers SSBN 659, the Thomas Edison SSBN 610, and the USS Sam Houston SSBN 609; and qualified on the USS Atlanta SSN 712;

Whereas, King has also served as a leading torpedo man, first lieutenant, nuclear weapons handling supervisor, duty chief, chief of the watch, and diving officer;

Whereas, Joining the American Legion in 1966, King served as Post 9 Commander from 1999-2003, Post 7 Commander from 2003-2004, Post 9 Adjutant from 2005-2014, and Post 9 Finance Officer from 2012-2014;

Whereas, King also served as the Department of Mexico First Vice Commander from 2002-2004; Department of Mexico Commander from 2004-2005; Department of Mexico First Vice Commander from 2005-2006; Department of Mexico Commander from 2007-2008; and on the Foreign Relations Council Department Executive Committee from 2012-2014; and

Whereas, It is fitting that the Indiana Senate recognizes Jerry Alan King for his substantial commitment to his country and his community: Therefore,

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

SECTION 1. That the Indiana Senate honors Jerry Alan King for his exceptional military service and his many accomplishments with the American Legion.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Jerry Alan King.

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

Senate Concurrent Resolution 23

Senate Concurrent Resolution 23, introduced by Senator Grooms:

A CONCURRENT RESOLUTION congratulating Butler University on its 160th anniversary celebration as a private institution of higher education and its many contributions to the State of Indiana in academics, athletics, fine arts, and education.

Whereas, Sunday February 1, 2015, marked the beginning of Butler University's Founder's Week, a time when the Butler community came together to celebrate 160 years of history tied to Ovid Butler, the school's founder;

Whereas, Founder's Week at Butler University goes deeper than merely celebrating the life of Ovid Butler, as it aims to draw attention to the principles of stewardship, inclusivity, diversity, and equality for which he stood;

Whereas, Ovid Butler was a lawyer, abolitionist, and

journalist who established Butler University on the foundation of admitting women and students of color;

Whereas, Butler University officially opened its doors on November 1, 1855;

Whereas, Founder's Week, held in February, centers around Founder's Day, which coincides with Ovid Butler's birthday on February 7;

Whereas, Originally named North Western Christian University, the school was based on the principles of diversity, equality, innovation, and access;

Whereas, While Butler University prides itself in being an inclusive campus today, it has not always been this way;

Whereas, In the early 1900s, a quota system was established to limit the number of black students admitted to the university and these students were not allowed to live on campus;

Whereas, During the early 1920s, the state of Indiana was challenged by the strength of the Ku Klux Klan and the grand wizard of the Klan lived just across the street from Butler University's library;

Whereas, Butler University continued to admit women and students of color throughout this time; then, in 1925, the grand wizard murdered a female student;

Whereas, The grand wizard was tried and charged for the murder, which ultimately led to the destruction and disbandment of the Klan, but the damage had already been done to the reputation of the university;

Whereas, Since then, Butler has tried to recover from this incident and to promote a more accepting community;

Whereas, The Founder's Day celebration returned to campus on February 7, 2014, after a Butler student wrote an article about a professor using inclusive language in her syllabus;

Whereas, Terri Jett, Associate Professor of Political Science, says this student claimed her statement was oppressive to him because he is a white male;

Whereas, This article was posted on The College Fix website and caused an uproar on Butler's campus, Professor Jett said the political science department was then bombarded with phone calls filled with hate;

Whereas, The faculty came together in support of Professor Jett and signed a petition that reaffirmed their commitment to diversity and inclusivity, bringing back the Founder's Day celebration to demonstrate this commitment;

Whereas, Monica Strigari, Assistant to the Provost, explains

that Butler University was founded on the principles of stewardship, inclusivity, equality, and diversity and that these tenets should hold true today while being honored and celebrated;

Whereas, Tee Dennis, Vice President of the Respecting Embracing and Achieving Community Harmony board, works with the Student Government Association to help design some of the programs for Founder's Week that focus on the four pillars of diversity: race, spirituality, gender, and sexuality;

Whereas, Austin Del Priore, Senior Vice President of Administration for the Student Government Association claims this year's celebration gained more attention than in previous years; and

Whereas, It is fitting that the Indiana General Assembly give special recognition to Butler University during its 160th anniversary celebration: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Butler University for the 160th anniversary celebration of its founding and its continued commitment to the principles of stewardship, inclusivity, diversity, and equality.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Terri Jett, Associate Professor of Political Science; Tee Dennis, Vice President of the Respecting Embracing and Achieving Community Harmony board; Austin Del Priore, Senior Vice President of Administration for the Student Government Association; Monica Strigari, Assistant to the Provost; Kathryn Morris, Butler University Provost, and James Danko, Butler University President.

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 sponsors Representatives: Austin, Delaney, Moed, Porter, and Slager.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 29 and the same is 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 30 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

**ENGROSSED HOUSE BILLS
ON SECOND READING**

Engrossed House Bill 1549

Senator Leising called up Engrossed House Bill 1549 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Bassler be added as cosponsor of House Bill 1635.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bassler be added as cosponsor of House Bill 1108.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as cosponsor of House Bill 1182.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, March 9, 2015.

LONG

Motion prevailed.

The Senate adjourned at 9:14 a.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate