



# Journal of the Senate

State of Indiana

119th General Assembly

Second Regular Session

**Eighteenth Meeting Day**

**Tuesday Afternoon**

**February 9, 2016**

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

Prayer was offered by Dr. Bill Katip - President of Grace College.

The Pledge of Allegiance to the Flag was led by Senator James E. Banks.

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 <input type="checkbox"/>
Charbonneau	Randolph
Crider	Rogers
Delph	Schneider
Eckerty	Smith
Ford	Steele
Glick	Stoops
Grooms	Tallian <input type="checkbox"/>
Head	Taylor
Hershman	Tomes
Holdman	Walker
Houchin <input type="checkbox"/>	Waltz
Kenley	Yoder
Kruse	Young, M.
Lanane	Zakas

Roll Call 176: 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.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 27

Senate Concurrent Resolution 27, introduced by Senators Long, Lanane, Bray, Broden, Brown, Charbonneau, Delph, Glick, Head, Hershman, Holdman, Kenley, Randolph, Steele, Tallian, Taylor, M. Young, and Zakas:

A CONCURRENT RESOLUTION honoring Justice Brent E. Dickson upon his retirement from the Indiana Supreme Court

after 30 years of distinguished service.

*Whereas, In January 1986, Governor Robert D. Orr appointed Brent E. Dickson to the Indiana Supreme Court, making Justice Dickson the state's 100<sup>th</sup> Supreme Court justice;*

*Whereas, Justice Dickson has become the longest serving justice on the court since 1853;*

*Whereas, Justice Dickson's tenure has been marked by his efforts to enhance attorney civility, increase lawyer pro bono legal services, encourage mediation, and support the jury trial system;*

*Whereas, Over his 30 years on the bench, Justice Dickson authored 884 civil and criminal opinions and chaired several committees, including the Indiana Supreme Court's Records Management Committee, Judicial Data Processing Oversight Committee, and the Task Force for Public Access to Court Records, in addition to serving on national committees such as the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States;*

*Whereas, As a culmination of his dedication to and leadership on the Indiana Supreme Court, Justice Dickson served as Chief Justice from May 2012 until August 2014;*

*Whereas, Justice Dickson has also continued to contribute his talents off of the bench, serving as an adjunct professor of Indiana Constitutional Law at both Indiana University's Mauer School of Law and Indiana University's Robert H. McKinney School of Law, as well as serving as a co-founder of the Sagamore Chapter of the American Inns of Court, an organization aimed at promoting lawyer civility and professionalism;*

*Whereas, Prior to his appointment to the Indiana Supreme Court, Justice Dickson spent 17 years as a general practice lawyer in Lafayette, Indiana;*

*Whereas, Justice Dickson received his B.A. from Purdue University in 1964, his J.D. from Indiana University Robert H. McKinney School of Law in 1968, and a honorary doctor of letters degree from Purdue University in 1996; and*

*Whereas, Upon his retirement in April 2016, Justice Dickson plans on spending time with his loving wife, Jan Aikman Dickson, and their three sons and nine grandchildren, while continuing to serve as a private mediator and senior judge: 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 Justice Brent E. Dickson upon his retirement from the Indiana Supreme Court after 30 years of distinguished service.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Justice Brent E. Dickson.

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 Bosma, Cox, Washburne, Dvorak, Speedy, Pierce, Steuerwald, Koch, and Fine.

#### **Senate Concurrent Resolution 10**

Senate Concurrent Resolution 10, introduced by Senators Hershman, Boots, and Alting:

A CONCURRENT RESOLUTION honoring the efforts of Senior Trooper J. Ryan Winters, the 2015 National Trooper of the Year.

*Whereas, The American Association of State Troopers (AAST) recognized Winters, a 10-year veteran of the Indiana State Police, as the 2015 National Trooper of the Year for his heroic actions of saving a family of three from a burning house;*

*Whereas, Winters was headed to work on the morning of April 10, 2014 when he noticed his elderly neighbor's house ablaze and helped guide the couple and their grandson to safety, after notifying dispatch of the situation;*

*Whereas, After fire departments arrived on the scene, Winters stayed on-scene to help with scene control and traffic;*

*Whereas, When asked about the situation by his fellow coworkers, he remained modest about his involvement and they were not aware of his heroism until a firefighter later notified the Indiana State Police Lafayette Post about the full details of the events of the fire;*

*Whereas, With Winters efforts, three people's lives were saved, at the potential cost of his own, which was why he was chosen by AAST for this distinguished honor from a national pool of candidates; and*

*Whereas, A ceremony for Winters to receive the award was held on August 3, 2015 at the Lafayette State Police Post in recognition of his efforts: 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 bravery of Senior Trooper J. Ryan Winters and the

accomplishment of being named the 2015 National Trooper of the Year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Senior Trooper J. Ryan Winters.

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 T. Brown and Klinker.

#### **Senate Concurrent Resolution 28**

Senate Concurrent Resolution 28, introduced by Senator M. Young:

A CONCURRENT RESOLUTION recognizing the Indianapolis International Airport's excellent service to the State of Indiana.

*Whereas, The Indianapolis International Airport's executive management team developed a new strategic plan in 2014 designed to create a high-performing culture with the objective of fostering world-class service to enhance the community and the entire State of Indiana;*

*Whereas, The Airport's executive management team consists of Mario Rodriguez, Mike Medvescek, Joe Heerens, Shannetta Griffin, James Keough, Marsha Stone, Robert Thomson, Maria Wiley, and Reid Goldsmith, who together carry the responsibility of the implementation of this strategic plan;*

*Whereas, In 2015, the Airport was honored by Airports Council International as the Best Airport in North America for the 4th time in the last 5 years, is one of the few airports in the world to receive the Director General's Roll of Excellence Award, and was identified as the Best Airport in America by a Reader's Choice Survey conducted nationwide by Conde Nast Traveler;*

*Whereas, The Airport also received a Monumental Award in 2015 in the category of Real Estate Development from the Indianapolis Chamber of Commerce for its new land use initiatives that have returned airport land, no longer needed for aviation, back into productive use for generating property taxes for neighboring communities, business opportunities, and jobs for Central Indiana; and*

*Whereas, In the past year, the Airport has experienced significant increases in air service, including the addition of three new airlines and 13 new non-stop flights, while annual passenger traffic grew by nearly seven percent and overall capacity by ten percent, the best year in more than a decade: 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 recognizes the Indianapolis International Airport's continual excellence in customer service and operational performance.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Mr. Joseph R. Heerens, General Counsel and Government Affairs Director of the Indianapolis Airport Authority.

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 Behning.

### House Concurrent Resolution 29

House Concurrent Resolution 29, sponsored by Senator Altig:

A CONCURRENT RESOLUTION honoring the Art League of the Art Museum of Greater Lafayette on the occasion of its 50th anniversary.

*Whereas, The Art League of the Art Museum of Greater Lafayette was founded in 1965 as the Women's League of the Lafayette Art Association;*

*Whereas, The Art League has provided 50 years of volunteer support to the Art Museum of Greater Lafayette;*

*Whereas, The Art League offers and supports educational and fundraising activities, exhibitions, and programs;*

*Whereas, The Art League acquires works of art for the permanent collection of the Art Museum of Greater Lafayette;*

*Whereas, The Art League provides funding for art education scholarships for children and adults;*

*Whereas, The Art League provides members with opportunities for individual creative and artistic experiences;*

*Whereas, The Art League fosters the appreciation of art and artists in the Greater Lafayette community;*

*Whereas, The Art League provides funding for artists to beautify areas within community spaces;*

*Whereas, The Art League has established an endowment to sustain its support in honor of its 50th anniversary; and*

*Whereas, The Art League of the Art Museum of Greater Lafayette is celebrating its 50th anniversary: 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 congratulates the Art League of the Art Museum of Greater Lafayette on 50 years of service to the community and recognizes the beauty the Art Museum of Greater Lafayette brings into our lives.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Linda Sorensen, President of the Art Museum of Greater Lafayette.

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.

### Senate Resolution 22

Senate Resolution 22, introduced by Senators Becker and Tomes:

A SENATE RESOLUTION honoring the late former Indiana State Senator F. Wesley Bowers.

*Whereas, From 1962-1966, Democrat F. Wesley Bowers served the State of Indiana, specifically Vanderburgh, Posey and Warrick Counties, as one of the youngest state senators in Indiana history;*

*Whereas, During his time in the Indiana legislature, Bowers spearheaded Indiana's first seat belt law and championed the establishment of the University of Southern Indiana;*

*Whereas, In 1963, Bowers was chosen as the Outstanding Freshman Democrat by the Press Association;*

*Whereas, As a prominent Evansville attorney, Bowers served as president of the Evansville Bar Association; chaired the Indiana Trial Lawyers Section at Indiana State and the Indiana State Bar Association; held various positions on the National Association of Railroad Trial Counsel and the Indiana Defense Lawyers Association, Inc.; was the president of the Indiana Chapter of American Board of Trial Advocates; was a fellow for the American Bar Foundation; served on the Civil Justice Reform Advisory Committee in the U.S. District Court for the Southern District of Indiana; and was a part of the Indiana Joint Task Force on Mediator Training and Certification;*

*Whereas, Bowers graduated with a B.A. in 1948 and with a J.D. in 1951, both from Indiana University;*

*Whereas, Wes, as he was fondly known, could often be heard whistling up Main Street as he walked from his office to Court, he delighted in travel and enjoyed fine art, music, and reading; and*

*Whereas, He passed away in Nashville, Tennessee on January 24, 2016, and is survived by his daughter Nancy Bowers Tiller, his son, Judge Scott Bowers, daughter-in-law Nancy Nicholson*

*Bowers, Grandchildren Katherine Bowers (Michael) Hussey, Ethan Bowers, and Andrew Tiller, and Great Grandchildren Matthew and Julia Hussey: Therefore,*

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

SECTION 1. That the Indiana Senate honors the late former Indiana State Senator F. Wesley Bowers for his public service to Indiana and efforts in the local and national legal communities.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the family of former State Senator F. Wesley Bowers.

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

### House Concurrent Resolution 30

House Concurrent Resolution 30, sponsored by Senator Bray:

A CONCURRENT RESOLUTION to increase the awareness and understanding of dyslexia among Hoosiers.

*Whereas, Dyslexia is a specific learning disability that is neurological in origin and is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities;*

*Whereas, These difficulties typically are caused by a deficit in the phonological component of language that is unexpected in relation to other cognitive abilities and to the provision of effective classroom instruction;*

*Whereas, Dyslexia is highly prevalent, affecting one out of five individuals, occurring on a continuum of severity, and is persistent and lifelong;*

*Whereas, Dyslexia creates unique challenges for students resulting in significant educational implications which need to be addressed;*

*Whereas, Hoosiers will benefit from increased awareness of the nature of dyslexia, the early warning signs of dyslexia, and the value of proven, evidence-based, multisensory, and structured language interventions for students with dyslexia;*

*Whereas, The Scottish Rite Cathedral is recognized for conducting the free-of-charge Children's Dyslexia Center of Indianapolis, directed by the distinguished Julie Bohannon;*

*Whereas, Cheryl Clemens, Nanci Perry, Mary Binnion, and LeAnn Bricker have worked diligently to bring dyslexia awareness to Hoosier schools and communities through Decoding Dyslexia – Indiana; and*

*Whereas, Greater recognition and understanding are necessary to ensure individuals with dyslexia are accurately*

*identified and provided with appropriate services so they can lead maximally productive lives: 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 increase the awareness of the number of Hoosiers affected by dyslexia, the symptoms of dyslexia, and the treatment for dyslexia.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Cheryl Clemens, Co-Founder of Decoding Dyslexia.

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.

### SENATE MOTION

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

SR 23 Senator Taylor

Commemorating the Indianapolis Chapter of Jack and Jill of America.

SCR 25 Senator Brown

Congratulating the R. Nelson Snider High School Football team.

LONG

Motion prevailed.

### RESOLUTIONS ON FIRST READING

#### Senate Resolution 23

Senate Resolution 23, introduced by Senator Taylor:

A SENATE RESOLUTION commemorating the Indianapolis Chapter of Jack and Jill of America, Incorporated.

*Whereas, The late Marion Stubbs Thomas founded Jack and Jill of America, Incorporated on January 24, 1938, in Philadelphia, Pennsylvania;*

*Whereas, Twenty mothers came together to discuss creating an organization to provide social, cultural and educational opportunities for African American youth between the ages of two and nineteen;*

*Whereas, In 1946, ten chapters were involved in the national restructuring process whereby a Constitution and bylaws were drawn up and the organization was incorporated under the laws of the state of Delaware;*

*Whereas, The Indianapolis Provisional Chapter of Jack and Jill of America held its first organized meeting at the home of*

acting chairman Mrs. Mary Hawkins on April 3, 1951;

Whereas, Dr. Alberta Turner, assisted by Mrs. Miriam Fountain of Pittsburgh, who sponsored the Indianapolis Chapter, installed the provisional chapter at a regular chapter meeting on September 8, 1951, at the residence of Dr. & Mrs. Fred Evans;

Whereas, The Indianapolis Chapter was the 33rd chapter of Jack and Jill of America, Incorporated and the 7th chapter of the Mid-Western Region;

Whereas, The first Executive Board included Mary Hawkins, President; Shirley Evans, Vice President; Ruby Leah Thomas, Recording Secretary; and Flora DeFrantz, Treasurer; and the other Charter members included Ruth Bell; Fannie Blackburn; Sarah Daniels; Dr. Daisy Lloyd; Margaret Mackey; Wilma Sims; and Osma Spurlock;

Whereas, Today the Indianapolis Chapter of Jack and Jill of America, Incorporated boasts 71 wonderful and engaged mother members, 133 intelligent children, 39 future leaders who are teens, 67 active and supportive fathers, 5 active associate members, and 13 life members;

Whereas, Jack and Jill of America, Incorporated has over 220 chapters nationwide, representing over 30,000 family members with each chapter engaged in annual programming activities guided under a national theme; and

Whereas, Jack and Jill of America, Incorporated remains a viable, relevant organization for African American youth that stimulates positive growth and development through social, cultural and educational opportunities: Therefore,

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

SECTION 1. That it is fitting and proper that the Indianapolis Chapter of Jack and Jill of America, Incorporated be recognized as an historic African American organization that continues to benefit African American youth through social, cultural and educational endeavors.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Indianapolis Chapter of Jack and Jill of America, Incorporated.

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

### Senate Concurrent Resolution 25

Senate Concurrent Resolution 25, introduced by Senators Brown and Kruse:

A CONCURRENT RESOLUTION congratulating the R. Nelson Snider High School Football team on its 5A State

Championship title.

Whereas, The R. Nelson Snider High School Football team defeated New Palestine High School 64-61 at Lucas Oil Stadium in November, 2015 to bring home the 5A State Championship title;

Whereas, Prior to the Fort Wayne High School team's most recent win, the Snider Panthers traveled to the championship game seven times and brought home the team's first state title in 1992;

Whereas, The game's score set the record for the highest-scoring football final in Indiana history;

Whereas, The win capped off a 13-1 season for the Snider Panthers; and

Whereas, After leading his team to a 5A state title, Snider Head Coach Kurt Tippmann was named the Dave Land Coach of the Year by the Indiana Football Coaches Association in December, 2015: 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 R. Nelson Snider High School Football team on its 5A State Championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the R. Nelson Snider High School Football team members and coaches.

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 Morris.

### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 25 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

### SENATE MOTION

Madam President: I move that Senator Arnold be added as cosponsor of Engrossed House Bill 1254.

KENLEY

Motion prevailed.

### SENATE MOTION

Madam President: I move that Senators Arnold, Banks, Bassler, Becker, Bray, Breaux, Broden, Brown, Buck,

Charbonneau, Crider, Delph, Eckerty, Ford, Glick, Grooms, Head, Holdman, Houchin, Kenley, Kruse, Lanane, Leising, Long, Merritt, Messmer, Patricia Miller, Pete Miller, Mishler, Mrvan, Niemeyer, Perfect, Raatz, Randolph, Roger, Schneider, Smith, Steele, Stoops, Tallian, Taylor, Tomes, Walker, Waltz, Yoder, M. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 10.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Bassler, Becker, Boots, Breaux, Buck, Crider, Eckerty, Ford, Grooms, Houchin, Kruse, Leising, Merritt, Messmer, Patricia Miller, Pete Miller, Mishler, Mrvan, Niemeyer, Perfect, Raatz, Rogers, Schneider, Smith, Stoops, Tomes, Walker, Waltz, and Yoder be added as coauthors of Senate Concurrent Resolution 27.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second sponsor of House Concurrent Resolution 29.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 9:00 a.m., Thursday, February 11, 2016.

LONG

Motion prevailed.

The Senate adjourned at 2:50 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUE ELLSPERMANN  
President of the Senate