



# Journal of the Senate

State of Indiana

121st General Assembly

Second Regular Session

Eighteenth Meeting Day

Thursday Morning

February 13, 2020

The Senate convened at 10:04 a.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Pastor Randy Scott from Pentecostals of South Lake Merrillville.

The Pledge of Allegiance to the Flag was led by Senator Ricky N. Niemeyer.

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

Alting	Koch
Bassler	Kruse
Becker	Lanane
Bohacek	Leising
Boots	Melton
Bray	Merritt
Breaux	Messmer
Brown, L.	Mishler
Buchanan	Mrvan
Buck	Niemeyer
Busch	Niezgodski
Charbonneau	Perfect
Crane	Raatz
Crider	Randolph, Lonnie M.
Donato	Rogers
Doriot	Ruckelshaus
Ford, J.D.	Sandlin
Ford, Jon	Spartz
Freeman	Stoops <input type="checkbox"/>
Garten	Tallian
Gaskill	Taylor, G. <input type="checkbox"/>
Glick	Tomes
Grooms	Walker
Holdman	M. Young
Houchin	Zay

Roll Call 203: 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:

### **HB 1264** — Houchin (Family and Children Services)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

### **HB 1267** — Messmer (Elections)

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

### **HB 1279** — Mishler, Charbonneau (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

### **HB 1326** — Crider (Health and Provider Services)

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

### **HB 1334** — Niemeyer, Niezgodski (Environmental Affairs)

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

### **HB 1346** — Koch (Corrections and Criminal Law)

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

## RESOLUTIONS ON FIRST READING

### **Senate Concurrent Resolution 41**

Senate Concurrent Resolution 41, introduced by Senator Melton:

A CONCURRENT RESOLUTION urging the legislative council to assign to the appropriate summer study committee the topic of the achievement gap within the education system regarding race and socioeconomic status.

*Whereas, The achievement gap refers to the disproportionate results in test scores, graduation rates, and overall academic performance between students of different races and socioeconomic statuses;*

*Whereas, Minority students and students of lower socioeconomic status statistically score lower than average on standardized tests;*

*Whereas, While the Indiana state proficiency rate for third to eighth graders hovers around 51%, the average proficiency rate for African American students is 15%, the rate for Hispanic students is 24%, and for students receiving free and reduced lunch the rate is 36%;*

*Whereas, The achievement gap follows Indiana students to high school. For tenth graders, the average rate of proficiency across the state is 34%. For African American students the average drops to a proficiency rate of 11%, for Hispanic students the average is 19%, and for students receiving free and reduced lunch the average is 18%;*

*Whereas, These statistics indicate that a distinct achievement gap exists among Hoosier youth;*

*Whereas, Studying factors like race and socioeconomic status and discussing potential solutions regarding the achievement gap is essential to ensure that all Indiana students have the chance to succeed; and*

*Whereas, It is important to the overall well-being of our state that all Hoosier students are able to achieve academic success: 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 urges the legislative council to assign to the appropriate summer study committee the topic of the achievement gap within the education system regarding race and socioeconomic status.

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

### **Senate Resolution 30**

Senate Resolution 30, introduced by Senator Tomes:

A SENATE RESOLUTION honoring the Department of Natural Resources Division of Forestry and the Classified Forest and Wildlands Program and urging increased state funding for the Division of Forestry.

*Whereas, The work of Indiana's Department of Natural Resources Division of Forestry supports multiple uses of Indiana's public and privately owned forests, including recreation, hunting, and fostering a healthy fish and wildlife population;*

*Whereas, The Division of Forestry's Classified Forest and Wildlands Program encourages timber production, watershed protection, and wildlife habitat management on private lands in Indiana;*

*Whereas, Retirements and resignations, combined with extended delays in refilling positions due to budget constraints, are limiting the ability of the Division of Forestry to service private landowners and effectively manage the growing Classified Forest and Wildlands Program;*

*Whereas, The Classified Forest and Wildlands Program has been an excellent incentive in keeping Indiana's private forests intact, has allowed marginal ground to revert to forests, and has helped landowners increase our state's forest base by more than four times in less than a century, serving as a model for other states to emulate;*

*Whereas, The enrolled acreage in the Classified Forest and Wildlands Program has grown by 80% in the past 15 years, and*

*the Division of Forestry overall is supporting 375,000 more acres with \$2 million less funding compared to Fiscal Years 2010 and 2011 levels;*

*Whereas, The Classified Forest and Wildlands Program requires written forest management plans, and district foresters are essential to providing landowners the expertise required to understand and complete these plans;*

*Whereas, The Program's efforts result in healthier, sustainable forests which, among other benefits, provide over 99% of the timber that feeds the hardwoods industry - Indiana's largest agricultural industry;*

*Whereas, Proper forest management by the Division of Forestry also provides many other benefits to Indiana, including mitigating the effects of a changing climate, clean water and air, flood and fire suppression, wildlife habitat, control of invasive species and disease and pest infestations, and enhancing quality of life and recreational opportunities;*

*Whereas, The forest products industry, outdoor recreation industry, and Indiana's quality of place are all critical to making Indiana a diverse and attractive option for our citizens and workforce; and*

*Whereas, The stretched financial resources provided to the Division of Forestry hampers the Division's ability to effectively oversee the state's public forests: Therefore,*

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

SECTION 1. That the Indiana Senate honors the Indiana Department of Natural Resources Division of Forestry and the Classified Forests and Wildlands Program for its management of Indiana's forest resources.

SECTION 2. That the Indiana Senate urges the restoration of funding to the Division of Forestry to levels adequate to meet the needs of Indiana's private forest landowners while maintaining and growing Indiana's state forests.

SECTION 3. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Indiana Department of Natural Resources, the Division of Forestry, the Indiana Forest Alliance, and the Indiana Hardwood Lumbermen's Association.

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

### **House Concurrent Resolution 18**

House Concurrent Resolution 18, sponsored by Senator Kruse:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename a portion of State Road 930 in honor of service members that fought and served during Operation Enduring Freedom.

*Whereas, Operation Enduring Freedom began on October 7, 2001, with United States and British airstrikes on al Qaeda and Taliban targets in response to terrorist attacks that occurred on September 11, 2001;*

*Whereas, Operation Enduring Freedom was a combat mission, lasting more than 13 years, designed to cripple the al Qaeda terror network operating under the protection of the Taliban regime in Afghanistan;*

*Whereas, An estimated 100,000 U.S. troops were deployed in Afghanistan by May 2011 as part of Operation Enduring Freedom; and*

*Whereas, The Indiana General Assembly wishes to honor and remember the brave Indiana service members who fought and served during Operation Enduring Freedom: 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 urges the Indiana Department of Transportation to rename the portion of State Road 930 through the New Haven city limits in honor of Indiana service members who fought and served during Operation Enduring Freedom.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Dave Heine for distribution.

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

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1022, 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.

KOCH, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1067, 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 4, line 41, after "didactic" insert "**nitrous oxide administration course containing curriculum on**".

Page 4, delete line 42.

Page 5, line 2, after "administration," insert "**emergency procedures**".

(Reference is to HB 1067 as printed January 10, 2020.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

CHARBONNEAU, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1077, 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 lines 6 and 7, begin a new paragraph and insert:

"SECTION 3. IC 25-5.1-2-4, AS AMENDED BY P.L.249-2019, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The term of office for each member of the board is ~~made~~ **specified** under IC 25-1-6.5.

(b) A member of the board may be removed under IC 25-1-6.5-4."

Page 3, line 33, after "state," insert "**except for the physical plant requirement specified in section 6(b)(2) of this chapter**".

Page 5, line 31, after "If" insert ":

**(1)**".

Page 5, line 33, after "substances" delete "," and insert "; **or**

**(2) the federal registration is surrendered for cause**";.

Page 5, line 33, beginning with "a" begin a new line blocked left.

Page 5, line 34, after "suspended" insert ".".

Page 5, line 34, delete "and".

Page 5, delete line 35.

Renumber all SECTIONS consecutively.

(Reference is to HB 1077 as printed January 17, 2020.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

CHARBONNEAU, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Engrossed House Bill 1080, 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 6, after "subsection (d)" delete "." and insert "**except as provided in subsection (e)**".

Page 2, between lines 17 and 18, begin a new paragraph and insert:

**"(e) The requirements imposed under this section do not apply to a high deductible health plan, as defined by Section 223 of the Internal Revenue Code. High deductible health plans described in this subsection may not excuse a deductible requirement with respect to colorectal cancer screening in a manner inconsistent with Section 223(c)(2)(C) of the Internal Revenue Code."**

Page 2, line 32, after "subsection (c)" delete "." and insert ", except as provided in subsection (e).".

Page 3, between lines 4 and 5, begin a new paragraph and insert:

**"(e) The requirements imposed under this section do not apply to a high deductible health plan, as defined by Section 223 of the Internal Revenue Code. High deductible health plans described in this subsection may not excuse a deductible requirement with respect to colorectal cancer screening in a manner inconsistent with Section 223(c)(2)(C) of the Internal Revenue Code."**

Page 3, line 21, after "subsection (d)" delete "." and insert ", except as provided in subsection (f).".

Page 3, after line 35, begin a new paragraph and insert:

**"(f) The requirements imposed under this section do not apply to a high deductible health plan, as defined by Section 223 of the Internal Revenue Code. High deductible health plans described in this subsection may not excuse a deductible requirement with respect to colorectal cancer screening in a manner inconsistent with Section 223(c)(2)(C) of the Internal Revenue Code."**

(Reference is to HB 1080 as printed January 24, 2020.) and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

BASSLER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1092, 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 12-15-5-14.5, AS ADDED BY P.L.128-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) The office shall include a:

- (1) licensed clinical social worker;
- (2) licensed mental health counselor;
- (3) licensed clinical addiction counselor; and
- (4) licensed marriage and family therapist;

as eligible providers for the supervision of a plan of treatment for a patient's outpatient mental health or substance abuse treatment services, if the individual holds at least a master's degree and the supervision is in the scope of practice, education, and training of the clinical social worker, mental health counselor, clinical addiction counselor, or marriage and family therapist.

**(b) Before July 1, 2020, the office shall apply to the United States Department of Health and Human Services to amend the state Medicaid plan to implement subsection (a)."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1092 as printed January 24, 2020.) and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

CHARBONNEAU, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, 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 9, Nays 0.

KOCH, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1129, 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.

CHARBONNEAU, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1143, 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 1.

BOOTS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1210, 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 7, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 7. IC 16-39-1-3, AS AMENDED BY P.L.240-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 3. (a) Health records may be requested by a competent patient if the patient is:

- (1) emancipated and less than eighteen (18) years of age; or
- (2) at least eighteen (18) years of age.

(b) If a patient is incompetent, the request for health records may be made by the parent, guardian, or custodian of the patient.

(c) Health records of a deceased patient may be requested:

- (1) by a coroner under IC 36-2-14-21 or by the personal representative of the patient's estate;
- (2) if the estate of the deceased patient does not have a personal representative, by the spouse of the deceased patient;
- (3) if the deceased patient does not have a surviving spouse and the deceased patient's estate does not have a personal representative, by:

- (A) a child of the deceased patient; or
- (B) the parent, guardian, or custodian of the child of the deceased patient if the child of the deceased patient is incompetent; ~~or~~

(4) if the deceased patient was an incapacitated person for whom a guardian had been appointed under IC 29-3 or the law of another state, by the guardian of the deceased patient, except as provided in subsection (d); **or**

**(5) if the deceased patient does not have a surviving spouse or child, and the deceased patient's estate does not have a personal representative, by any responsible member of the family.**

(d) If:

- (1) the deceased patient was an incapacitated person subject to a guardianship at the time of the patient's death; and
- (2) a personal representative of the estate of the deceased patient is appointed under IC 29-1-7;

the guardian of the deceased patient may not request health records of the deceased patient under subsection (c)(4).

SECTION 8. IC 16-39-2-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 6. (a) Without the consent of the patient, the patient's mental health record may only be disclosed as follows:

(1) To individuals who meet the following conditions:

(A) Are employed by:

- (i) the provider at the same facility or agency;
- (ii) a managed care provider (as defined in IC 12-7-2-127); or
- (iii) a health care provider or mental health care provider, if the mental health records are needed to provide health care or mental health services to the patient.

(B) Are involved in the planning, provision, and monitoring of services.

(2) To the extent necessary to obtain payment for services rendered or other benefits to which the patient may be entitled, as provided in IC 16-39-5-3.

(3) To the patient's court appointed counsel and to the Indiana protection and advocacy services commission.

(4) For research conducted in accordance with IC 16-39-5-3 and the rules of the division of mental health and addiction, the rules of the division of disability and rehabilitative services, ~~or~~ the rules of the provider, **or the rules of the Indiana archives and records administration and the oversight committee on public records.**

(5) To the division of mental health and addiction for the purpose of data collection, research, and monitoring managed care providers (as defined in IC 12-7-2-127) who are operating under a contract with the division of mental health and addiction.

