



# Journal of the Senate

State of Indiana

119th General Assembly

Second Regular Session

Twentieth Meeting Day

Monday Afternoon

February 15, 2016

The Senate convened at 1:34 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Senator Travis L. Holdman.

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

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 <input type="checkbox"/>	Zakas <input type="checkbox"/>

Roll Call 178: 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.

## RESOLUTIONS ON FIRST READING

### Senate Resolution 29

Senate Resolution 29, introduced by Senators Delph and Yoder:

A SENATE RESOLUTION urging the legislative council to assign the topics of the vulnerabilities of and threats to the state's infrastructure and communications by terrorist associated persons to the appropriate study committee.

*Whereas, Strong infrastructure is critical to the continued well-being of the State of Indiana;*

*Whereas, A study should be conducted of Indiana's roads, highways, bridges, power plants, water and wastewater treatment facilities, the electrical grid, and any other possible targets of criminal or terrorist activities, such as schools and stadiums, to determine the vulnerabilities of and threats to these vital assets;*

*Whereas, Ensuring the responsible use of the state's telecommunications services is also essential to the public safety of the State of Indiana;*

*Whereas, The study should therefore include the topic of whether terrorist associated persons should be prohibited from utilizing cellular services and social media outlets, and whom should be considered a terrorist associated person for purposes of the prohibition;*

*Whereas, If these topics are assigned to a study committee, the report to the legislative council should include an update by the Indiana Department of Homeland Security on the activities of the Indiana Intelligence Fusion Center's State Threat Assessment System, as well as recommendations based on the State Threat Assessment System's data; and*

*Whereas, The report should also include an update by the Indiana State Police on the effectiveness of the Indiana Intelligence Fusion Center and any other information relevant to ensuring Indiana's continued safety: Therefore,*

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

SECTION 1. That the Indiana Senate urges the legislative council to assign the topics of the vulnerabilities of and threats to the state's infrastructure and communications by terrorist associated persons to the appropriate study committee.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the legislative council.

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 Family & Children Services, to which was referred House Bill 1012, 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 22, delete "may not be:" and insert "**is exempt from disclosure.**".

Page 2, delete lines 23 through 25.

(Reference is to HB 1012 as printed January 12, 2016.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 7, Nays 0.

GROOMS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill 1036, 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 8, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred House Bill 1046, 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 14, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-5-47 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 47. Transactions involving the sale of or the lease or rental of storage for:**

- (1) coins that are permitted investments by an individual retirement account or by an individually-directed account under 26 U.S.C. 408(m);
- (2) bullion that is a permitted investment by an individual retirement account or by an individually-directed account under 26 U.S.C. 408(m);
- or

(3) legal tender;  
**are exempt from the state gross retail tax."**

Page 2, line 10, delete "organized" and insert "**authorized**".

Page 2, line 13, delete "association." and insert "**entity.**".

Page 2, line 14, delete "bars or ingots" and insert "**bars, ingots, or commemorative medallions**".

Page 2, line 19, beginning with "Sec." begin a new paragraph.

Page 2, line 19, delete "license" and insert "**registration**".

Page 2, line 21, after "currency" insert "**at a trade fair or coin show**".

Page 2, line 23, delete "registered" and insert "**authorized**".

Page 2, line 26, delete "license" and insert "**registration**".

Page 2, line 27, delete "license" and insert "**registration**".

Page 2, line 28, delete "license" and insert "**registration**".

Page 2, line 29, after "currency" insert "**at a trade fair or coin show**".

Page 2, line 34, delete "licensee" and insert "**foreign entity registered**".

Page 2, line 35, after "currency" insert "**at a trade fair or coin show**".

Page 2, line 36, delete "license" and insert "**registration**".

Page 3, line 5, after "currency" insert "**at a trade fair or coin show**".

Page 3, line 6, delete "obtains a license" and insert "**registers with the secretary of state**".

Page 3, after line 7, begin a new paragraph and insert:

**"Sec. 7. Fees collected under this chapter shall be deposited in the electronic and enhanced access fund established by IC 4-5-10-5."**

(Reference is to HB 1046 as printed January 26, 2016.)  
and when so amended that said bill do pass and be reassigned to the Senate Committee on Tax & Fiscal Policy.  
Committee Vote: Yeas 10, Nays 0.

BUCK, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred House Bill 1053, 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 4.

BUCK, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill 1173, 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 8, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Family & Children Services, to which was referred House Bill 1183, 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.

GROOMS, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred House Bill 1218, 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.

BUCK, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Family & Children Services, to which was referred House Bill 1271, 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.

GROOMS, Chair

Report adopted.

**RESOLUTIONS ON FIRST READING****Senate Resolution 21**

Senate Resolution 21, introduced by Senator Merritt:

A SENATE RESOLUTION honoring William Ruckelshaus, recipient of the National Medal of Freedom.

*Whereas, On November 24, 2015, President Barack Obama honored William Ruckelshaus at the White House with the Presidential Medal of Freedom, which is given to those who have made significant contributions to national security, world peace or cultural developments, for his work for the U.S. Environmental Protection Agency (EPA);*

*Whereas, In 1970, Ruckelshaus became the first Administrator of the EPA for the first two and a half years of its conception and later returned to this position in 1983 for two years;*

*Whereas, During his time with the EPA, Ruckelshaus laid the foundation for the organization by hiring its leaders, defining its mission, deciding priorities and selecting the organizational structure, and then 13 years later, upon returning to the agency, he revived the organization by re-filling the top-level positions, turning the attention of the staff back to the agency's original mission, and raising the esteem of the agency in the public's mind;*

*Whereas, Indiana born and raised, Ruckelshaus graduated high school in Portsmouth, Rhode Island at the Benedictine Portsmouth Abbey, served two years in the U.S. Army, graduated cum laude from Princeton, and finished his education by receiving an L.L.B. from Harvard Law School in 1960;*

*Whereas, At 28-years-old, Ruckelshaus was appointed to Deputy State Attorney General and assigned to the Indiana Board of Health, and helped draft the 1961 Indiana Air Pollution Control Act; and*

*Whereas, A few years later, Ruckelshaus began a political career by winning a seat in the Indiana House of Representatives where he became Majority Leader in his first term: Therefore,*

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

SECTION 1. That the Indiana Senate honors William Ruckelshaus for his achievement of being bestowed with the National Medal of Freedom for his work with the U.S. Environmental Protection Agency.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to William Ruckelshaus.

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

**Senate Resolution 20**

Senate Resolution 20, introduced by Senator Merritt:

A SENATE RESOLUTION honoring Lee Hamilton, National Medal of Freedom recipient.

*Whereas, On November 24, 2015, President Barack Obama honored Lee Hamilton at the White House with the Presidential Medal of Freedom, which is given to those who have made significant contributions to national security, world peace or cultural developments, for the role he has played in international and national security during his 40-year career;*

*Whereas, From 1965 to 1999, Hamilton served Indiana in the U.S. House of Representatives where he chaired the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Select Committee to Investigate Covert Arms Transactions with Iran, and the Joint Committee on the Organization of Congress;*

*Whereas, In addition to his elected duties, Hamilton has since lent his expertise to other national and international security efforts, such as the commission that investigated the 9/11 terrorist attacks, the Iraq Study Group, President George W. Bush's Foreign Intelligence Advisory Board, President Barack Obama's Intelligence Advisory Board, and a number of other security-related advisory panels, councils and task forces;*

*Whereas, Hamilton was the founder and Executive Director of the Center on Congress at Indiana University from 1999 to 2015, and is currently a Distinguished Scholar at the School of Global and International Studies, and a Professor of Practice at the School of Public and Environmental Affairs at the university;*

*Whereas, Since 2011, Hamilton has served as the co-chair of the Indiana Bicentennial Commission; and*

*Whereas, Hamilton was raised in Evansville, Indiana, and received his B.A. from DePauw University and his J.D. from Indiana University School of Law; Therefore,*

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

*SECTION 1. That the Indiana Senate honors Lee Hamilton for his accomplishment of being bestowed with the National Medal of Freedom for his work with national and international security.*

*SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Lee Hamilton.*

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

### **Senate Concurrent Resolution 35**

Senate Concurrent Resolution 35, introduced by Senator Merritt:

A CONCURRENT RESOLUTION honoring Indiana's Bicentennial and celebrating with all Hoosiers the state's 200 years of history.

*Whereas, The year 2016 marks 200 years of statehood for the State of Indiana, resulting in bicentennial celebrations spanning the year in recognition of the state's history thus far;*

*Whereas, On December 11, 1816, President James Madison signed a Congressional Resolution to admit Indiana to the Union as the 19<sup>th</sup> state, which is now known as Statehood Day;*

*Whereas, Following admission to the Union, Indiana's rich 200-year history began with Indiana's first constitution being drafted in the state's original capital of Corydon, underneath what has become known as the Constitutional Elm;*

*Whereas, A second constitutional convention was then held in 1850, resulting in the Indiana Constitution of 1851, which called for more open and frequent elections, put restrictions on state debt, and still governs the state today;*

*Whereas, In celebration of Indiana's 200-year history, the Indiana Bicentennial Commission has planned events and projects across the state throughout the year to "Celebrate History and Ignite the Future" of Indiana;*

*Whereas, Notable events and projects include the Bicentennial Plaza, which will create a public space adjacent to Indiana's State House; construction of a new state archives*

*to ensure Indiana's history is properly preserved; the creation of a bicentennial book and medal to commemorate Indiana's statehood; and the promotion of the Bicentennial Nature Trust, which was created to match donations of land and dollars by locals to ensure that land is protected for future Hoosiers to enjoy, among many others; and*

*Whereas, The bicentennial celebrations will culminate with a 92-county torch relay to promote and unify the state by connecting people, communities, and regions as Hoosiers symbolically pass the torch to ignite future generations to come: 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 Indiana's Bicentennial and celebrates with all Hoosiers the state's 200 years of history.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the members of Indiana's Bicentennial Commission: Lee Hamilton, Becky Skillman and Perry Hammock.

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 Pierce.

### **SENATE MOTION**

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

HCR 36 Senator Tallian  
Memorializing Edwin Gregory Buss.

LONG

Motion prevailed.

### **RESOLUTIONS ON FIRST READING**

#### **House Concurrent Resolution 36**

House Concurrent Resolution 36, sponsored by Senator Tallian:

A CONCURRENT RESOLUTION memorializing Edwin Gregory Buss.

*Whereas, Edwin Gregory Buss passed away unexpectedly on Friday, January 15, 2016;*

*Whereas, Born on September 12, 1965, in LaPorte, the son of William D. and Dolores Buss, Edwin Gregory Buss earned his bachelor's degree from Bethel University in Mishawaka;*

*Whereas, In 1987, Edwin Gregory Buss began his career as a correctional officer at the Indiana State Prison in Michigan City;*

*Whereas, In 1994, Edwin Gregory Buss moved to the Lakeside Correctional Facility and was promoted to the highest rank attainable for a uniformed officer;*

*Whereas, In 1997, Edwin Gregory Buss joined the administrative ranks when he was named a correctional unit team manager at the Indiana State Prison and served as assistant superintendent of operations/programs from 1998 to 2001;*

*Whereas, Edwin Gregory Buss served as superintendent of the Westville Correctional Facility from 2002 to 2005 and as superintendent of the Indiana State Prison from 2005 until 2008;*

*Whereas, On June 26, 2008, Governor Mitch Daniels named Edwin Gregory Buss the new commissioner of the Indiana Department of Correction, a position he held until 2011 when he was named secretary of the Florida Department of Corrections;*

*Whereas, In recognition of his "loyal and lengthy service to the United States of America and the state of Indiana", on January 19, 2011, Edwin Gregory Buss was presented with the Indiana Distinguished Service Medal; and*

*Whereas, A dedicated public servant, Edwin Gregory Buss dedicated his life to serving others: 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 wishes to express its deepest sympathy to the family of Edwin Gregory Buss and to acknowledge his devotion to his family and his dedication to the citizens of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to his three children, Taylor Buss and Jake and Connor McMillan, and three siblings, Linda (Rickey) Krout, Patty Back, and Gary (Patty) Buss.

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.

#### MESSAGE FROM THE HOUSE

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

32, 34, 35, and 36 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 Senate Concurrent Resolutions 10 and 28 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 22 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS  
Principal Clerk of the House

### ENGROSSED HOUSE BILLS ON SECOND READING

#### Engrossed House Bill 1032

Senator Boots called up Engrossed House Bill 1032 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed House Bill 1047

Senator Bray called up Engrossed House Bill 1047 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1047-1)

Madam President: I move that Engrossed House Bill 1047 be amended to read as follows:

Page 2, line 8, delete "includes a" and insert "**means a motion defined as a complex motion by guidelines adopted by the Indiana judicial center under section 6 of this chapter. The term may include a motion to dismiss or a motion for summary judgment.**".

Page 2, delete lines 9 through 11.

Page 2, line 28, delete "two (2) counties" and insert "**one (1) county**".

Page 2, line 30, delete "two (2) counties" and insert "**one (1) county**".

Page 3, line 4, delete "case law" and insert "**legal**".

Page 3, line 6, delete "proceeding based on the amount in" and insert "**proceeding.**".

Page 3, delete line 7.

(Reference is to EHB 1047 as printed February 12, 2016.)

BRAY

Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1035**

Senator M. Young called up Engrossed House Bill 1035 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 Perfect and Brown be added as cosponsors of Engrossed House Bill 1082.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as cosponsor of Engrossed House Bill 1032.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Bassler, Becker, Boots, Bray, Breaux, Broden, Brown, Buck, Charbonneau, Crider, Delph, Eckerty, Ford, Glick, Grooms, Head, Hershman, Holdman, Houchin, Kenley, Kruse, Lanane, Leising, Long, Messmer, Patricia Miller, Pete Miller, Mishler, Mrvan, Niemeyer, Perfect, Raatz, Randolph, Rogers, Schneider, Smith, Steele, Stoops, Tallian, Taylor, Tomes, Walker, Waltz, Yoder, M. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 35.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1035.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1036.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1213.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1173.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as cosponsor of Engrossed House Bill 1347.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as third sponsor of Engrossed House Bill 1032.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Concurrent Resolution 23.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Schneider and Ford be added as cosponsors of Engrossed House Bill 1082.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as cosponsor of Engrossed House Bill 1353.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as cosponsor of Engrossed House Bill 1034.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as second sponsor of Engrossed House Bill 1012.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1046.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as second sponsor of Engrossed House Bill 1082.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be removed as cosponsor of Engrossed House Bill 1036.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second sponsor of Engrossed House Bill 1036.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as second sponsor, Senator Holdman be added as third sponsor, and Senators Kruse, Ford, Becker, and Patricia Miller be added as cosponsors of Engrossed House Bill 1183.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 16, 2016.

LONG

Motion prevailed.

The Senate adjourned at 2:17 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUE ELLSPERMANN  
President of the Senate