



Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Fifth Meeting Day

Monday Afternoon

January 12, 2015

The Senate convened at 1:33 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Reverend Matthew Barnes, Capitol Commission.

The Pledge of Allegiance to the Flag was led by Senator Erin M. Houchin.

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
Broden	Niemeyer
Brown	Perfect
Buck	Raatz
Charbonneau	Randolph ☐
Crider	Rogers
Delph	Schneider
Eckerty	Smith
Ford	Steele
Glick	Stoops
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman ☐	Walker
Houchin	Waltz
Kenley	Yoder
Kruse	Young, M.
Lanane	Zakas

Roll Call 6: present 47; excused 3. [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 366 — Waltz (Insurance & Financial Institutions)

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

SB 367 — Waltz (Corrections & Criminal Law)

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

SB 368 — Waltz (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

SB 369 — Miller Pete (Local Government)

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

SB 370 — Becker, Tomes, Waltz, Banks A, Schneider (Rules & Legislative Procedure)

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

SB 371 — Becker, Waltz, Tomes (Veterans Affairs & The Military)

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

SB 372 — Miller Patricia (Tax & Fiscal Policy)

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

SB 373 — Head (Judiciary)

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

SB 374 — Head (Tax & Fiscal Policy)

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

SB 375 — Houchin, Head (Judiciary)

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

SB 376 — Delph (Appropriations)

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

SB 377 — Delph (Judiciary)

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

SB 378 — Stoops (Utilities)

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

SB 379 — Stoops (Tax & Fiscal Policy)

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

- SB 380** — Stoops (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.
- SB 381** — Stoops (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.
- SB 382** — Hershman (Tax & Fiscal Policy)
A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning local government.
- SB 383** — Hershman (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- SB 384** — Hershman (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 385** — Hershman (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 386** — Hershman (Utilities)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 387** — Hershman (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 388** — Hershman (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.
- SB 390** — Niemeyer (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 391** — Breaux (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- SB 392** — Breaux (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 393** — Charbonneau (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 394** — Charbonneau (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 395** — Houchin (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.
- SB 396** — Houchin (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 397** — Miller Pete (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- SB 398** — Bassler (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 399** — Bassler (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 400** — Lanane (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 401** — Lanane (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 402** — Lanane (Veterans Affairs & The Military)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 403** — Lanane (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 404** — Raatz (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 405** — Leising, Glick (Agriculture)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 406** — Merritt (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 407** — Merritt (Veterans Affairs & The Military)
A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.
- SB 408** — Merritt (Commerce & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 409** — Merritt (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- SB 410** — Merritt (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 411** — Merritt (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

- SB 412** — Merritt (Utilities)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 413** — Merritt (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- SB 414** — Merritt (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.
- SB 415** — Merritt (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 416** — Tallian (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 417** — Tallian (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- SB 418** — Tallian (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.
- SB 419** — Boots, Arnold J (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- SB 420** — Grooms (Family & Children Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- SB 421** — Grooms (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- SB 422** — Grooms (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.
- SB 423** — Kenley, Houchin (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 424** — Becker, Glick, Leising, Rogers (Veterans Affairs & The Military)
A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.
- SB 425** — Holdman (Insurance & Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- SB 426** — Houchin (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 427** — Niemeyer (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 428** — Niemeyer (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 429** — Niemeyer (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 430** — Niemeyer (Commerce & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 431** — Niemeyer (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 432** — Niemeyer (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 433** — Tomes, Waltz, Steele, Yoder, Becker, Buck, Walker, Arnold J, Messmer, Smith J, Leising, Bray, Grooms, Holdman (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 434** — Hershman (Veterans Affairs & The Military)
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.
- SB 435** — Hershman (Insurance & Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 436** — Hershman (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 437** — Hershman (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- SB 440** — Hershman (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 441** — Hershman (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 442** — Miller Pete (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 443** — Kruse (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 444 — Kruse (Judiciary)
 A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 445 — Steele (Judiciary)
 A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 446 — Holdman (Tax & Fiscal Policy)
 A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 447 — Holdman (Insurance & Financial Institutions)
 A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

SB 448 — Rogers (Appropriations)
 A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 449 — Rogers (Public Policy)
 A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 450 — Niemeyer (Local Government)
 A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 451 — Niemeyer (Local Government)
 A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 454 — Tomes (Judiciary)
 A BILL FOR AN ACT concerning public safety.

SJR 13 — Waltz (Judiciary)
 A JOINT RESOLUTION proposing an amendment to the United States Constitution.

SJR 14 — Stoops (Appropriations)
 A JOINT RESOLUTION proposing an amendment to Article 10 of the Constitution of the State of Indiana concerning taxation.

SJR 15 — Young R Michael (Judiciary)
 A JOINT RESOLUTION proposing an amendment to Article 7 of the Constitution of the State of Indiana concerning courts and court officers.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules & Legislative Procedure, to which was referred Senate Bill 150, 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 courts and court officers.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 33-33-48-7.5, AS AMENDED BY P.L.201-2011, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.5. (a) The judges of the Madison circuit court may jointly appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~ **magistrates** under IC 33-23-5 to serve the circuit court.