(6) To the extent necessary to make reports or give testimony required by the statutes pertaining to admissions, transfers, discharges, and guardianship proceedings.

(7) To a law enforcement agency if any of the following

conditions are met:

(A) A patient escapes from a facility to which the patient is committed under IC 12-26.

(B) The superintendent of the facility determines that failure to provide the information may result in bodily harm to the patient or another individual.

(C) A patient commits or threatens to commit a crime on facility premises or against facility personnel.

(D) A patient is in the custody of a law enforcement officer or agency for any reason and:

(i) the information to be released is limited to medications currently prescribed for the patient or to the patient's history of adverse medication reactions; and

(ii) the provider determines that the release of the medication information will assist in protecting the health, safety, or welfare of the patient.

Mental health records released under this clause must be maintained in confidence by the law enforcement agency receiving them.

(8) To a coroner or medical examiner, in the performance of the individual's duties.

(9) To a school in which the patient is enrolled if the superintendent of the facility determines that the information will assist the school in meeting educational needs of the patient.

(10) To the extent necessary to satisfy reporting requirements under the following statutes:

(A) IC 12-10-3-10.

(B) IC 12-24-17-5.

(C) IC 16-41-2-3.

(D) IC 31-25-3-2.

(E) IC 31-33-5-4.

(F) IC 34-30-16-2.

(G) IC 35-46-1-13.

(11) To the extent necessary to satisfy release of information requirements under the following statutes:

(A) IC 12-24-11-2.

(B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.

(C) IC 12-26-11.

(12) To another health care provider in a health care emergency.

(13) For legitimate business purposes as described in IC 16-39-5-3.

(14) Under a court order under IC 16-39-3.

(15) With respect to records from a mental health or developmental disability facility, to the United States Secret Service if the following conditions are met:

(A) The request does not apply to alcohol or drug abuse records described in 42 U.S.C. 290dd-2 unless authorized by a court order under 42 U.S.C. 290dd-2(b)(2)(c).

(B) The request relates to the United States Secret Service's protective responsibility and investigative authority under 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.

(C) The request specifies an individual patient.

(D) The director or superintendent of the facility

determines that disclosure of the mental health record may be necessary to protect a person under the protection of the United States Secret Service from serious bodily injury or death.

(E) The United States Secret Service agrees to only use the mental health record information for investigative purposes and not disclose the information publicly.

(F) The mental health record information disclosed to the United States Secret Service includes only:

- (i) the patient's name, age, and address;
- (ii) the date of the patient's admission to or discharge from the facility; and
- (iii) any information that indicates whether or not the patient has a history of violence or presents a danger to the person under protection.

(16) To the statewide waiver ombudsman established under IC 12-11-13, in the performance of the ombudsman's duties.

(b) If a licensed mental health professional or licensed paramedic, in the course of rendering a treatment intervention, determines that a patient may be a harm to himself or herself or others, the licensed mental health professional or licensed paramedic may request a patient's individualized **mental health** safety plan from a psychiatric crisis center, psychiatric inpatient unit, or psychiatric residential treatment provider. Each psychiatric crisis center, psychiatric inpatient unit, and psychiatric residential treatment provider shall, upon request and without the consent of the patient, share a patient's individualized mental health safety plan that is in the standard format established by the division of mental health and addiction under IC 12-21-5-6 ~~to~~ **with** the following individuals who demonstrate proof of licensure and commit to protecting the information in compliance with state and federal privacy laws:

- (1) A licensed mental health professional.
- (2) A licensed paramedic.

An individualized mental health safety plan disclosed under this subsection may be used only to support a patient's welfare and safety and is considered otherwise confidential information under applicable state and federal laws.

(c) After information is disclosed under subsection (a)(15) and if the patient is evaluated to be dangerous, the records shall be interpreted in consultation with a licensed mental health professional on the staff of the United States Secret Service.

(d) A person who discloses information under subsection (a)(7), (a)(15), or ~~subsection (b)~~ in good faith is immune from civil and criminal liability.

SECTION 9. IC 16-39-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 3. (a) As used in this section, "association" refers to an Indiana hospital trade association founded in 1921.

(b) As used in this section, "data aggregation" means a combination of information obtained from the health records of a provider with information obtained from the health records of one (1) or more other providers to permit data analysis that relates to the health care operations of the providers.

(c) Except as provided in IC 16-39-4-5, the original health record of the patient is the property of the provider and as such

may be used by the provider without specific written authorization for legitimate business purposes, including the following:

- (1) Submission of claims for payment from third parties.
- (2) Collection of accounts.
- (3) Litigation defense.
- (4) Quality assurance.
- (5) Peer review.
- (6) Scientific, statistical, and educational purposes.

(d) In use under subsection (c), the provider shall at all times protect the confidentiality of the health record and may disclose the identity of the patient only when disclosure is essential to the provider's business use or to quality assurance and peer review.

(e) A provider **or the Indiana archives and records administration** may disclose a health record to another provider or to a nonprofit ~~medical~~ research organization to be used in connection with a ~~joint~~ scientific, statistical, or educational project. Each party that receives information from a health record in connection with the joint project shall protect the confidentiality of the health record and may not disclose the patient's identity except as allowed under this article.

(f) A provider may disclose a health record or information obtained from a health record to the association for use in connection with a data aggregation project undertaken by the association. However, the provider may disclose the identity of a patient to the association only when the disclosure is essential to the project. The association may disclose the information it receives from a provider under this subsection to the state department to be used in connection with a public health activity or data aggregation of inpatient and outpatient discharge information submitted under IC 16-21-6-6. The information disclosed by:

- (1) a provider to the association; or
- (2) the association to the state department;

under this subsection is confidential.

(g) Information contained in final results obtained by the state department for a public health activity that:

- (1) is based on information disclosed under subsection (f); and
- (2) identifies or could be used to determine the identity of a patient;

is confidential. All other information contained in the final results is not confidential.

(h) Information that is:

- (1) advisory or deliberative material of a speculative nature; or
- (2) an expression of opinion;

including preliminary reports produced in connection with a public health activity using information disclosed under subsection (f), is confidential and may only be disclosed by the state department to the association and to the provider who disclosed the information to the association.

(i) The association shall, upon the request of a provider that contracts with the association to perform data aggregation, make available information contained in the final results of data aggregation activities performed by the association in compliance with subsection (f).

(j) A person who recklessly violates or fails to comply with subsections (e) through (h) commits a Class C infraction. Each day a violation continues constitutes a separate offense.

(k) This chapter does not do any of the following:

(1) Repeal, modify, or amend any statute requiring or authorizing the disclosure of information about any person.

(2) Prevent disclosure or confirmation of information about patients involved in incidents that are reported or required to be reported to governmental agencies and not required to be kept confidential by the governmental agencies."

Page 11, after line 1, begin a new paragraph and insert:

"SECTION 30. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1210 as printed January 17, 2020.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

CHARBONNEAU, Chair

Report adopted.

### REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that House Bill 1207, currently assigned to the Committee on Health and Provider Services, be reassigned to the Committee on Insurance and Financial Institutions.

BRAY

Report adopted.

### SENATE MOTION

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

- SCR 42 Senator Crider  
Congratulating the Greenfield Central Cougar Pride Marching Band.
- SR 31 Senator Breaux  
Recognizing March 12, 2020 as World Kidney Day.
- SR 32 Senator Koch  
Recognizing the Mitchell Persimmon Festival and urging the Governor to declare September 22, 2020, Persimmon Day in Indiana.
- SR 34 Senator Jon Ford  
Recognizing Indiana State University for 150 years of African American education and achievement.
- SR 35 Senator Houchin  
Congratulating the 2019 Salem H.S. Marching Band.

BRAY

Motion prevailed.

### RESOLUTIONS ON FIRST READING

#### Senate Concurrent Resolution 42

Senate Concurrent Resolution 42, introduced by Senator Crider:

A CONCURRENT RESOLUTION congratulating the Greenfield Central Cougar Pride Marching Band on placing first in Class B at the Indiana State School Music Association ("ISSMA") State Finals.

*Whereas, After receiving the runner-up title in 2018, the Greenfield Central Cougar Pride Marching Band earned the first place title at the 2019 ISSMA State Finals, which included the top 10 Class B marching bands in the State of Indiana;*

*Whereas, The Greenfield Central Cougar Pride took the field at 11:45 a.m. on November 9th, 2019 at Lucas Oil Stadium;*

*Whereas, Greenfield Central's road to victory was paved by the over 450 hours of rehearsing by the 160 member ensemble;*

*Whereas, Greenfield Central's long hours paid off throughout the season as the Cougar Pride received caption awards at both the Brownsburg and Avon Invitationals for Best Percussion, at the Fishers Invitational for Best Visual, Music, and Effect, as well as earning a gold rating with distinction in both music and effect at the Evansville ISSMA Regional which earned the band an advancement to semi-state;*

*Whereas, The Cougar Pride performed and perfected renditions of "Moonlight Sonata", "Clair de Lune", and "Here Comes the Sun" within the 8-minute display titled "The Music of the Night";*

*Whereas, The ensemble began their theatrical performance for this sought after title by lying on the field while the pit orchestrated a melodical tune to wake the nocturnal creatures in which the members were meant to resemble;*

*Whereas, The performance ended on a colorful note when the young musicians meticulously demonstrated their immense talent by crescendoing into "Here Comes the Sun" ending the show on a high note; and*

*Whereas, Lead by directors Chris Wing and Jeremy Basso along with drum majors Brooklyn Harpold, Paige Johnson, and Haley Harper, the Cougar Pride was able to march their way to a victory on this seven-month journey to Lucas Oil Stadium and earn the Greenfield Central Marching Band's first state finals victory: 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 the Greenfield Central Cougar Pride Marching Band on placing first in Class B at the ISSMA State Finals.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Greenfield Central Cougar Pride Marching Band.

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 Cherry.

**Senate Resolution 31**

Senate Resolution 31, introduced by Senator Breaux:

A SENATE RESOLUTION to recognize March 12, 2020 as World Kidney Day.

*Whereas, Kidney disease is a public health crisis and the 9<sup>th</sup> leading cause of death in the United States;*

*Whereas, More than 37 million American adults (1 in 3 American adults), including more than 600,000 Hoosiers are at risk for chronic kidney disease;*

*Whereas, Chronic kidney disease can show no signs or symptoms until 75% or more of kidney function is lost;*

*Whereas, Diabetes and high blood pressure are responsible for more than 75% of new chronic kidney disease cases each year;*

*Whereas, Each year, chronic kidney disease kills more people than breast or prostate cancer;*

*Whereas, Early detection can help prevent the progression of chronic kidney disease to kidney failure;*

*Whereas, The National Kidney Foundation of Indiana (NKFI) is committed to increasing the education and awareness of Hoosiers regarding chronic kidney disease, urging all citizens, especially those at an increased risk, to be tested for kidney problems; and*

*Whereas, March 12, 2020 is World Kidney Day: Therefore,*

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

SECTION 1. That the Indiana Senate hereby recognizes March 12, 2020 as World Kidney Day.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the National Kidney Foundation of Indiana (NKFI).

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

**Senate Resolution 32**

Senate Resolution 32, introduced by Senator Koch:

A SENATE RESOLUTION recognizing the Mitchell Persimmon Festival and urging the Governor to declare September 22, 2020, Persimmon Day in Indiana.

*Whereas, Each September since 1946, the Mitchell Persimmon Festival has taken over the streets of Mitchell, Indiana to celebrate the plum-sized fruit that is locally grown;*

*Whereas, The Mitchell Persimmon Festival honors the persimmon throughout the week by naming a Persimmon Festival Queen, holding various contests, including a Persimmon Pudding and Novelty Dessert contest, and the Mini Miss, Little Miss, and Junior Miss Persimmon Pageants;*

*Whereas, Over 30,000 visitors attend the Mitchell Persimmon Festival annually to enjoy the festival's other activities, including live entertainment, midway rides, food booths, local art displays, and an arts and crafts contest; and*

*Whereas, The 2020 Mitchell Persimmon Festival takes place September 19th through September 26th, and it is fitting to recognize September 22nd as Persimmon Day in Indiana: Therefore,*

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

SECTION 1. That the Indiana Senate honors the Mitchell Persimmon Festival and urges the Governor to declare September 22, 2020, Persimmon Day in Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the 2020 Mitchell Persimmon Festival Committee and to Governor Eric Holcomb.

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

**Senate Resolution 34**

Senate Resolution 34, introduced by Senator Jon Ford:

A SENATE RESOLUTION recognizing Indiana State University for 150 years of African American education and achievement.

*Whereas, Indiana State University is celebrating 150 years of African American achievement;*

*Whereas, In 1870, Indiana State University became the first institution of higher education in Indiana to admit an African American student;*

*Whereas, Indiana State University's Black History Month Committee aims to provide information for the Indiana State University and Terre Haute communities as a way to acknowledge, recognize, and celebrate African American achievement and societal contributions beyond slavery; and*

*Whereas, The work of the Indiana State University Charles E. Brown African American Cultural Center in engaging students in the issues of race, ethnicity, and the social, cultural, and political histories of African Americans is crucial to celebrating African American achievement and history in Indiana: Therefore,*

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



SECTION 1. That the Indiana Senate recognizes Indiana State University for 150 years of African American education and achievement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Sumalayo Jackson, Interim Director of the Charles E. Brown African American Cultural Center at Indiana State University.

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

### Senate Resolution 35

Senate Resolution 35, introduced by Senator Houchin:

A SENATE RESOLUTION congratulating the 2019 Salem High School Marching Band.

*Whereas, The 2019 Salem High School Marching Band won the Indiana State School Music Association's (ISSMA) Scholastic Class B State Final on October 26, 2019;*

*Whereas, The ISSMA was founded in 1981 to provide educationally evaluated performance opportunities for students and teachers from member schools in Indiana;*

*Whereas, The 2019 ISSMA competition was held in Indianapolis at Lawrence Central High School and featured 34 marching bands competing in one of two categories, Scholastic A and Scholastic B, based on band size and school enrollment; and*

*Whereas, The Salem High School Marching Band was invited to perform at the 47th annual Indiana State Marching Band Finals at Lucas Oil Stadium as the ISSMA Scholastic Class B state champion: Therefore,*

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

SECTION 1. That the Indiana Senate congratulates the Salem High School Marching Band on winning the 2019 ISSMA Scholastic B state championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the 2019 Salem High School Marching Band.

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

### SENATE MOTION

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

- SCR 34 Senator Bohacek  
Memorializing William "Bill" Hager.  
SR 33 Senator Messmer  
Memorializing Ralph Michel.

BRAY

Motion prevailed.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 34

Senate Concurrent Resolution 34, introduced by Senator Bohacek:

A CONCURRENT RESOLUTION memorializing William "Bill" Hager.

*Whereas, William "Bill" Hager, a former LaPorte County Commissioner, passed away January 19, 2020, at the age of 84;*

*Whereas, A lifelong resident of LaPorte, Bill was born September 12, 1935, to Geneva and Lloyd Hager;*

*Whereas, Following high school, Bill joined the United States Marine Corps during the Korean War, and following his honorable discharge in 1957, Bill spent countless hours supporting veterans and their causes;*

*Whereas, Bill returned to LaPorte and married Ellen Paul on October 25, 1958, and together they raised four children: Craig, Chris, Curt, and Kathy;*

*Whereas, After his military service, Bill worked for Smith Chevrolet before starting his own business, Ace Auto;*

*Whereas, Bill was active in the Boy Scouts with his sons and was the leader of Troop 389 in LaPorte;*

*Whereas, In 1971, Bill was called back to public service when he was elected to serve as LaPorte County Justice of the Peace, a position to which Bill was reelected in 1975;*

*Whereas, Bill's public service continued when he served as LaPorte County Commissioner from 2001-2009; and*

*Whereas, Bill is survived by his wife, Ellen, four children, Craig, Chris, Curt, and Kathy, and three grandchildren: 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 memorializes William "Bill" Hager.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the family of William "Bill" Hager.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Pressel.

### Senate Resolution 33

Senate Resolution 33, introduced by Senators Messmer, Kruse, Raatz, and Zay:

A SENATE RESOLUTION memorializing Ralph Michel.

*Whereas, Ralph Michel of Huntingburg, Indiana, passed away on February 1, 2020;*

*Whereas, Born March 24, 1936, to Carl and Nila at the family farm in Dale, Ralph graduated from Dale High School in 1954;*

*Whereas, Ralph enlisted in the United States Air Force in 1955, and was stationed in Germany until his honorable discharge in 1959;*

*Whereas, While serving overseas, Ralph met fellow service member Doris Carey, and Ralph proposed to Doris while they were serving in the French Riviera;*

*Whereas, A little weekend getaway in Germany became 60 years of marriage when Ralph and Doris married each other on September 5, 1959, in Brooklyn, New York;*

*Whereas, Ralph graduated from Indiana University with a degree in accounting, and after returning home to Dubois County, Ralph worked as a certified public accountant at Buechlein and Associates for many years;*

*Whereas, A distinguished member of the Jasper Kiwanis Club, Ralph served in many leadership positions, including as Lieutenant Governor of the Lincoln Division of the Indiana District of Kiwanis for 22 years;*

*Whereas, When not serving his community, Ralph most enjoyed being a grandpa who made it to every one of his grandkids' sporting events, and being one of the biggest high school sports fans in Dubois County;*

*Whereas, Ralph is survived by his wife, Doris, his children, Brian, Diane, and Evan, his grandchildren, Emily, Zachary, Alexandrea, Aidan, and Jack, his brother, Gene, his sister, Barbara, and numerous nieces and nephews; and*

*Whereas, Ralph's military and community service, love of all things Indiana University, and devotion to his family will be deeply missed: Therefore,*

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

SECTION 1. That the Indiana Senate memorializes Ralph Michel.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Doris Michel, Evan Michel, Diane Jones, and Brian Michel.

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

#### **Senate Concurrent Resolution 40**

Senate Concurrent Resolution 40, introduced by Senator Tallian:

A CONCURRENT RESOLUTION honoring the League of Women Voters on the 100th anniversary of its founding.

*Whereas, The Women's Suffrage movement was organized in 1848 at the Seneca Falls Convention in New York State and over the next 72 years, many women dedicated their very lives to the cause;*

*Whereas, The 19<sup>th</sup> Amendment to the constitution guaranteeing all American women the right to vote was officially adopted on August 26, 1920;*

*Whereas, The League of Women Voters was organized on February 14, 1920, to educate and engage these newly enfranchised women;*

*Whereas, Today, the League of Women Voters continues to educate and engage voters by increasing voter registration, fighting voter suppression, and supporting female candidates;*

*Whereas, In the past 100 years, through the actions of and with the support of the League of Women Voters, women have made significant contributions to government and the real-life issues affected by government; and*

*Whereas, For the past century the League of Women Voters has devoted itself to promoting participation by informed citizens at all levels of government and has helped shape public policy: 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 honors the League of Women Voters on the 100<sup>th</sup> anniversary of its founding.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the League of Women Voters of the United States and the League of Women Voters of Indiana.

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 Errington, Boy, and Hamilton.

#### **MESSAGE FROM THE GOVERNOR**

Madam President and Members of the Senate: On Tuesday, February 12, 2020, I signed the following Senate Enrolled Acts into law: SEA 2.

ERIC J. HOLCOMB  
Governor

#### **MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution

18 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 Senate Concurrent Resolutions 5 and 25 and the same are herewith returned to the Senate.

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 Senate Concurrent Resolution 36 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**RESOLUTIONS ON SECOND READING**

**House Concurrent Resolution 11**

Senator Glick called up House Concurrent Resolution 11 for second reading. The resolution was read a second time and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

**ENGROSSED HOUSE BILLS  
ON SECOND READING**

**Engrossed House Bill 1095**

Senator Garten 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 1198**

Senator Glick called up Engrossed House Bill 1198 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 Senators Alting, Bassler, Becker, Bohacek, Boots, Bray, Breaux, L. Brown, Buchanan, Buck, Busch, Charbonneau, Crane, Crider, Donato, Doriot, J.D. Ford, Jon Ford, Freeman, Garten, Gaskill, Glick, Grooms, Holdman, Houchin, Koch, Kruse, Lanane, Leising, Melton, Merritt, Messmer, Mishler, Mrvan, Niemeyer, Niezgodski, Perfect, Raatz, Lonnie M. Randolph, Rogers, Ruckelshaus, Sandlin, Spartz, Stoops, G. Taylor, Tomes, Walker, M. Young and Zay be added as coauthors of Senate Concurrent Resolution 40.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Bassler, Becker, Bohacek, Boots, Bray, Breaux, L. Brown, Buchanan, Buck, Busch, Charbonneau, Crane, Crider, Donato, Doriot, J.D. Ford, Jon Ford, Freeman, Gaskill, Grooms, Holdman, Houchin, Koch, Kruse, Lanane, Leising, Melton, Merritt, Messmer, Mishler, Niemeyer, Perfect, Raatz, Lonnie M. Randolph, Rogers, Ruckelshaus, Sandlin, Spartz, Stoops, Tallian, G. Taylor, Walker, M. Young and Zay be added as cosponsors of House Concurrent Resolution 11.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be removed as sponsor of House Concurrent Resolution 28 and that Senator M. Young be substituted therefor.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1111.

RUCKELSHAUS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as cosponsor of Engrossed House Bill 1129.

L. BROWN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 17, 2020.

BRAY

Motion prevailed.

The Senate adjourned at 10:34 a.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUZANNE CROUCH  
President of the Senate