(b) ~~The A~~ magistrate continues in office until **jointly** removed by the judges of the circuit court.

(Reference is to SB 150 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 59, 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.

WALKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 143, 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 1.

WALKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred Senate Bill 205, 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 6, Nays 0.

LEISING, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 11

Senate Resolution 11, introduced by Senator Long:

A SENATE RESOLUTION memorializing Honorable State Senator Leon David Rogers.

Whereas, Leon "David" Rogers was born on July 18, 1928, in Bloomington, Indiana;

Whereas, David graduated from University High School where he served as class president in 1946, and went on to receive his undergraduate degree and Doctor of Law from Indiana University;

Whereas, David served honorably in the United States Armed Forces as a Psychological Warfare Officer during the Korean War;

Whereas, Following his discharge from the United States Army as a First Lieutenant, David practiced with his father, Donald A. Rogers, at Rogers & Rogers, and eventually went on to serve as legal counsel to the City Utilities Service Board and as Chairman of the City of Bloomington Board of Public Works;

Whereas, In 1956, David was elected to the Indiana State Senate where he served for sixteen years until 1972;

Whereas, During his time at the Senate, David was chosen by his peers to serve as Senate Minority Leader and Democratic Caucus Chairman;

Whereas, David also served as Chairman of the Judicial Study Commission and Vice-Chairman of the Indiana State Tax and Financing Policy Commission;

Whereas, David was an active member of his community, serving as a Scoutmaster and member of the Boy Scouts of America Council's Board of Directors, as a Director of Workingmens Savings and Loan local Board and the Board of Old National Bank, as a member of the Board of Directors of the Greater Bloomington Chamber of Commerce, and David was an active participant of First Christian Church;

Whereas, David passed away on January 5, 2015, and is survived by his devoted wife Virginia with whom he was married for 58 years, his sister Barbara, his three nieces Ann, Susan, and Jane, and his nephew, former State Senator Michael Rogers; and

Whereas, David was highly regarded throughout his life for his dedication to his country, community, and work and will be greatly missed by his family and friends at the Indiana State Senate: Therefore,

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

SECTION 1. That the Indiana Senate memorializes the full and honorable life of Leon David Rogers.

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

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

Senate Concurrent Resolution 2

Senate Concurrent Resolution 2, introduced by Senator Messmer:

A CONCURRENT RESOLUTION honoring the 40th Anniversary and accomplishments of the Indiana Winery and Vineyard Association and its membership of Indiana growers and vintners.

Whereas, The Indiana Winery and Vineyard Association was formed in 1975, after the Indiana General Assembly adopted the Indiana Small Winery Act of 1971;

Whereas, The Indiana Winery and Vineyard Association is a non-profit trade association of Indiana growers and vintners that have joined together to build a world class competitive grape and wine industry;

Whereas, Since the organization's founding, the wine industry in Indiana has expanded to over 80 growers and vintners that attract over two million visitors per year and are a major contributor to the tourism industry in Indiana;

Whereas, The Indiana Winery and Vineyard Association encourages, stimulates, and supports academic research in enology, viticulture, and marketing; and

Whereas, As an organization, the members of the Indiana Winery and Vineyard Association recently won a total of 223 medals in the 2014 Indy International Wine Competition where 45 international judges tasted wines from 40 states and 11 countries: 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 Senate honors the 40th Anniversary of the Indiana Winery and Vineyard Association.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Indiana Winery and Vineyard Association.

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 Koch.

SENATE BILLS ON SECOND READING

Senate Bill 4

Senator Bray called up Senate Bill 4 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 57

Senator Steele called up Senate Bill 57 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 Crider be added as second author and Senator Arnold be added as third author of Senate Bill 298.

A. BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as second author of Senate Bill 258.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as coauthor of Senate Bill 262.

PETE MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as second author of Senate Bill 327.

LEISING

Motion prevailed.

SENATE MOTION

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

BREAUX

Motion prevailed.

**REPORT OF THE PRESIDENT
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 373, currently assigned to the Committee on Judiciary, be reassigned to the Committee on Civil Law.

LONG

Report adopted.

SENATE MOTION

Madam President: I move that Senator Bassler be added as second author and Senator Ford be added as coauthor of Senate Bill 277.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bassler be added as second author of Senate Bill 310.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Delph and Raatz be added as coauthors of Senate Bill 433.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senate Bill 200, assigned to the Senate Committee on Rules & Legislative Procedure, be withdrawn from further consideration by the Senate.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator A. Banks be added as second author of Senate Bill 329.

BROWN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as second author of Senate Bill 302.

PETE MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author and Senator Tomes be added as third author of Senate Bill 100.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as third author and Senator Messmer be added as coauthor of Senate Bill 130.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 274.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 278.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as coauthor of Senate Bill 279.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as second author of Senate Bill 411.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second author of Senate Bill 413.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as second author and Senator Bassler be added as coauthor of Senate Bill 415.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second author and Senator Leising be added as coauthor of Senate Bill 406.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 13, 2015.

LONG

Motion prevailed.

The Senate adjourned at 2:02 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate